



BOULDER COUNTY BAR NEWSLETTER

JANUARY 2012

SELF AWARENESS AND BRAIN RESEARCH: THE KEYS TO MORE EFFECTIVE PROBLEM-SOLVING FOR OUR CLIENTS

BY TOM BACHE-WIIG

I first became interested in learning more about how the brain works when I was a young skier working at Mammoth Mountains Ski Area in California in the late 1960's. The US Ski Team was teaching its members to visualize how they wanted to ski a race course, and I visualized, and I learned to ski better. Later I read of several studies showing improved performance from visualizing doing a task well. Visualizing an action fires the neurons that control the muscular movement in the body and helps us learn to do the task we thought about.

These experiences kindled an interest in learning more about how we think, learn, and grow, and I have pursued this interest in my reading over the years. So it was natural for me as a mediator to learn more about what brain research might teach us in order to develop and hone our skills to assist clients trying to resolve tough conflicts and disputes. I am particularly interested in the role and impact of emotions and what we might learn about decision-making. Key challenges we work with as mediators and attorneys

in mediation and problem-solving are monitoring and regulating both our emotions and those of our clients. We seek to create the best environment we can for our clients so they can make good decisions in stressful and difficult situations.

Over the last 20 years scientists have made huge leaps in their understanding of how the brain works through the use of modern MRI machines and other technologies, and some excellent writers have written about these discoveries for a lay audience. This is my attempt to give a glimpse into this fascinating area of study and to suggest ways mediators and attorneys might benefit from this knowledge.

From Plato's time it has been believed that really good decision-making requires the elimination of emotion from our thought process. This view has been reinforced throughout history by Emanuel Kant who opined that sound moral decisions are based on logical thought without emotion, and also

FOOD WINE JAZZ ART

Wine tasting fundraiser for the Legal Aid Foundation of Colorado

Thursday, February 9
5:30 PM

Rembrandt Yards in Boulder

Event Sponsorships are available \$500,
Table Sponsorships are \$250

Domestic and International wines provided by Boulder Wine Merchant

by many modern economic thinkers writing about what a "rational man" would do.

Brain researchers have concluded that emotions, in fact, are an integral and vital part of making decisions. Values and moral decisions are driven by emotional and intuitive resonance.

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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 10
Employment Law
Zen and the Art of Case Evaluation; or How to Ignore Selection, Waste Time, Lose Money and Feel Badly About Yourself
Presenter: Elwyn Schaefer
Noon at Caplan and Earnest
1 CLE \$20, \$10 for new/young lawyers
Lunch \$10

January 10, 2012 2 - 4 PM
Jury Assembly Room
Boulder Justice Center
District Attorney's, Criminal Defense Attorneys, Probation Officers, Victim Services Professionals, Sex Offender Treatment Providers:
Peggy Heil and Suzanne Mackinnon from the Department of Corrections Sex Offender Treatment Program will be presenting on the DOC Sex Offender Treatment Program.
Please feel free to invite other professionals that work with sex offenders.
No registration necessary.

Wednesday, January 11
Solo/Small Firm Happy Hour
5:00 at The Rib House
13th and Walnut in Boulder

Friday, January 13
Availability of Legal Services
Noon brownbag at BCLS
315 W. South Boulder Road, Suite 205,

Tuesday, January 17
Business Law
Recent Developments in Colorado Business Law
Presenter: Prof. Mark Loewenstein
Noon at Hutchinson Black and Cook

1 CLE \$20, \$10 new/young lawyers
Lunch \$10

Wednesday, January 18
CBA President's Visit
Mentoring for Lawyers
David L Masters, CBA President
Lunch at The Cork \$15 FREE ETHICS CLE

Thursday, January 19
Paralegals and all Lawyers
Unauthorized Practice of Law
Presenter: Chip Mortimer
Noon at Hutchinson Black and Cook
1 CLE available \$20 \$10 new/young lawyers
Lunch \$10

Thursday, January 19
Bankruptcy Roundtable Lunch
Noon at Agave Bistro
2845 28th Street in Boulder

