

The Docket

PROUDLY PUBLISHED BY THE DENVER BAR ASSOCIATION | APRIL/MAY 2020

FEATURE

Soldier's Heart,
Lawyer's Mind

TRAVEL

Fiji's Seashell Cove

OPINION

An Optimist and
a Pandemic



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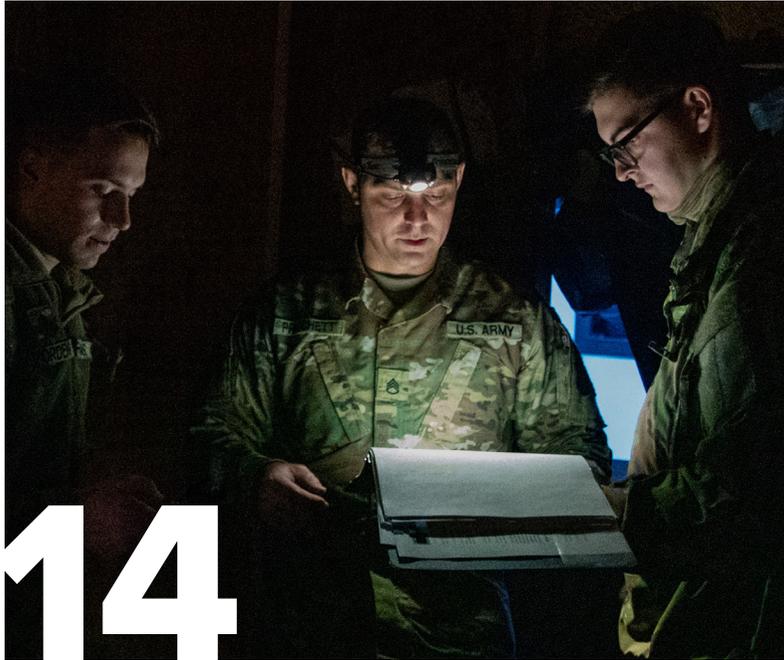
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FEATURES



14. Soldier's Heart, Lawyer's Mind

The Total Force Readiness Exercise (TFRX) combines legal education with military exercises and offers an interesting window into the world of the judge advocate.

BY GURNEY F. PEARSALL III

10. Seashell Cove

Many years ago, on a beach in Fiji, a young backpacker formed friendships that have endured through today.

BY MARSHALL SNIDER

30. Attorney Video Conferencing: Zoom or Leagler

It's a different way of practicing for all of us. Take an in-depth look at two popular platforms and find out how to get the best out of each.

BY RICHARD LIONBURGER

DEPARTMENTS

2. From the Editor

4. President's Letter

6. More Quarantine? Yes Please!

Laszlo doesn't see what all the fuss is about. He loves staying home!

8. An Optimist and a Pandemic

A 2L student reconciles uncertain times with a natural inclination to look on the bright side.

9. Greg's Guide to Now

Take some tips from someone who was a germaphobe long before it was in vogue.

18. Resilient Legal Organization – Leading Through Relationships

22. It Was the Best of Times, It Is the Worst of Times

Your skills are needed now more than ever. Find out how you can give back to your community.

24. Dealing with Physical Isolation

26. Young Lawyering

27. Picture This – Podcast Edition!

28. Finding Fulfillment Beyond the Billable Hour

32. Legal Affairs

34. An Interview with Kristin Bronson

36. Advocatus Diaboli



What Would Dolly Do?

Dolly Parton said, “We can’t direct the wind, but we can adjust the sails.” Or at least Dolly was who I heard that from. Point is, the wind can change in an instant. I feel so fortunate and so proud to work with such dedicated, inventive, and nimble colleagues. Their strength and stick-to-itiveness have been inspiring to (virtually) watch.

Most copies of *The Docket* are delivered to offices. Therefore, we decided to release this issue as a digital exclusive. Our fear was that it may be a while be-

fore folks could get to it, and there’s too much good information in here to wait.

As you may remember in my last letter, I mused about how the issue’s theme of *crossing borders* had magically presented itself without any help from me. Well, I wouldn’t necessarily classify this as “magic,” more like forced entry. Nevertheless, another theme has manifested without any coaxing.

Yes, this issue is about current events, but it is also about helping. Helping

yourself, helping your loved ones, helping your practice, and helping others.

For a full list of volunteer opportunities, please visit denbar.org/Metro-Volunteer-Lawyers/Metro-Volunteer-Lawyers-Programs.

Be well. 🍷

Charles McGarvey

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As the DBA Evolves, Our Mission Continues

Hello fellow DBA members. It's a bit hard to believe how much Colorado and the rest of the world have changed in the last month. As I write this the news on the COVID-19 crisis is changing almost hourly and has impacted almost every aspect of our lives. I'm hopeful that, by the time you're reading this, things are getting better.

I wanted to take a moment to commend our new Executive Director, Amy Larson, and the rest of the DBA staff for their proactive response to this pandemic and their professionalism in moving association business to remote access. The DBA was ahead of the game as circumstances changed quickly in March. I've been personally impressed with how quickly the staff adjusted and found ways to maintain our community culture in an online environment.

Despite the radical changes caused by this international emergency, the staff and my fellow volunteer leaders remain committed to serving the members and keeping the Association on solid footing. Because court access and closures are so central to the working lives of our members, we are in consistent contact with the administration of the Colorado Judicial Branch on this issue and how to best keep everyone safe and healthy. We are also not letting this crisis stop us from pursuing the goals set forth in our strategic plan and, in particular, the

tremendous progress we've made in the last year implementing our Diversity and Inclusivity Action Plan to ensure that our next generation of bar leaders reflect our entire legal community. The nominating committee is going forward with its interviews for DBA leadership positions, though we'll be conducting them by video conference.

Lastly, as we all struggle to adjust to a disrupted world, I'd like to ask all of you to consider donating to our pro bono organization, Metro Volunteer Lawyers. With unemployment rising and our community struggling, MVL's mission of providing free legal services to the underprivileged is more important than ever. This is a challenging time for MVL because, like many other organizations, we've had to postpone our largest annual event, the Barrister's Benefit Ball, which is a critical MVL fundraiser.

So, if by the time you're reading this you have a federal stimulus check in hand, please consider going to MVL's site (denbar.org/mvl) and putting some of that money back into our community to help support pro bono services in metro Denver. I know I will. 🍷

Kevin E. McReynolds, DBA President

The Docket

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OUR MISSION

To educate and entertain the Denver legal community *without being sued!*

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WRITE FOR THE DOCKET: DBA members are encouraged to send story ideas, photos, tips, and articles for the *Docket* Committee's consideration. We are looking for content by Denver attorneys for Denver attorneys, focusing on trends, courts and practice management, in addition to opinion and satire pieces. Please send ideas and member announcements to Editor Charles McGarvey at cmcgarvey@cobar.org.

The editor has the right to accept and reject submissions at his discretion.

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The
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Writers

ARTS & LITERATURE CONTEST

It's time to put on your thinking caps and grab the nearest paintbrush
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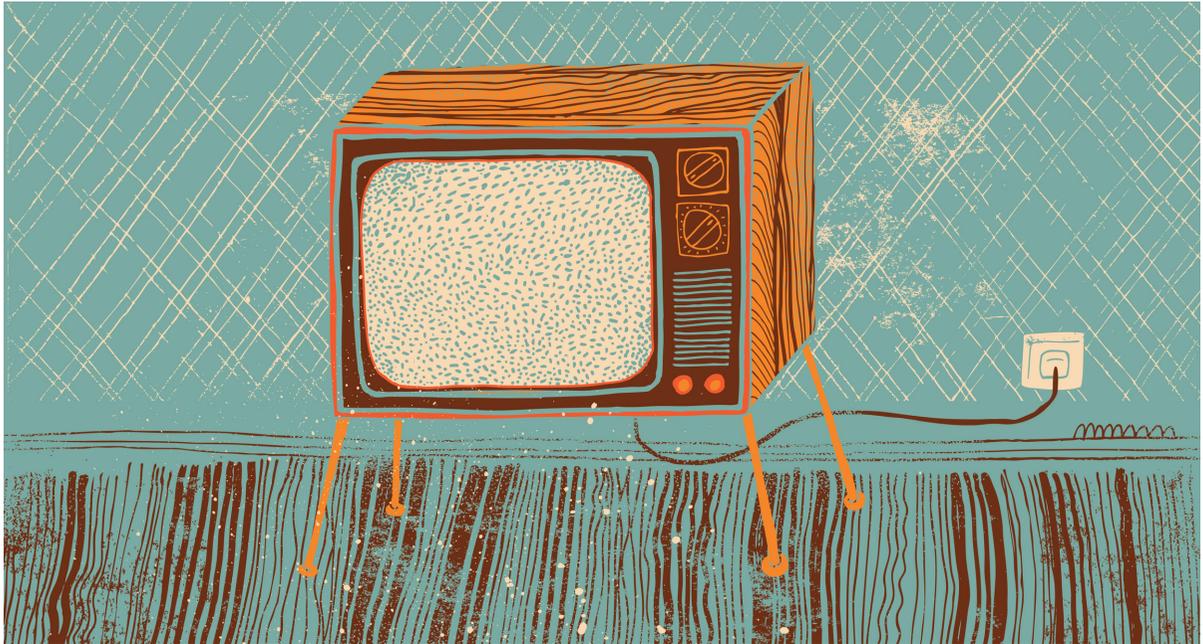
Art: Drawing, Painting, Photography, Mixed Media, Digital Art, and Sculpture,
Writing: Poetry, Fiction, and Nonfiction.

See full rules and submission guidelines at denbar.org/artcontest.
No legal subject matter required.



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Thank you to Maha Kamal, Reid Neureiter, Andrew Carafelli, Emily Eid, and Dean Batchelder.



More Quarantine? Yes Please!

I love staying home! I love spending the days with my La-Z-Boy, my slippers, and my clicker. I love that my only co-worker is my 100-pound RCA color television set. I love that now my alarm clock is basically just giving me suggestions. I love that my bathrobe is now my professional attire. I love that it's nobody's business what I'm wearing from the waist down. I love having a snack every hour on the hour. I love watching *Wheel of Fortune* reruns on the Game Show Network at 9 a.m. and again at 4 p.m. When I need some fresh air, I readjust the "Keep off of grass" signs in my front lawn. I love drinking a can of Coors with my fried bologna sandwich at lunch because it's quarantine so drinking during the day is suddenly acceptable. I love pretending that I don't know how to work the Zoom so that I don't have to go to meetings. And when I do have to do the Zoom, I like keeping my TV up LOUD. I love that none of my clients has my home phone number. I love responding to long emails with just "yes," "no," or "let me think about it and get back to you." I love staying home!



Going out only gets people in trouble. Anybody who's ever seen a movie, watched the news, or read a book knows the bad things that happen to people who leave their homes.

I do not miss rush hour traffic. I do not miss the \$15 sandwiches at the place next to the office. I do not miss people coming to my desk asking me questions.

I do not miss going through security at the courthouse. I do not miss having to honk my horn twenty times a day because nobody knows how to drive anymore. I do not miss the sound of jackhammers outside my window when I'm trying to take a deposition.

I haven't had to make up an excuse as to why I can't meet for dinner in weeks! The outgoing message on my answering machine just says, "Due to Coronavirus, expect delays." I haven't called a single person back yet! I threw my calendar away and it felt great! I love staying home! 🍷



Laszlo Scofflaw

METRO VOLUNTEER LAWYERS MAKE A DIFFERENCE

Through the Family Law Court Program, volunteers assist clients with uncomplicated, uncontested dissolution of marriage or allocation of parental responsibility cases. There are two stages where we are in need of volunteers: (1) Client Meetings, where volunteer attorneys, law students, and paralegals assist clients in filling out the documents needed to initiate their cases, and (2) Permanent Orders Hearings, where volunteer attorneys meet with clients to prepare the final documents needed to submit to the court, and then represent the client solely for the duration of the hearing that same day.

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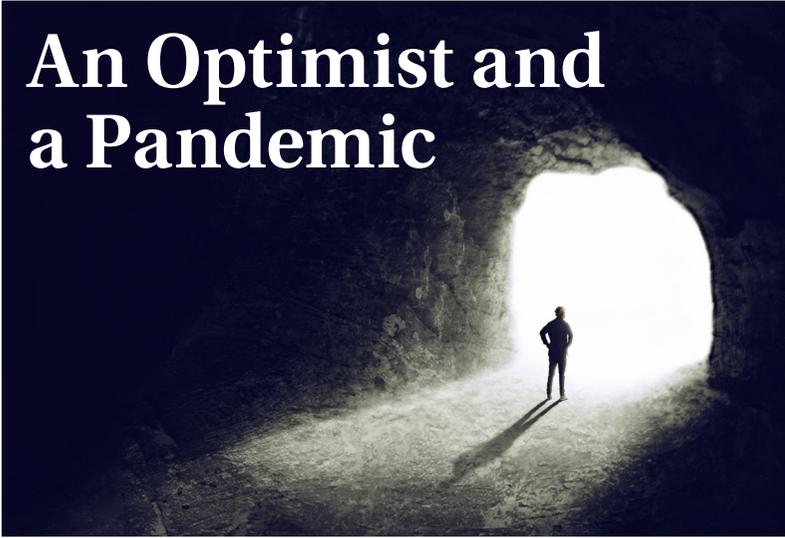
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An Optimist and a Pandemic



I consider myself a fairly optimistic person, one of those glass-half-full types. But when I first walked into the grocery after it became clear that the COVID-19 threat was a serious one, I must confess I found myself quite pessimistic. The bare shelves looked absolutely apocalyptic and the general atmosphere of panic was profoundly worrying.

As a 2L at the University of Denver Sturm College of Law, it was equally concerning to see my classmates and professors so entirely unsure of what the immediate future looked like — would classes still be held? Is it realistic to teach the law online? What about grades? What about clinics and externships?

As I'm sure you're all aware, lawyers like to have the answers, or at least know there's a way to find the answers. In situations like this, the sheer volume of the unknowable is intimidating and scary. We don't know how long this will last. We don't know what kind of impact this will have on the economy or on family life or on how we operate as a society. And all of that not knowing serves to foster the kind of behavior we've all witnessed: the hoarding, the xenophobia, and a general air of selfishness.

And for a time even an optimist like me was worried. Not just about the virus, but about what the virus meant for our society and how it shed light upon some

of the darkest parts of our own natures. But as time passed and people stopped panicking and started thinking, I've found my faith in people renewed. While we no longer see our colleagues or classmates in person, many of us see them online daily. Time with our families and pets has dramatically increased and many are taking the time to relish exercising outside or enjoy the simple pleasure of a good book. The groceries feel a little more normal and people are beginning to settle into new routines.

On a more personal level, the professionalism and perseverance I have had the privilege of witnessing from the DU Law community has been inspiring. Our professors and school leadership have been organized and diligent in the process of transferring to online learning. Seeing my fellow classmates' smiling faces has remained a bright spot in my days. The school's shift to a pass/fail system shows a prioritization of our health over a long-established grading system and adherence to the curve. It reminds us where our priorities truly lie.

Of course, there is reason for worry. We truly don't know how long this crisis will last nor do we have a concrete idea of how we'll get there. People are already going stir-crazy in their homes. Issues like whether a graduation ceremony can happen at all or what the process of sitting

for the bar will look like are valid and enormously important. But we're all in it together. I cannot remember a time in my life when society felt more unified. Things like politics have fallen by the wayside as our priorities have had to change.

We are united in our applause of those in the medical profession who bravely face the virus every day so that we may one day defeat it. We are united in our gratefulness to those in essential industries who put themselves at risk to keep our society functioning. We are unified in our enthusiasm for a return to normal and unified in what we will sacrifice to make it happen.

An unfortunate reality I've noticed in my own life is how I have taken things for granted. From going to restaurants, to regularly seeing my friends, to the gym, to the theatre: these are all things which you never give a great deal of thought to until you no longer have them.

I'm reminded of how, following every funeral I've ever attended, I strive to be more aware of all that I have. In the end, though, this zeal for life fades. As time progresses, we all fall back into a neutral normalcy until the next event comes around to shake us from our stupor and remind us of how lucky we are. And so, I am committed to taking the time and energy to be truly present and truly grateful. I hope you all will join me in this effort to be appreciative even in these trying times and to continue to be as compassionate as we are now in the future.