Tuesday, January 24
Alternative Dispute Resolution
Mediation Primer for
Landlord Tenant Issues
Presenter: Victor Grimm, J.D.
Noon brownbag in Courtroom C
1 CLE \$20, \$10 for new/young lawyers

Wednesday January 25
Taxation, Estate Planning and Probate
Do Your Estate Plans "Add Up?"
Presenter: Gary Powell, Director of Financial Planning at Sargent Bickham Lagudis
Noon at Hutchinson Black and Cook
1 CLE \$20, \$10 for new/young lawyers
Lunch \$10

Thursday, January 26
Real Estate and Natural Resources Law
New Developments in Due Diligence for Real Estate Transactions- Green Building and Brown Fields
Presenter: Maki Iatridis
Noon at The Boulder Cork
1 CLE \$20, \$10 New/young Lawyers
Lunch \$15

Tuesday, January 31
Immigration Law
Rethinking Immigration Enforcement and the Impact on Community Safety
Presenter: Hans Meyer
Noon at Caplan and Earnest
1 CLE \$20, \$10 for new/young lawyers
Lunch \$10

Wednesday, February 1
New/Young Lawyers Trial Skills
Learn From a Man with 31 Years of Mistakes
Presenter: Pat Furman, Clinical Professor of Law Emeritus
Session 1: Direct and Cross Examination of Witnesses
Noon-1:30 PM Jury Assembly Room
brown bag lunch
2 free CLE's to those judging
Boulder High School Mock Trials
2 CLE's \$40, \$20 new/young lawyers

Friday, February 3
Civil Litigation
Construction Defects: More Than You Might Want to Know, But Still Should
Presenter: John Tweedy
Noon at Hutchinson Black and Cook
1 CLE \$20, \$10 for new/young lawyers
Lunch \$10

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COLORADO'S JUSTICE CRISIS

BY DIANA POOLE

It's a perfect storm. Although overused, that metaphor so accurately captures what is happening with respect to Colorado's legal aid delivery system that it is difficult to avoid. Just as in a perfect storm, a rare combination of circumstances has resulted in a crisis of unprecedented magnitude.

Colorado Legal Services (CLS) is the only program in the state that provides free legal assistance (advice, brief service, and full representation) in civil matters to low-income individuals and families in every Colorado county. With 14 offices around the state, it operates like a legal emergency room, serving low income Coloradans at greatest risk and in greatest need. In 2010 alone, CLS provided assistance to over 11,000 indigent clients facing serious legal problems that directly implicated their health, safety, stability and sufficiency. With few exceptions, CLS clients live at or below 125% of the federal poverty guideline (which translates to an annual income of \$13,613 for an individual and \$27,938 for a family of four). They include senior citizens, victims of domestic violence, veterans, persons with mental and physical disabilities, and other particularly vulnerable Coloradans.

Even before the recession, the need for legal aid among the poor outstripped available resources. A study in 2005 found that for every client served by CLS, at least one person seeking help was turned away because of insufficient resources. The Great Recession and its aftermath have made the situation dramatically worse, as more and more low-income Coloradans experience the significant legal problems that accompany acute economic distress and prolonged unemployment.

With the deterioration of the labor and housing markets, rising fuel and food costs, and depleted savings, more Coloradans are facing eviction, foreclosure, delinquent child support, hunger, financial distress, bankruptcy, and domestic violence. In addition, prolonged un- or under-employment means that the number of people eligible for legal aid continues to rise. The most recent Census Bureau survey found that there are now over 750,000 Coloradans who are income-eligible for services.

Amidst this rising tide of need, CLS is experiencing devastating funding

losses that threaten to compromise its ability to meet even the most serious legal needs of the poor. Federal funding, with strong bipartisan support, has long been a financial foundation for legal aid. Yet, notwithstanding the increased need for legal services and the value of those services in stabilizing families in crisis, just before Thanksgiving, Congress approved a budget bill for 2012 that includes a 14.85% cut in funding for legal aid programs such as CLS. This translates into a loss for Colorado of over \$605,000.