We are fortunate to be educated and comfortable and living in such a beautiful place. The seasons are changing, and summer is on the horizon. There seems to be a light at the end of the tunnel. We don't exactly know when we'll get there but we can be certain that we will get there. And once we get there, I am certain that we will have all the more reason to stop and appreciate all the good we have. 🍷

BRANDON DASENT is a 2L at the University of Denver Sturm College of Law. When he's not studying, he enjoys spending time with his family and running.



Greg's Guide to Now

I'll be the first to admit it: I was a profound germaphobe before being a profound germaphobe was cool. Would I swear to this assertion under oath? Perhaps, yes; perhaps, maybe. It probably depends on who is asking the question.

Yes, I have looked at doorknobs with trepidation. God only knows whose filthy mitts have greased the dulled luster of that metal before mine. But do I envision the doorknob as a dragon's snout preparing to spout the fire of disease at me? Not always. And no, I'm certainly not like Howard Hughes in *The Aviator*, given such twisted dimensions by Leonardo Di Caprio but only in that I am relatively sure that I have never kissed Cate Blanchett. Then again, there was that private school fundraiser with a kissing booth in Studio City. Oh, for those carefree days of yore.

So. I now present Greg's Guide to Being More Germ Free Than Not in a Time of International Pandemic-Based Stress. It's a brief primer, read carefully.

1. Avoid sick people like the plague (the phrase exists for a reason). I always do anyway. It's rumored to keep a person from catching nasty viruses and the like.

2. Wash your hands often enough that they have the shine of a lipstick model's photoshopped smile but not so often that they wither and devolve into formless stubs.

3. Stay away from my hand sanitizer! Even mere dabs of my personal stash found on any miscreant will bring down the Wrath of Eternal Karma. How bad will it be? You will get a flu shot and then still get the flu for two flu cycles in a row. The gods have willed it. So back off!

4. Not an air-kiss, much less a hug, maybe not even elbow bumps from this germaphobe. Unless you're Cate Blanchett — and you're not. As for that handshaking thing that seemingly civilized people did in a past, sunnier age...no. Emphatically no. American hands in general shake enough from all

the internalized, unfathomable depths of despair that characterize us even in the most sterile of environments

5. Lastly, and the single most important tidbit contained in this humble Jeremiad: **Do not wear a MAGA mask** in my presence. It isn't witty. Unless you happen to be Mike Pence, then go for it. But he won't. Some people just don't have a well-developed sense of the absurd. Please do wear masks, in my general presence but not MAGA ones. They scare me. Like germs do. All germs. Even my pet germ, Mojo Jojo (isn't he so cute!).

So then: abide by these morsels of moral exactitude and you shall survive. For how long? God only knows. I mean, let's face it, I'm just another lonely germaphobe lawyer, not some kind of Nostradamus — who, by the way, survived the Plague of 1534 only to die, decades later, in a duel with a loutish hand sanitizer apothecary rival, Philippe of Marseille. Really, you can look it up. Now go wash those hands! 🧼



The author at his luxury accommodation, Koh Samui, Thailand, 1983



Seashell Cove: A Memoir

Several strangers are thrown together at a remote location on a South Pacific island. If this were fiction, one of two events would unfold. In the first version, one of these strangers would be murdered and the killing would be solved by a Hercule Poirot-like detective. In scenario number two, these strangers would bond and form lasting friendships. I have the good fortune to have lived out this second version. At a small backpackers' hostel on the island of Viti Levu in Fiji I made friends from three different countries with whom I forged lifelong attachments.

A few weeks into a nearly one-year backpacking trip around the world, I stopped at the Seashell Cove Resort in Momi Bay, Fiji, where I made connections to Dave, Rob, Chris, and Helane. My friendships with these folks have lasted nearly four decades and continue today.

Before I go any further, I should clarify that the Seashell Cove Resort did not conform to the image you may have of a "resort". This was not a high-rise hotel on a beach or an all-inclusive vacation spot with a choice of activities, entertainment, restaurants, and free drinks throughout the day. Seashell Cove was a backpackers' hostel catering to the young and impecunious.

Seashell Cove had a few private rooms, but most of us stayed in a dormitory with shared bath facilities. There was not much of a beach and the pool was about the size of a one you'd find in the backyard at someone's house. The "resort" was rather remote, located at the end of a dirt road about a mile from the nearest spot where you could get off of a local bus, and you took all of your meals there because, well, there was no other place to go. Occasional nightly entertainment consisted of a band from the local village and crab races and frog races (on which you could place bets on the crab or frog of your choice), all of which were fueled by copious amounts

of Fiji Bitter beer. But it was here that I crossed paths with people that have been close friends ever since.

Dave and Rob

Dave was a film student at UCLA who was on his way to Australia, hoping to get a job in the burgeoning Australian film industry of the early 1980s (think *Mad Max*, *Breaker Morant* and others). When it came to traveling, as in everything he did, Dave was full of life. While those of us at Seashell Cove thought we were pretty adventurous in backpacking around the world, Dave took things to another level. In 1979 he had traveled to Iran just days before the Islamic revolution and got the last train out of the country to Afghanistan, only to be there when the Russians invaded. In Fiji, while I thought it was hard to get to Seashell Cove because it was so far from any road, Dave and a friend trekked a jungle trail the length of the island, making their way through with machetes and fording rivers on foot.

Dave and I hit it off and decided to go to New Zealand together. There we parted ways. Dave had planned a motorcycle trip and I was meeting Kiwi friends from prior trips to New Zealand; I had a permit to trek the Milford Track on the South Island. Dave and I planned to meet again in Australia, whenever we both made our way to Sydney.

We were able to connect in Sydney, where we hung out for a couple of weeks. Dave still had not landed a job in the film industry. I was planning to head north to Papua New Guinea and Southeast Asia. While he wanted to join me, Dave decided to try for one more month to break into the Australian film industry. If he gave up on that dream, we'd try to meet up somewhere in Asia.

Meeting "somewhere in Asia" in the days before email and mobile phones was a challenge, so Dave and I arranged



Dave consults a yogi, Kathmandu, 1983

to leave messages at American Express offices along the way. In those days, leaving a message at AmEx offices was one of the few ways for backpackers to communicate with the outside world. I looked for messages in Singapore, Bangkok, and Kathmandu, but no word. At this point I figured I would not see Dave again until we each returned home.

Months later I traveled to Chitwan National Park in Nepal. Many people are surprised to learn that in addition to having the highest point on earth in Mount Everest, Nepal also has lowlands just a few hundred feet above sea level, and that is where Chitwan is located. I went to Chitwan to see the elusive Bengal tigers and saw none, but did see lots of elephants, rhinos, and other exotic fauna. My bus on the long trip back to Kathmandu stopped at an outdoor restaurant at a dusty crossroads in the middle of nowhere where passengers could use the toilets and have a snack. As I sat at a table with a soft drink, who should appear but Dave. In a quiet, unexcited voice he came up behind me and said “Hi, Marshall,” as if he had just seen me that morning. I was stunned.

The odds of our running into each other in the middle of nowhere Nepal months after leaving Australia were infinitesimally small, yet there we were.

Dave was traveling with Rob, another Seashell Cove veteran (though I did not recall seeing Rob there), who Dave had run into in Bali. The two of them were on a bus coming up from India to Kathmandu and stopped at the same roadside restaurant at the same time as I did. We continued on in our respective buses and joined forces in Kathmandu.

Rob was a young traveler from Vancouver, B.C. He was on an extensive trip between high school and college. The three of us bonded in Kathmandu where we hung out for a while before I had to leave for India. But we knew this was not the last we would see of each other.

Life After Kathmandu

We all returned to our previous lives by the end of 1983. I started working as a part-time hearing officer for the state of Colorado while also arbitrating, teaching, and doing litigation consulting (anything for a buck in those days). Dave was in

Los Angeles getting into the animated film business. Rob decided to attend college at, of all places, the University of Colorado at Boulder.

Over the next several years the three of us stayed close, even though we were geographically spread out. We each got married and attended each other’s weddings, Dave’s in California, then mine (to Suzanne) in Denver, and finally Rob’s in B.C. (Rob had returned to Canada after graduating from CU). In another bizarre twist of the Seashell Cove story, Rob’s now-wife Becky had been at Seashell Cove in the mid-80s on her own travels, before she and Rob had met.

Tragically, Dave was killed in 2015 while riding his bike in Topanga Canyon in Los Angeles. We were all stunned and will forever miss his energy and zest for life. Fortunately, while on a business trip to Los Angeles shortly before his death, I was able to see him one last time.

Rob and Becky were now educators on Vancouver Island. Suzanne and I visited them on two occasions while they were still in Canada. But in time, with two small children, their adventurous natures led



Clockwise from upper left: Becky and Rob, Turkey, 2018. Chris and Helane, Vanuatu, 2012. Dave in Kathmandu, 1983.

them to make a life teaching at international schools. They spent several years at the Canadian International School in Hong Kong. Suzanne and I were able to visit them there a couple of times during our travels. In 2018 Becky and Rob took jobs at the International school in Istanbul, Turkey. Suzanne and I visited them as we toured around Turkey last fall. We are waiting for their next move, hopefully to some place as interesting and exotic, as we will continue to see them wherever they land.

Chris and Helane

Chris and Helane were schoolteachers from South Australia heading home after two years teaching in California. We hung out a bit at Seashell Cove and Chris and I shared a scuba diving adventure while we were there. When I got to South Australia, they invited me to Helane's family's farm at Nurioopta in the lovely wine-producing region of Barossa Valley. I spent several idyllic days picking apricots with the family

and listening every minute, either on TV or on the radio while in the fields, to the hard-fought annual cricket match between England and Australia for the trophy known as The Ashes. This immersion into the bizarre world of cricket left me with at least a rudimentary knowledge of the game, though I doubt I will ever fully understand the arcane scoring rules of wickets and overs.

Some years later Helane and Chris, now with three small children, embarked on a tour of the western United States. We had corresponded during the interim and we hosted them for several days while they were in Colorado, including time in the mountains where their children had one of their first experiences with snow. A few years later, Suzanne and I toured Australia and they returned the hospitality. More years passed and correspondence between us improved with the advent of email. One of their sons came to the U.S. to work at a summer camp on the East Coast and Helane and Chris flew over to

join him on his way home. This resulted in another visit to Denver. One night during that visit, over a bottle of wine on our back deck, we decided to travel somewhere together to mark our 30 years of our friendship. After some discussion we chose the Southwest Pacific island nation of Vanuatu, which we all visited together in April of 2012.

We haven't seen Chris and Helane since then, but have kept up digitally, sharing stories and pictures of our happenings (like us, Helane and Chris are now grandparents). Our friendship continues and we are hopeful we can get to Australia at some point to see them before too long.

Traveling provides multiple benefits to the mind and spirit. International travel can give us adventure, immersion in different cultures, and the chance to meet people from around the world, perhaps generating friendships with those people we meet. But at the time, none of us would have expected that spending a few days at Seashell Cove would result in nearly 40 years of valued friendship. This is just one of the many surprises life offers for which we can be grateful. 🍷

SOLDIER'S HEART, LAWYER'S MIND

STORY AND PHOTOS BY GURNEY F. PEARSALL III



Earlier this year, I had the honor of participating in the U.S. Army JAG Corps' latest legal training initiative. Known as the Total Force Readiness Exercise (TFRX), it combines legal education with military exercises and offers an interesting window into the world of the judge advocate.

Judge advocates are equal parts lawyers and soldiers ("Soldier's heart, lawyer's mind!" as my class' motto goes), so they must maintain a high level of

proficiency in both legal and martial skill sets. To deliver training that better reflects this dual identity, Brigadier General Marilyn Chiafullo recently reorganized our annual training into the TFRX, a combination of legal education with field exercises.

My unit was one of four that were selected to participate in the first large-scale TFRX. For context, the U.S. Army JAG Corps has about 1,800 members split into 28 Legal Operations Detach-

ments (LODs). I serve the 87th LOD as a captain. Its soldiers work as attorneys or paralegals in civilian practices across a wide spectrum of legal fields in Colorado, Utah, and Wyoming, including as private practitioners, state legislators, prosecutors, judges, and federal or state agency attorneys. In their military roles, these soldiers have served in combat and non-combat roles across the U.S. and the world, everywhere from Fort Carson and the Pentagon to Afghanistan and Iraq.



The paralegals and judge advocates of the 87th LOD speak with their commanding officer.

So, on January 9, 2020, ready to prove myself at this new event, I boarded an Alaska Airlines flight to Seattle. At Fort Lewis-McChord, TFRX launched with two days of legal education courses covering recent updates to the military justice system, the Geneva conventions, the federal protections to deployed soldiers, and national security law. The classes were taught in small groups and split their time between lectures and group discussions about hypothetical scenarios. To prevent

birds of a feather from flocking together, each assigned group integrated soldiers of all ranks and components.

Our classes were followed by the Warrior Task and Battle Drill. The drill took place in a mock village, complete with dozens of homes and buildings, as well as colorful graffiti spray painted in Arabic on the walls. We learned how to evaluate combat casualties, transport those casualties off the field, call in medical air support, and then pick up our rifles

and fight back the ambush that caused the casualties.

Following this, we headed to a weapons range, with senior officers qualifying on M9 pistols and the rest of us qualifying on M4 rifles. To qualify with the M4, you must hit your targets while prone and then while kneeling on one knee. Your targets pop up for the shortest three seconds you have ever experienced. Keeping steady under the weight of the armor and your helmet, carefully controlling your breath and your aim, and squeezing the trigger in a way that does not cause even the slightest movement in your aim has a way of compressing time. Complicating matters is the fact that many of your targets are about 300 meters (1,000 feet) away, a distance at which their movement is barely noticeable, and they appear as mere dots in your crosshairs.

Lastly, TFRX reached a crescendo with its combat immersion exercise, the Staff Exercise (STAFFEX). For the STAFFEX, we drove to an austere command center in a forest and spent the next 24 hours on call. We were now in an active warzone with a near-peer competitor just over the horizon. At any time, sometimes with hours of time in between, runners dashed into the command center with urgent messages from commanders, requesting guidance on anything from lawful targeting, detainee operations, noncombatant evacuation operations, military justice issues, or all of the above, all at once.

While I was on call, at 0300 my team grappled with some of the toughest questions of the night. For instance, under the law of armed conflict you are expected to disarm and release prisoners of war if you have captured more of them than you can properly detain. However, what do you advise your commander to do if allied forces are rounding up and executing these released POWs? Should you unlawfully detain these prisoners for their own protection, or comply strictly with the laws of armed conflict even if your compliance enables allied forces to commit war crimes? If enemy forces are using a farm to stage long-range rocket attacks on U.S. forces and are holding its civilian occupants as human shields, is the farm a lawful



Staff Sergeant Benjamin Pritchett reviews his team's legal research at about 0200 in the command center.

military target? What if some of the rockets may have chemical warheads?

All of this took place under the backdrop of escalating international tensions between the U.S., Iran, North Korea, and Russia. Iran had recently launched dozens of missiles against U.S. forces in Iraq. Our TRFX opponent was a hypothetical enemy force, but the context was lost on no one.

With each question, the judge advocate and his or her team of paralegals had to quickly analyze and apply the appropriate laws to the scenario, then brief their guidance to the commander. The briefing was often comparable to an oral argument on appeal, with the commander or her staff grilling the briefer with hypothetical questions and clarifying questions to test the outermost limits of our guidance and knowledge. The questions are not merely meant to grill, of course; they are typically the same questions that commanders around the world are asking their judge advocates.

This TRFX saw about 300 participants from the Army, Army Reserves, and National Guard. Highlighting the importance of this event to the JAG Corps, the deputy judge advocate general, Major General Stuart W. Risch, delivered the event's opening ceremony with an update on the



A judge advocate hones her marksmanship at the firing range

state of the corps and Brigadier General Marilyn Chiafullo observed each day's events unfold in real time. In the end, this TRFX exceeded all expectations while safely and successfully accomplishing its objective of building readiness today for the battlefield of tomorrow. ●

GURNEY F. PEARSALL III practices law with his sister at Pearsall Law Firm, P.C. Mr. Pearsall recently opened the firm's Denver branch, where he primarily handles vaccine injury claims before the U.S. Court of Federal Claims.