(continued on page 6)

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BOULDER COUNTY BAR FOUNDATION

Each year the Boulder County Bar Foundation Board of Trustees meets to award grants to the law-related organizations and programs in Boulder County. This year's Grant Committee, Seth Benezra, Joan Norman and Bruce Fest recommended that the foundation award a total of \$12,050 to eight worthy organizations and programs.

This year's grantees are:

**Boulder County Legal Services,
Boulder High School Mock Trial,
Center for Juvenile Justice,
Immigrant Legal Center of
Boulder County,
St. Vrain Family Center,
University of Colorado Law
School Loan Repayment
Assistance Program,**

Voices For Children, and the YWCA Divorce Program.

More programs in Boulder County are in need of our support and this year's goal is to expand the membership of the foundation to ensure growth of the corpus. This will hopefully allow the foundation to meet the community's needs for law related education organizations and special projects.

In January invitations will be mailed to prospective BCBA members to join the foundation. New Fellows of the foundation are recommended by the current members and are invited to join and make a ten-year commitment of \$1500 or \$150 per year. A current list of the foundation mem-

bers is on the bar's website www.boulder-bar.org.

Please consider joining many of your colleagues and helping the community with law-related endeavors that positively impact our community.

Please call Christine at the bar office 303.440.4758 if you have a recommendation or would like to join.



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PRESIDENT'S PAGE

BY ELLEN CADETTE



"Sometimes we live no particular way but our own."

- Robert Hunter

I had some writer's block this time around so I enlisted the help of a few brave folks. I'm a huge fan of The Onion's "American Voices" section (well, as my friend and law partner Doug would say, I'm only 5'4"). For those of you who don't read The Onion, in "American Voices," six people answer the same question. It's always the same six people in the photographs above the answers, but their fictitious names and occupations change regularly, and their responses are usually pretty funny. So, in a cop-out to my column (but in the hopes of one day making this a regular section of the newsletter), I threw out my own

version of "American Voices" questions to a few of our members. Some of the answers are genuine, some are genuinely facetious (let's hope)! Enjoy. Happy New Year, everybody.



Pat Furman

- What motivated you to become a lawyer? I got tired of subsidizing all of the criminal defense lawyers in town.
- What type(s) of law do you practice? I'm retired, so I just practice second-guessing other lawyers.
- Favorite hobby? Scuba diving.
- Favorite book or movie & a bit about why? Catch-22. It captures the zaniness of life and has taken root as a word. Few books can say that.
- Opinion(s) about Bob Dylan? I

love Dylan because his voice is almost as bad as mine.

- New Years' resolutions? No. I am tired of the inevitable failure to keep them.
- Memorable wildlife encounters? Hammerhead sharks off the Galapagos Islands. We extended professional courtesy to each other.



Mary Claire Mulligan

- What motivated you to become a lawyer? The perks: private helicopter, chauffeured limos, cabana boys . . .
- What type(s) of law do you practice? The gluten-free types.
- Favorite hobby? Reading "The Colorado Lawyer" to see who got disbarred that month.
- Favorite book or movie & a bit about why? That one with that guy in it - I love him!
- Opinion(s) about Bob Dylan? He was great in "Gilligan's Island" - definitely should have stuck with Mary Ann.
- New Years' resolutions? Break that pesky going-to-work habit.
- Memorable wildlife encounters? Can't answer--the statute of limitations hasn't run yet

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COLORADO'S JUSTICE CRISIS *(continued from page 3)*

This latest reduction in federal funding comes on top of other funding losses suffered over the last two years totaling nearly \$1 million. Most notable among these is the drop in funding from COLTAF, the Colorado Lawyer Trust Account Foundation. The extended period of very low interest rates that we are experiencing (now expected to continue until at least mid-2013) has decimated COLTAF's revenue, which is comprised solely of the interest earned on lawyers' trust accounts, and although COLTAF has a reserve, built in better times for just such times as these, it is rapidly being depleted. Even with the reserve, COLTAF funding for CLS has dropped by \$630,000 over the course of the last two years, and COLTAF is projecting another cut to CLS of at least \$520,000 in 2012.

Also important is a loss of \$165,000 in state funding for legal services for victims of domestic violence. Whether the state will be in a position to restore that funding for fiscal year 2013 remains to be seen, but an actual increase in the state appropriation, and certainly one anywhere near the magnitude necessary to cover for other losses, is not in the

cards, given the state's current budget constraints. All told, by the end of 2012, CLS will likely be down over \$2 million, or more than 20% of its funding just two years ago.

All of these funding losses mean that CLS, already woefully understaffed, will shrink further, which will necessarily reduce the legal assistance available to low-income Coloradans, regardless of their legal need. Already, where there were six CLS lawyers doing family law cases in the Denver metro area, which has an indigent population of nearly 300,000, now there will be only five; where there were four lawyers handling evictions and other housing issues, three will have to suffice; and where there were three doing foreclosure defense, now there will be two. Other parts of the state are faring no better. In Grand Junction, with an indigent population in Mesa County of about 17,000, there are now only two CLS lawyers, where formerly there were three. The CLS offices in Colorado Springs and Alamosa have each lost a paralegal, and the Durango office has lost the sole member of its support staff, leaving just three lawyers and a paralegal to serve the entire south-

west corner of the state, including the Southern Ute and Ute Mountain Ute Indian Reservations. This serious understaffing is only going to get worse.

Bar-sponsored pro bono programs alone cannot be expected to pick up this much slack, particularly since they too are suffering from cuts in their COLTAF funding. Nor can the court system, also suffering from inadequate funding, be expected to seamlessly absorb ever larger numbers of pro se litigants, especially if timely legal assistance would have eliminated the need for them to be there in the first place. It is true that to maximize access for those in greatest need, a well-functioning civil legal aid delivery system must have well-managed pro bono programs; it must have a legal community committed to providing pro bono services to the poor; it must have self-help resources that make courts and administrative agencies accessible for those who are proceeding pro se; and it must maximize its use of technology to improve access in rural areas and otherwise. But the backbone of any

(CONTINUED ON PAGE 12)



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LAWYERS ANNOUNCEMENTS

MAKE A POSITIVE DIFFERENCE IN YOUR COMMUNITY!

Boulder County's Parks and Open Space Department is looking for attorneys and paralegals to volunteer with the County's conservation easement stewardship team during the summer of 2012.

This position will familiarize the volunteers with Boulder County's Conservation Easement Program and give them field work experience. Volunteers will schedule and conduct site visits using county files and personal digital cameras to conduct monitoring reports. Volunteers will be given detailed instructions and supervision by staff so that visits are conducted pursuant to legal requirements. Volunteers should be willing to commit 40 hours or more.

If you are interested you should contact

Emily Greenwood | Paralegal Specialist
Conservation Easement Program
Boulder County Parks and Open Space
Real Estate Division
5201 St. Vrain Road, Building 1
Longmont, CO 80503
(303) 678-6266 office | (303) 678-6179 fax
egreenwood@bouldercounty.org

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Is pleased to announce that

Corey T. Zurbuch

has joined the firm as Of Counsel.

Mr. Zurbuch's practice will emphasize General Civil Litigation; Construction Defect Litigation; and Environmental Litigation (Gas & Oil Drilling Operations).

We are also pleased to announce that

Tasha J. Power & Jordan J. Bunch

have joined the firm as Associates.

Ms. Power's practice will emphasize Commercial Litigation; Real Estate; and Mechanic's Liens.

Ms. Bunch's practice will emphasize Real Estate; Civil Litigation; Appeals; and Employment Law.

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BOULDER COUNTY BAR ASSOCIATION'S 11TH ANNUAL



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5:30pm Thursday, February 9th, 2012

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foodwinejazzart.org

PRESIDENT'S PAGE *(continued from page 5)*



Todd Stoneman

- What motivated you to become a lawyer? RES IPSA LOQUITOR!
- What type(s) of law do you practice? The Golden Rule.
- Favorite book or movie & a bit about why? "Point Break" - Vaya con Dios!
- Opinion(s) about Bob Dylan? Should have remained a Zimmerman.
- New Years' resolutions? Firearms training.
- Memorable wildlife encounters? I once rode a mechanical bull.