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Resilient Legal Organizations – Leading Through Relationships

BY AMY KINGERY, MBA, LCSW, LAC

To say the legal profession is fraught with suffering would be an understatement. From dealing with difficult people to handling client stress, graphic evidence, and constant deadlines, the well-being of the legal community can be negatively impacted daily. During uncertain times like these, we need resilience and positive coping strategies to manage the health crisis, the resulting isolation, and the sense of uncertainty (for professionals and clients alike). It is during times of heightened stress that we can all become leaders, helping our co-workers, colleagues, and employees experience a sense of thriving despite difficult times and developing a healthy new normal.

Clinical and medical effects such as secondary trauma, compassion fatigue, and burn-out due to daily exposure of stress are becoming more widely understood. As a result, many legal employers are looking to address, prevent, and mitigate these issues by improving the resiliency—“the capacity to cope with stress and serious challenges”—of attorneys and staff, according to Dr. Patricia Fisher in her book *Building Resilient Teams*. But, as compassion fatigue expert Françoise Mathieu asserts in *Beyond Kale and Pedicures*, developing the resiliency to cope with a highly stressful profession is more involved than eating that titular kale and getting a pedicure. The toll is real and we can no longer afford as a profession to leave our employees to their own devices to self-care their way to well-being.

With this in mind, how do we as orga-

nizations sustain employee well-being on a good day, let alone from a forced remote-work environment, so we can provide services with integrity for our clients and communities while promoting employee resiliency? Viktor Frankl, a world-renowned psychiatrist and neuroscientist who survived the Holocaust, went on to write extensively about human suffering and thriving in the wake of extreme suffering. From this, he developed his theory on human resiliency, logotherapy (*Man's Search for Meaning*). Taking a lead from Frankl, we can start by intentionally tending to our people, capitalizing on part two of Frankl's logotherapy – relationships. The following five focus areas will put you on the road, as a leader and an organization, to thriving in the wake of the hurt our field often swims in.

1) Know where you stand: Whether you are leading from a formal position of authority or a position of influence, it starts at ground zero. How is your own resiliency? What resources are you utilizing to cope when you struggle? Are you suffering in silence? Do you allow your stress to negatively impact your relationships or your health and well-being? Leading by example is the best way to create change. You could speak to a mental health professional, such as at your free and confidential Colorado Lawyer Assistance Program (COLAP), about how you can work through areas where the cumulative toll of trauma and chronic stress are impacting your health and performance. Or you could

make plans with trusted colleagues and friends or family to discuss what's impacting you. Don't white knuckle it until it becomes too out of hand.

Know where your people stand: Where is your company thriving and where is there room for improvements to well-being? When things get tough, is your company socially supportive, or do people deploy avoidance strategies?

Tip: Reward the *intrinsic* behaviors you want to see: outward behaviors that better the company, show investment, and are driven by internal motivation due to the individual's high level of loyalty or buy-in to the company's mission. Employees will attrition less and engage more if they believe in your agency's vision and the meaning behind it. It is thus important to foster intrinsic motivators. One way is by sharing anecdotal stories of those successfully served, bringing data to life, and tying it back to the agency's mission. Positive recognition that is intentional, tailored to and meaningful for each individual is key to your people coming together and thriving in the face of trauma but, as Dr. Patricia Fisher notes, it is “one of the first casualties of a stressed environment” (*Building Resilient Teams*).

Communicating appreciation is essential during a period of remote work. Checking-in on a more frequent basis when possible, acknowledging the adjustments, and laughing over the little things during meetings will help your staff and co-workers feel supported even



if the current state of affairs is largely unknown. Your teams will appreciate your investment in their well-being, leading to increased loyalty. Cohesion in groups improves when they can look back on tough periods of time and remember how they pulled together and how their leaders pulled through for them all.

2) Know thy best self: What does your authentic, best life *feel* like in action? This could relate to optimal performance, but it is so much more than simply winning or looking good on paper. What does home life, social life, and physical and emotional health look and feel like in this state? For example, am I engaged with my kids, connected to my partner, participating in activities I enjoy and intellectually stimulated by work challenges? What tell-tale signs does your body, or your actions, give when you are in the flow versus when you aren't functioning at your best?

Know your personal workstyle — logical, organized, supportive, or big picture — and how that lends to your strength when you are operating as your best self and how it can turn on its side when you aren't (Tate, Carson. *Work Simply: Embracing the Power of your Personal Productivity Style*; WorkStyle Patterns (WSPTM) Inventories).

Remember to celebrate joyful moments; it's one of the most effective ways to combat stress and trauma. If we become too good at numbing out the hardships and pain, we risk also numbing out the good.

Know your agency's best self: What are your company's humble brags? Do your brags resonate with your mission? Celebrating successes is key, but a beneficial celebration should support, not detract from, your values. Focus on things that uplift (i.e., the enhanced skill set an attorney gained from a difficult case) rather than on beating the competition or the other party getting what they deserved.

3) Transparency and communication: When stress reaches chronic levels be-

cause of the current pandemic, being short-staffed, bad publicity hitting the press, etc., do your staff feel trapped due to the need to defend against the unknown alone? Hardship is much easier to cope with in a healthy manner if your employees believe there is open dialogue as opposed to wondering if leadership is hiding the ball.

Can employees trust their leadership to:

- a. Acknowledge, name, and normalize the struggle(s) at hand,
- b. Have a plan to address the concerns, and
- c. Guide their people to the light at the end of the tunnel?

4) Don't go it alone: It is normal to want to isolate under chronic stress and trauma exposure, but it isn't helpful in the long run. In *Dare to Lead*, Brene Brown attacks the myth of going it alone: "From our mirror neurons to language, we are a social species. In the absence of authentic connection, we suffer. And by *authentic* I mean the kind of connection that doesn't require hustling for acceptance and changing who we are to fit in." To be effective personally or organizationally, this must be a planned and intentional endeavor which is consistently exercised and honed over time, like any skill or muscle.

Tip: Create a culture that engages your staff by learning what is meaningful for them. For example, some introverts may prefer planned small-group formats while some extroverts may want to network in a more free-form fashion. This will discourage employees from operating on an island and ensure buy-in from both introverts and extroverts alike. Prioritize socialization through use of technology during times of remote work, whether the remote work is forced due to the recent pandemic or a normal option for your employees.

■ Engage seasoned practitioners in mentoring new professionals and develop a relationship with the free Colorado Attorney Mentoring Program (CAMP).

■ Rather than specializing certain difficult/high trauma case types (which isolates and exposes a few seasoned individuals to particularly disturbing content for indefinite timeframes), share the load. Broaden your pool of experts and rotate both seasoned and growing professionals every couple of years to regulate exposure levels.

■ Intentionally model moments of vulnerability. As you learn to navigate the ups and downs of workspaces invading home life (and vice versa), share them in a lighthearted manner with your teams. That pet or child invading the team meeting can be just the laughter we all need. It also is a great opportunity to model adapting on the fly (OK – I need to play with the kids before the big meeting starts to wear them out a bit) and shows that leaders are human just like the rest of us!

5) Take stock of your assets: To continue the theme of not going it alone, in *Living Forward* Michael Hyatt and Daniel Harkavy promote consciously knowing what fulfills each of us at physical, mental, emotional, spiritual and relational levels. Take stock of what is required to effectively cultivate those assets. Have you ever stopped to think which *authentic* connections are key for your own well-being? How about for your workforce? If those relationships were bank accounts, would they be fully stocked?

Ensuring our teams thrive and develop resiliency requires us to tend to both the relationships and the overall culture of the organization. This takes reflection, planning, and effort to maintain, but the reward is well-rounded resiliency to combat the curve balls life inevitably throws at us and our people. If you would like more information, including a free organizational well-being consultation for trauma-exposed environments for your workplace, or to discuss adapting to and recovering from the current pandemic from a well-being standpoint, contact COLAP at 303-986-3345 or visit our website at: coloradolap.org. 📞



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It Was the Best of Times, It Is the Worst of Times

“It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of light, it was the season of darkness, it was the spring of hope, it was the winter of despair.” – Charles Dickens, A Tale of Two Cities

As we wake every morning to more breaking news and statistics, we are reminded that this COVID-19 pandemic is changing the world forever. In light of this daunting news we struggle to keep our families, friends, the elderly, and especially our vulnerable loved ones safe. We need to remind ourselves that this is only temporary and that it too will pass. The real question is: How do we respond? How will our generation be remembered in the history books and how will our community face a pandemic that it has never in its history needed to face? At times we all champion one cause or another, often leading to division and reduced resources. Today, we share a sense of commonality. We are all facing the same dangers, fears, frustration, anxieties and feelings of being overwhelmed and all-consumed. The difference is that some of us will be impacted in ways that the rest of us cannot truly comprehend. This is not about who needs what from whom. This is about each one of us choosing to help rather than remaining immobilized. Humanity shines brightest when the best of it steps forward.

This week, as Governor Polis announced the launching of the new Colorado website, HelpColoradoNow.org, he stated, “A crisis can bring out the best in us.” The website is a central hub for volunteers and donations as the state responds to COVID-19. As you are all aware, this is certainly not the only website to allow for our generosity. Be sure to seek out others such as vitalan.org if you are able to safely donate blood, or your local food bank, temple, or church. Think of ways to promote local businesses by purchasing gift cards safely from your

own home computer.

Keep in mind the proviso that, “any good deed that brings you into proximity with other humans, demands that you take all appropriate precautions to protect both yourself and the health of those around you, especially the most vulnerable to the new coronavirus” (Kevin Simpson, *The Colorado Sun*).

As lawyers and legal professionals we should reflect on how fortunate we are. Most of us are not concerned with immediately losing our jobs or homes or health insurance. We are innovative, educated, and intelligent. We are finding tools to safely work remotely and modifying our business models to adjust as new challenges confront us. It is natural for us to be compassionate and seek out ways to help our community, however, we may wonder what that help should look like. We may have the resources to help financially and if we do, we should. Consider donating to your local nonprofit, or the Colorado Legal Foundation, Colorado Legal Services), or Metro Volunteer Lawyers.

But we want to do more and we can. According to Bill Hutchinson of ABC News, “An audit by the Poor People’s Campaign, in partnership with the Institute for Policy Studies, shows that even before the coronavirus crisis there were 140 million poor to low-wealth Americans who could not afford a \$400 economic emergency. A 2018 U.S. Census Bureau report showed that 38.1 million Americans were living in poverty — about \$16,900 in annual income or less for a two-person household.” Metro Volunteer Lawyers has always had a mission to bridge the gap in access to justice. Our goal is to

give a voice to those who are powerless and empower those who are invisible. Sadly, all indicators suggest that the community we continue to serve will need our assistance now more than ever. The coronavirus and the economic implications attached may disproportionately hurt the poor. Social distancing does not have to get in the way of volunteering, giving, or lending a helping hand. MVL continues to work remotely to assist the indigent population but we are only as resilient and impactful as our volunteers. We are grateful to so many of you who have given us your time and expertise and we need you now more than ever. We have over 50 clients and families in various areas of law that need your direct representation. We ask only that you would take cases pro bono and treat them as you would your own clients. We have ourselves been innovative in our remote work and are now scheduling all of our mediations, family law post decree and family law unbundled consultations by phone. We continue to provide full staff support and malpractice insurance for all of our volunteers. We, as legal professionals, have a unique skill. Please sign up to help at denbar.org/mvl. Many of the larger Denver law firms have been monitoring needs and opportunities with legal service providers and nonprofits across the country and are collaborating with colleagues at the Association of Pro Bono Counsel. For a full list of volunteer opportunities visit cobar.org/for-members/pro-bono-opportunities.

If you are looking to help in the broader legal context, be sure to visit and sign up at the newly launched Succession to Service website, successiontoservice.org. The goal

of the Succession to Service Program is to establish a structured, statewide program for Colorado's experienced lawyers and judges to partner with nonprofit organizations, courts, and other public interest entities to influence the continuing need for equal access to justice. Colorado lawyers and judges are matched with nonprofit organizations, legal services programs, and the courts to provide essential legal assistance to underserved populations. "Using their specialized skills and experience to do engaging pro bono work," the STS website states, "participating lawyers remain active members of the legal community and help Colorado's courts and service providers expand and enhance the pro bono legal services they offer."

We would be remiss if we failed to discuss self-care. It is crucial that we not only look after others in our direct and larger community, but that we look after ourselves. "If your compassion does not include yourself, it is incomplete," says author and Buddhist

How will our generation be remembered in the history books and how will our community face a pandemic that it has never in its history needed to face?

practitioner Jack Kornfield. So take the time to meditate, exercise, and laugh. Be mindful in your daily lives. Use tools and resources to help you through these difficult days, such as those provided by the Colorado Bar Association, the Colorado Lawyers Assistance Program, or Colorado Lawyers Helping Lawyers.

In these times it is easy to fall into feelings of being ineffective and powerless. Don't

allow others or yourself to sit aimlessly. What kind of person do you want to be? Ultimately, we all want to make an impact on the lives of others. This is true for all of us. We want to make a difference, to be somebody, and to know that our lives mean something. Here is your chance. Seize it! 🍷

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Dealing with Physical Isolation

The novel coronavirus (COVID-19) has altered all our lives in significant ways. For those who may have been exposed to the virus and are not yet sick, quarantining oneself is a public health imperative. Most people, however, are unaccustomed to staying home and being away from family, friends, and co-workers. If you feel lost as to how to occupy yourself during such times of solitude, here are some suggestions to consider:

- **Stay Connected.** Physical isolation does not mean social isolation. Whether you are a quiet and shy person or the life of the party, everyone needs connection. Use your phone, email, letter writing, and/or Facetime to stay in contact with people. Especially if you live alone, be sure to connect with at least two people every day by phone or by video.
- **Create Routine.** Routines are central to daily life and help contain anxiety.

Write a schedule and/or a to-do list each day of tasks/activities. Include meaningful things that you'll be happy to have done. Also, a few daily, consistent activities will be helpful. For example, have tea/coffee at the same time each day if that's a comfort. Call the same friend/relative at the same time every day. Shower and change clothing daily to feel refreshed, just like you use to do before going to work. Keep up with basic selfcare. Hydrate with water and eat a well-balanced diet.

- **Practice Sleep Hygiene.** Rise and go to sleep at the same time each day. Maintaining your wake/sleep rhythm is essential for great sleep. Aim for 7-9 hours of sleep each night. This will help mood, anxiety, and overall health.

- **Get Moving!** Seek to incorporate movement into every day. Gentle stretching, gentle yoga, qigong, and cardio videos to name a few can be found on a smart TV, apps, and various websites. Consider dancing with a friend via Face-time or with multiple people with the app House Party. Consider a virtual excise challenge with friends.

- **Implement a Media Diet.** Reflect upon how much news you absorb via the TV, radio, or internet and ask yourself, "is this helping me or harming me?" If you're not sure, lessen the amount. Try one half-day without news and check-in with yourself: do you feel any lighter, any better?

- **Clean and Declutter.** Cleaning and organizing brings a sense of control and accomplishment in such uncertain times. Select one drawer or one closet at a time. The garage is typically a place begging for decluttering. For those who love to clean, tackle the refrigerator and freezer.

- **Practice Mindfulness.** Try apps such as Insight Timer, Calm, and Headspace for a daily meditation to start and/or finish your day. Also, end each day by writing or saying aloud 5 things for which you are grateful. Be specific.

- **Create a Vision Board.** One does not need to be crafty to make a Vision Board, which will get you to play a little and use images to create a vision: jackcanfield.

com/blog/how-to-create-an-empowering-vision-book/

■ **Read or Listen.** If you find that your concentration is challenged, consider a book of short stories. Ask a friend or relative to loan you their Kindle e-reader if that's helpful. If you are not a reader, podcasts are plentiful with something for everyone and most are free.

■ **Give Yourself a Manicure or Pedicure.** Start with a warm foot soak for comfort. You may have been standing on your feet for years in your profession. It's time to pamper them.

■ **Handwrite a Letter.** This physical and mental activity will also get you away from all screens and the recipient will enjoy receiving a paper letter. If you have a flair for writing, begin a poem or a short story — online you'll find short story starters.

■ **Rediscover Your Creative Side.** Begin with non-judgment. Get crayons or colored pencils and blank paper or

download coloring books made for adults. Drawing and coloring are two of the first mindful activities we did as children and they still hold joy. You can also sketch, paint, knit, crochet, color, or scrapbook. YouTube is full of online instructional videos for these activities.