Cyndi Kennedy

- What motivated you to become a lawyer? After graduating with a degree in communications and theatre and spending a year waitressing on Sunset Boulevard, I came to realize that despite my obvious talent, I would not be hitting the screen anytime soon. Too bad the "Perry Mason" moments are few and far between.
- What types of law do you practice? General commercial litigation, devolving into bankruptcy in times like these.
- Favorite hobby? I venture into coffeehouse open mic's. My most recent song is a Woody Guthrie-type protest song against ... the banks.

• Favorite book or movie & a bit about why? Probably after all these years, still Moby Dick, and for a single sentence in Chapter 31 "...all deep, earnest thinking is but the intrepid effort of the soul to keep the open independence of her sea; while the wildest winds of heaven and earth conspire to cast her on the treacherous, slavish shore."

• Opinion(s) about Bob Dylan? The only religion I would consider joining.

• New Year's resolutions? Yoga three times a week. Finish my comedy screenplay about bankruptcy (old dreams of the silver screen never die).

• Memorable wildlife encounters? Once, on a raft trip in the Yukon Territory, just at dusk, a young wolf followed along the shoreline for a long time watching our raft. Magical.

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PRO BONO PAGE

Pro Bono Referrals

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

Jennifer Bales
Michael Belochi
William Benjamin
Sheila Carrigan
Christina Ebner
Mary Louise Edwards
Joshua Long
Laura Moore
Craig Small

Thank you to the following mediators who accepted referrals in November:

Susan Bryant
James Christoph
Steve Clymer
Susan Furtney

Pro Se Program Volunteers

Sheila Carrigan
Mary Louise. Edwards
Chris Jeffers
Lauren Ivison
Todd Stahly
Leonard Tanis

BCAP Volunteers

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

No referrals in November.

Pro Bono Corner

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

Thank you to all of our generous lawyers who are on the Reduced Fee Panel list. If you are willing to take a client who has financial restrictions and needs legal representation, please call the bar office 303.440.4758 so we can put you on the list. We appreciate your willingness to help these people. We receive many referrals from BCLS, DA's office and Family Court Facilitator.

Boulder County Bar Association Professionalism Committee On-Call Schedule

Jan. 2	Bruce Fest	303.494.5600
Jan. 9	Trip DeMuth	303.447.7775
Jan. 16	Lee Strickler	303.443.6690
Jan. 23	Mark Langston	303.440.9684
Jan. 30	Todd Stahly	303.666.4468

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SELF AWARENESS AND BRAIN RESEARCH *(continued from page 1)*

According to C.K. Chesterton, quoted in Jonah Lehrer's book *How We Decide*, "The madman is not the man who has lost reason. The mad man is the man who has lost everything except his reason."

THE BRAIN VS THE MIND

The Brain is the physical. It is the nerves and other physical structures inside our head as well as the brain stem, the spinal cord and the entire nervous system that connect and convey sensations and reactions in our bodies. This total physical system creates our consciousness. The Mind is the product of the activities of the brain. It is the total of our consciousness. Conscious thoughts, unconscious thoughts, sensations, feelings, and various body senses create our consciousness. The Mind also gives us the ability to direct our mental focus and energy. The Mind is the result of the work of the brain and body connections.

BRAIN DEVELOPMENT

The human brain develops in utero largely based on the genetic program that the developing fetus is endowed with and in a sequence that reflects the brain's evolutionary development pattern. The spinal cord and brain stem develop first, followed from bottom to top and then forward by the limbic system, the cerebellum, and finally the cerebral cortex. The prefrontal cortex, which is the front part of the cerebral cortex behind our brow, is the last part to develop and is not completely evolved until our early 20's. Our highly developed prefrontal cortex is what makes humans unique. It is the place where much of what we consider to be conscious thinking takes place. The prefrontal cortex is also referred to as the brain's executive center and

assists with many functions including attention focus, planning, emotion regulation and others.

When a child is born, some mental characteristics such as temperament seem to be fairly set based on genetic programming. However, after a child is born, brain development is also partly a result of the interaction of the child with his/her environment, specifically with his or her caregivers. The brain does not have a completely preset pattern of development. How it develops and the connections it is able to make are a result of interactions with the child's caregivers. Genes for brain development are expressed based on the infant's environment. We develop different brains based on these early interactions.

This interactive effect, the ability of the brain to develop based on the environment and where a person puts his or her focused attention, continues throughout the brain's development. Each of our brains is entirely unique.

Brain researchers used to believe that once the brain fully developed in our late teens or early 20's the structure of the brain was fixed and would not change further. They have been surprised to learn over the last 10 to 20 years that the ability of the brain to change and develop new neurons and new neuron connections, called "neuroplasticity," continues throughout our lives.

MINDSIGHT

Daniel Siegel, MD is a researcher and clinical professor of psychiatry at UCLA and is Co-director of the Mindful Awareness Research Center and the Mindsight Institute. In his recent book, *Mindsight: the Science*

of Personal Transformation, Siegel writes about mindsight as the ability to observe what goes on in our minds. Siegel means observing not just the conscious, logical, sequential, intellectual thought part of our mind which mainly accesses the left side of the brain and the prefrontal cortex -- but also the right brain, the feelings, the images, the body sensations that are occurring in our entire body-mind system. He talks about the importance of developing mindsight to have a healthy and fully functional mind and life. My interpretation of mindsight is that it is the ability to observe and reflect on our mental and emotional experience while also not being caught up in that experience. From Siegel's perspective, mindsight is the quality that allows us to change and grow from our experience and not stay frozen in a world of automatic reactions that we have learned. Mindsight enables us to adjust and grow from what comes our way. It is what allows our prefrontal cortex to connect and use the input from more of the Brain/Mind system.

MIRROR NEURONS AND EMPATHY AND UNDERSTANDING

In the 1990's a group of Italian brain researchers used monkeys to study the brain. One of the monkeys was wired so that the researchers could identify neuron cell activity in the monkey's brain. When the monkey received a peanut reward for performing an activity, certain motor neurons fired. This neuron firing was what was expected by the researchers. However, when one of the researchers ate a peanut while a monkey was watching, the scientists noticed that the same motor neuron fired in the monkey's brain as when the monkey ate the peanut. This

(continued on page 13)

PRESIDENT'S PAGE *(continued from page 5)*



Luke Cederberg

- What motivated you to become a lawyer? My enthusiasm in telling lawyer jokes.
- What type(s) of law do you practice? Personal injury on behalf of plaintiffs.
- Favorite hobby? Complaining about hearing about Tim Tebow.
- Favorite book or movie & a bit about why? Light in August by William Faulkner. It is so complex and thought provoking, not to mention beautifully written.
- Opinion(s) about Bob Dylan? Great hair, great poet, great voice when someone else sings his songs.

• New Years' resolutions? Get the six-pack back!

• Memorable wildlife encounters? Driving home from high school, I saw a giant cat walking down my street; a double-take revealed it was a young bear! Boulder is awesome.



Julia M. Knearl

- What motivated you to become a lawyer? I was interested in the agreements we all make in order to be in society together as well as the process of making and breaking those agreements.
- What type(s) of law do you practice? Business transactional. I work in-house for AIM House, L.L.C., a private pay transitional living program for young adult men and women.

• Favorite hobby? I play music and perform locally solo, with Choosing June and most recently with RCJK at various venues including Nissi's, the Rock n' Soul Café, and various other spots around the Denver Metro area .

• Favorite book or movie & a bit about why? Ahab's Wife by Sena Jeter Naslund - a beautifully written epic spun from a single sentence reference in Moby Dick. Naslund does an inspired job of constructing the kind of woman who would have been married to Ahab and then putting her in context by creating the kind of life she must have had.

• Opinion(s) about Bob Dylan? An excellent songwriter with a less than excellent voice, which makes him the perfect artist to cover!

• New Years' resolutions? Same as last year, only better this time.