■ **Take an online course.** For example, there are free online cooking classes being offered through April by 177milkstreet.com/. Check out any professional development programs offered to you by your employer or Employee Assistance Program if available.

■ **Express Yourself.** FaceTiming with family and friends is one of the most important things you can do during this time. Talk about how you are feeling and allow yourself to cry. You have the right to have all your feelings and expressing them releases tension. And allow yourself to laugh! If you need or want more input, find a comedian who makes you laugh. Use laughter to set your day in a great direction.

If you are quarantined or voluntarily physically isolating, please know that you are positively impacting your local community, state, country, and likely beyond. These thoughtful and responsible decisions are appreciated by so many. 🙏

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Brian McConaty

is pleased to announce that he will be joining **John Astuno** of counsel in the practice of civil plaintiff law effective May 1, 2020.

With this transition, Brian will also be retiring from defense practices.



Brian McConaty



John Astuno

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John Astuno Jr.
Attorney at Law

A Wonderful Experience

As spring dawns, I'm reminded that my four-year stint on the Executive Council of the Denver Bar Association Young Lawyers Division (DBA YLD) is near its end. I served as Chair for the 2019-2020 year and, while I will serve one more year in a hands-off, ex officio role, in just a few short months Matthew Deegan will be leading our wonderful Executive Council and the DBA YLD into another great year. And with my ability to cling onto the title of "young lawyer" getting more strained as I move another year toward aging out of the under 37 year-old division, now is as good as time as any to reflect on my experience with the DBA YLD and encourage young attorneys from all practice areas to take advantage of Denver's Young Lawyers Division.

I started my career like most young attorneys — buried in work, terrified of making mistakes, and constantly bothering senior attorneys with questions. I was fortunate to be at a law firm that encouraged bar participation, particularly in the Colorado Defense Lawyers Association. However, I had convinced myself I was too busy to get involved in any bar association apart from attending periodic CLEs and the occasional happy hour. In the blink of an eye, my first two years as a practicing attorney passed.

As I started my third year as a lawyer, I realized I needed to get more involved in our legal community. At about the same time, I ran into a law school friend, Mo Watson, who encouraged me to get involved in the DBA YLD. I was hesitant since I hadn't done much with the Young Lawyer Division up to that point. But Mo, being the amazing bar leader she is, convinced me otherwise. I attended DBA YLD CLE Coffee Talks, Barrister After Hours events, the Barrister Ball Benefit for the Metro Volunteer Lawyers, and the annual Golf Tournament. All of these wonderful events were either put on by the DBA YLD or had plenty of young attorney volunteers. I thought that if all these busy young attorneys could make time to get involved, so could I. I applied for a position



on the DBA YLD Executive Council and have been an avid YLDer since.

The DBA YLD Executive Council is made up of 11 voting young attorneys, one non-voting chair ex officio, student liaisons for both law schools, and Bar Association staff. With the support of the Denver Bar Association, the Young Lawyer Division puts on around 50 events a year. Such an agenda is ambitious and sometimes daunting. Nevertheless, for the last four years the DBA YLD Executive Council has met the challenge through teamwork and relying on dedicated, hardworking volunteers (both young and seasoned attorneys) to host CLEs, provide mentoring opportunities, create networking events,

and offer work-life balance programs.

It seems like life, both professionally and personally, gets busier each year. And while the DBA YLD contributes to the busy, participation in the DBA YLD has not taken away from my practice. Rather, the DBA YLD has added something very beneficial to my professional experience: great relationships with fantastic attorneys in the Denver community. Where word-of-mouth is still a dominant method of client development, it's so important to know attorneys from all practice areas and the DBA YLD is a great way to develop those relationships.

Serving on the DBA YLD Executive Council is a wonderful experience, but you

don't need to be on the Executive Council to reap the benefits of the DBA YLD. All that's needed is event attendance. Here is my own favorite example. Every year the DBA YLD co-hosts a happy hour with other young professional groups including young financial planners, young certified public accountants, and young insurance professionals. I attended the event a few years ago, and I was defending a professional liability case involving an insurance professional at the time. During the happy hour, I met a few young professionals who put me in touch with an expert witness for my case. The expert ended up providing a great report and, after the case resolved, the expert passed our contact information along to another professional in the field seeking legal counsel. It was one of my first experiences helping to generate a client for my firm! I owe this concrete client development experience to the DBA YLD.

I've been fortunate to have some great experiences during my short career as a young attorney in Denver. I've had generous mentors, exciting cases, and trial experience. But one of the best things I've done as a young attorney is get involved in the DBA YLD. For young attorneys in the community, and for seasoned attorneys working with young attorneys, I highly recommend getting involved and encouraging your young attorneys to get involved in the DBA YLD. Stop in at a happy hour, check out a free DBA YLD CLE, enjoy a break with a hike or trip to the museum. Soon, you'll be ready to volunteer for Law Suit Days or help plan the Golf Tournament. And when you realize, like I did, that young attorneys can manage a new practice and still get involved in the community, apply for a position on the DBA YLD Executive Council.

It has been a privilege working on the DBA YLD Executive Council for the last several years and I will remember each year fondly. I know the DBA YLD will remain a gem among the many divisions at the DBA; I hope you find time to take advantage of it. 🎧



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Podcast Recording Sessions

The magic is happening at Denver's Lion's Bridge Recording studio! CBA is thrilled to launch two new podcast series this month. CBA YLD's *Gettin' Legal with IT* hosted by Kevin Cheney and Modern Law Practice Initiative's *Modern Law Revolution Podcast* with co-hosts Erika Holmes and JP Box. Tune in to find out what all the excitement is about! 🎧

1 Producer and studio owner, Rick Pontalion, works his magic on the mixing board. 2 Host, Kevin Cheney, and guest, Jennifer Chamberlain, settle in before recording the inaugural episode of GLWI. 3 Having a ball! Erika Holmes shows us that lawyering can be fun. 4 It's a go! Modern lawyer, JP Box, gets the thumbs up while recording the first episode.

Finding Fulfillment Beyond the Billable Hour



When I began applying to law schools, many people asked me why I wanted to go. I don't come from a family of lawyers and I'm not especially argumentative. I often gave an altruism-oriented response — that I wanted to advocate for those in greatest need. As my time in law school progressed, I became fascinated with natural resources law. This field aligned well with my interest in the history of the American West and my own family's heritage as miners in Wales and later in Utah, Colorado, and Nevada. My altruistic motivations did not fade as my focus turned to gaining as much knowledge and experience as I could in mining, oil and gas, public lands, and other natural resources-related fields.

As a natural resources lawyer, I find fulfillment in the challenging questions that my chosen practice area poses, such as how resources are allocated, which rules govern their extraction and use, and who decides what those rules

are. At the same time, I never lost my desire to find a way to serve the disadvantaged. One day, I received an email from a partner at my firm asking if I would like to assist with a pro bono immigration case that he was taking on. I accepted the challenge. The experience that followed helped me realize the possibility of finding fulfillment as an attorney operating both within and beyond the billable hour.

I learned that we would be representing a man from Eritrea, a country that I didn't know existed until then. The man had been arrested for attending a Pentecostal prayer meeting in his home country. He was jailed, forced to live in unsanitary conditions, and tortured repeatedly. After escaping from prison under gunfire from prison guards, the man began a death-defying journey, first to South Sudan, a region plagued by famine and conflict. Our client found work but when civil war broke out he feared for his life and

escaped to Mozambique. While there, the store that he worked at was robbed and when he asked the police for help, they beat him, threatened him, and told him to leave the country. He obtained a visa for Brazil and then traveled through South and Central America to the U.S.-Mexico border between Tijuana and San Diego where he asked for asylum. He was transferred to the Aurora detention facility where he waited for months for a decision on his case.

Representing a client seeking asylum taught me that with little effort, a lawyer can make a significant impact on an individual's quality of life — forever. As an oil and gas transactional attorney, I focus on drafting contracts for sophisticated clients. The stakes are certainly high. However, in taking on an asylum case, I realized that the quality of my work could help secure a deserving individual the ticket to a brighter future. I often thought of the extremes our client went through to have

a chance to live in a safe environment, to exercise his religion freely, and to find quality education and work. These are fundamental rights that we should not take for granted.