• Memorable wildlife encounters? Just the other night I watched three coyotes hunting together by the lake right behind my house. Even at a distance of 100 feet you could tell that there was tremendous communication happening between them. It was both a thrill and a bit chilling.



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Rangeview Counseling Center believes that effective treatment requires, first and foremost, full respect for all who enter our agency for help – regardless of the specific need. The 3 R's at Rangeview are: Respect. Relationship. Responsibility. Rangeview is a safe place in which clients can explore life issues. Clients' confidentiality is sacrosanct to all of our staff. At Rangeview, counselors guide and motivate clients in how to best use their strengths and resources to achieve desired outcomes.

COLORADO'S JUSTICE CRISIS *(continued from page 6)*

well-functioning system must be an adequately-funded, staffed legal aid program, with lawyers and paralegals, who are expert in dealing with the problems unique to low-income populations, and who are available on demand when low-income families are in crisis and time is of the essence.

The legal profession has a singular responsibility to respond to this crisis in our civil justice system. CLS is the place of last resort for low-income families, the disabled, veterans and military families, and seniors who are facing serious civil legal problems. If turned away, these Coloradans are effectively denied the rights, remedies, and protections afforded by the law, sometimes with devastating consequences – lethal injuries at the hands of an abusive spouse, a home lost to an unscrupulous lender, life on the street because of a wrongful denial of disability benefits. As lawyers, we understand

that the rule of law is in jeopardy when the protections of the law are not available to increasingly large numbers of our most vulnerable citizens.

The leadership of lawyers – whether in private practice or in-house corporate counsel, large firm or solo, government or nonprofit – is more important than ever in fulfilling our nation's promise of equal justice for all. The effect of CLS' funding losses is calculable in terms of dollars lost, staff positions eliminated, and additional applicants for service turned away. But the actual impact on the lives of low-income Coloradans, the damage to our communities, the tarnishing of our nation's fundamental promise of equal justice, and the risk to our civil justice system and the rule of law is immeasurable.

Here are some things you can do to help:

1. Give generously to the Legal Aid Foundation (<http://www.legalaidfoundation.org/>).
2. Take a pro bono case.
3. Speak to your elected representatives (federal and state) about the importance of public funding for civil justice.
4. Speak with your banker to ensure that the interest rate on your COLTAF account is as generous as possible.

Diana Poole is the Executive Director of the Legal Aid Foundation, which raises money for Colorado Legal Services, and COLTAF, which administers Colorado's IOLTA program. She is a member of the Colorado Access to Justice Commission.

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SELF AWARENESS AND BRAIN RESEARCH *(continued from page 10)*

accidental discovery led, after further investigation, to the discovery of what are called “mirror neurons.”

Mirror neurons are specialized nerve cells in the parietal lobes of the brains of both monkeys and humans. The neuroscientists made the startling discovery that mirror neurons when activated by focused intentional observation by the monkey or human stimulate a nerve firing sequence in the observer that mimics the neuron firing in the observed. Examples include how when a person in a group yawns, others also yawn and the contagious effect of observing laughter. (Think of laugh tracks on tv shows.) This mirror neuron response occurs without any conscious effort on our part and is the root of empathetic understanding of other humans.

Although normally developed human brains have mirror neurons (the exception seems to be people with autism or a brain injury to the parietal area), many of us are less able to read the signals sent by these neurons, and therefore lack clear conscious access to the senses and information generated by the mirror neuron circuits. It seems to take two different skill sets to develop the empathetic sensitivity that the presence of mirror neurons implies we can achieve. The first is body awareness. Because our sense of others seems to be interpreted or conveyed through the replication of the experience of the other in our own bodies, developing conscious body awareness helps us to read these senses. Second, we need to be able to separate our own experience from that of the person we are observing. Without that ability to maintain our own boundary that allows us to separate our own reactions and feelings from those of the person we are

observing, we can become lost in their emotional experience without realizing that the experience is not our own.

As mediators and attorneys we might recognize this if we start to take on the emotion of a party or a professional in mediation.

Little did I realize that when I learned to visualize myself skiing like my skiing idol, I was actually changing my brain. The early shaping of the mind is very influential in forming both brain connections and emotional habits, such as the ability to read our own emotional arousal state, to soothe ourselves when we are upset, and to connect with and read the experiences of others. If this early interaction is safe, reflects our emotions and is soothing, we learn to do these things for ourselves. We form a secure attachment to our caretakers. And from this base we develop the ability to navigate through the emotional and social challenges we will face in our lives.

By developing this base of connection with ourselves, we also develop the basis for reading and understanding others. Then we can better help others navigate through the labyrinth of issues that need to be dealt with in mediation. According to Daniel Siegel, “Our awareness of another person’s state of mind depends on how well we know our own.” The hopeful part of this story is that developing a more integrated mind helps us to be more effective guides for ourselves as well as for those we seek to assist.

The importance of this research and findings for mediators and lawyers is the power and importance of developing the awareness of ourselves in this more nuanced way

that Daniel Siegel talks about. Developing those skills will allow us to impact our work and effectiveness in three ways. First, by developing our self awareness we are better able to navigate the social and emotional labyrinth that we are helping clients to work through by increasing our own ability to detect possible needs and feelings of mediation participants. Second, by developing the self awareness we are better able to maintain the boundaries, minimize unintended emotional reactions and prevent unintended entanglement in client or attorney emotions that might detract from resolving the conflict. And, third, we are more likely to be able to help clients who are experiencing strong emotions by being able to acknowledge those emotions while maintaining the needed professional separation.

The power of understanding brain science is that these are skills we can all learn.

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Tom Bache-Wiig is the co-chair of the ADR section of the BCBA. He has been a mediator since 1996 and is the co-author of Non-Adversarial Communication: Speaking and Listening from the Heart. He teaches conflict resolution skills for the Federal Government as part of a training team, facilitates Non-Adversarial Communication training, and coaches new mediators and conflict coaches. He is a life long avid skier.

BOULDER COUNTY BAR MEMBERS HELPING TO SPREAD JOY AND CHRISTMAS CHEER



Left to right: Kristan Wheeler, Emma Teitel, Daneelle Naylor, Anja Begheera and Evelyn Mouriz



Kristan Wheeler helping to load up all the gifts for the children.

The Criminal Law Section sponsored a present drive to be distributed to the Genesis Group. Representatives from Genesis came to the Boulder County Justice Center Jury Assembly room and were given gifts along with cookies and beverages. Thanks to you all for your generous donations! It really made a difference for a number of children in the program.

Great job and thanks to Kristan Wheeler and Tim Johnson, co-chairs of the BCBA Criminal Law Section.



Chris Lane, Business Law Co-chair and Depak Patel pick up ALL the gifts for the Bridge House... they almost needed a second car.

The BCBA Business Law Section, co-chairs Chris Lane and Maureen Eldridge, coordinated gifts and donations for the Bridge House (formerly the Carriage House) for the second year. This year was extremely successful with gifts for the children and over 50 socks for the homeless and working poor. Thank you so much for the wonderful donations, not just from the Business Law Section but from the entire bar membership. Bar members also wrapped presents at the Boulder Book Store and brought in almost \$100 of donations for Bridge House. Thanks to all, we made a big difference for many celebrating Christmas in Boulder.



The bar office was seasonally appropriate with all the gifts being dropped off. It was a pleasure seeing you all come in! Thank You.



Right to Left: Jane Paddison and Marie Burdick bringing gifts for the boys and girls at Bridge House.

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Garden level office space available immediately: 900 Arapahoe. 9'x13', window, historic bldg., 1 parking spot, common area. \$750 per month. 12 month lease. E-Mail to lf@manmaxlaw if interested.

Approximately 12' x 14' office available in two office legal suite, South Boulder Road in Louisville. Office currently furnished with new desk and chairs, just remodeled and repainted. Comes with full sized conference room, kitchen, shared leased printer/copier/fax/scanner, filing room, WiFi, and shared paralegal. Free parking. \$1,200/month plus shared office overhead. 303-665-9845.

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