The case also forced me to learn and use skills that are not common in my day-to-day practice. I spend my days researching and drafting contract provisions related to a specific industry. It's easy, and even necessary, to develop habits and thought processes to serve my natural resources clients efficiently and effectively. Working on an asylum case transported me far out of my comfort zone. I was suddenly required to research statutes and case law that I knew nothing about. I helped write a brief for the first time in my legal career. I recalled all that I could from law school about the importance of storytelling and aligning the facts of the case with a complex body of law. These skills were rusty, but with a little assistance and determination, I ultimately helped create a product that I was proud of.

On a hot summer morning, we sat with our client before an immigration law judge

Representing a client seeking asylum taught me that with little effort, a lawyer can make a significant impact on an individual's quality of life — forever.

to present an argument on why our client should be allowed to enter the country. Our client told his story and answered questions that we had prepared, as well as those asked by an attorney representing the United States. I anxiously observed the proceedings. When the judge announced that he would be granting asylum, I felt relief for my client and profound gratitude for the opportunity to use my background in the law to help someone in greatest need. I felt the altruistic satisfaction that I

had been seeking when I first applied to law school. I knew I had taken the right path. 

HAYDEN WEAVER is an associate at Davis Graham & Stubbs LLP, where his practice focuses on oil and gas law. In his spare time, he likes to run and explore Colorado with his wife and two-year-old son. Hayden can be reached at hayden.weaver@dgsllaw.com

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Attorneys pictured in the second row: Yerin Cho, Sarah McEahern, Britt Holz, Kurt Zaner (partner), Marc Harden (partner), Steven Winegar, Joseph Woelkers, Robbie Landis, Mara Essick.

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Attorney Video Conferencing Zoom or Legaler?

During this time of social distancing attorneys are increasingly using video conferencing apps to conduct client communications and meetings. Zoom and Legaler are two video conferencing apps available to attorneys for those purposes. This article will discuss each of those apps, including a discussion of the security issues when using them. There are also other options such as Google Hangouts and Microsoft Teams, however those are not discussed in this article.

Zoom is an intuitive and easy to use video conferencing platform. However, there have been reports of privacy and security issues that could make an attorney pause before using it, at least for communications where confidentiality must be maintained. In a New York Times article on April 8, 2020 Brian Chen describes specific privacy and security concerns with Zoom.

The NYT article describes issues with both Zoom's privacy policy and security. The privacy policy issues revolve around whether or not Zoom shares data with third parties. In discussing the security issues the article states that the security issues are due to the design of the app and are largely because the company opted to not provide its app through the Mac app store or Windows app store, and as a result Zoom is able to gain access to deeper parts of the Mac or Windows operating systems. That is what makes Zoom sessions so simple to join.

The NYT article goes on to say that it's safer to use Zoom on a mobile device than on a Mac or Windows computer. Also, the security settings available to the host of Zoom meeting can substantially help, including using meeting passwords. Those security settings are discussed in more detail below. My take-away is that with appropriate use of the Zoom settings described below by the host Zoom may be reasonably secure, but when joining



a meeting hosted by someone else there may be increased security concerns.

An alternative that uses encryption may be better suited to attorneys where confidentiality of client communications is paramount. Legaler is a conferencing app with encryption that was developed for attorneys, and it is also discussed below.

Zoom Settings

Zoom Features and Settings Available to the Host

■ **Most Current Version:** Be certain that you are using the most current version of the Zoom app to be certain that the latest security features are available to you. For instance, on April 7, 2020 Zoom updated the app to place security settings under one tab – “Security” and changed the default settings to provide more security by default.

■ **Password:** Always require a password to join a meeting. This is probably the most important feature to access and use. Zoom can be configured to provide the password in the meeting invite or it could be sent separately.

■ **Screen Sharing:** Screen sharing inappropriate content by participants has been reported as an occasional problem, although not likely to be a problem in client conferences. As a precaution, the host should confirm that the settings

allow only the host to share the host's screen and do not allow the participants to share their screen.

■ **Lock Meeting:** Once all of the expected participants have joined a meeting go to the security tab and select “lock meeting.” This will prevent anyone else from joining the meeting.

■ **Waiting Room:** The waiting room feature should also be enabled by the host so that the host controls who joins the meeting.

■ **Renaming:** On the security tab the host can disable the ability for a participant to change the participant's name. By doing that the host will better be able to control who is participating in the meeting. That is particularly important if someone participates using audio only so that it's not possible to visually confirm who is participating.

■ **Virtual Backgrounds:** Disabling virtual backgrounds will also help control displaying inappropriate content.

■ **Host Joins First:** Control when the meeting starts by not letting participants join the meeting before the host does.

■ **Remove Participant:** Consider turning on “allow host to put attendee on hold” in the meeting (basic) section to allow the host to kick someone out of the meeting.

■ **Unique Meeting ID's:** Don't use your Personal Meeting ID (PMI) when sched-

uling meetings because it's a constant value and never changes. Once it is known to someone, they could connect to the meeting whether they have been invited or not. Requiring a password for PMI meetings will help, but it's still best to not use the PMI at all. Allowing Zoom to automatically generate the meeting ID is a more secure option. This means that each scheduled meeting will have a unique meeting ID.

■ **Strong Password:** A strong Zoom password is important just as with other applications, and two-factor authentication is also available in Zoom for additional security.

The information above about Zoom is derived from several sources, including:

- **Getting Stated With Zoom - and Using It Securely:** Some Advice published by Attorney at Work: attorneyatwork.com/getting-started-with-zoom-and-using-it-securely/
- **Zoom Videos and Tutorials** which can be found on the Zoom website.
- **Posts on the Zoom Blog:** blog.zoom.us

Legaler

Legaler is an app purpose built for lawyers. It includes encryption, so it may be more appropriate for client communications. And it's free . . . at least for the time being.

The information about Legaler in this article comes from advice and articles from the Legaler Team on the Legaler website: support.legaler.com/en/ and from an excellent article written by Bob Ambrogi on Legaler, the full text of which can be found here: lawsitesblog.com/2020/04/this-video-conferencing-app-is-purpose-built-for-lawyers-and-its-free.html I recommend accessing Bob's article in full.

Legaler operates entirely within the participant's browser, so it doesn't involve downloading an app, which can make it more convenient for certain users. In my experience the adblocker had to be disabled to use it, however. The interface is similar to Zoom with a large window for

the speaker and smaller thumbnails for the other participants. There is a section where notes of the meeting can be kept and archived. Legaler integrates with Clio, Office 365 and Google for syncing contacts and calendars.

Encryption adds another layer of security over the security controls available in Zoom where it's of paramount importance to maintain confidentiality. Client communication is of course one area where confidentiality is paramount.

Another plus with Legaler is its ability to schedule meetings. The organizer has the ability to set the meeting for a specific time or propose several meeting times which are then marked as pending on the organizer's app so that a conflicting meeting cannot be scheduled at the same time. The invitee then has the ability to select among those proposed times, or if none work for the invitee, to propose a different time for the meeting.

Legaler includes the ability to share screens, record the meeting, take and archive notes of the meeting that only the lawyer can see, and share files.

Meetings can be set as public or private, and in the settings the default may be set to private so that the organizer doesn't inadvertently host a public meeting.

The client isn't required to install an app or software since Legaler is browser based. The client will have to create an account with a password, so that their account can be secured. Once in a meeting the client's interface is similar to the lawyer's but with fewer options.

Although Legaler is based in Australia, data is stored on servers in the U.S.

General Video-Conferencing Tips

Rachel Cossar and Joe Navarro have authored an excellent article titled "Tips for Improving Communication During Video Conferencing" psychologytoday.com/us/blog/spycatcher/202003/tips-improving-communication-during-video-conferencing

Following are a few suggestions from that article:

■ **Orient your device** so that your client has a clear, well-lit view of your face: The light source should be in front of you. Avoid being backlit, which means you should not have a window behind you.

■ **Your Device:** Make sure your laptop or digital device is on a firm surface. Laptops held on legs or pillows will shake and make for an unsteady and distracting presentation. Declutter your workspace: Yes, this means silencing or turning off other devices. This will also help with your own focus while working remotely.

■ **Close or even lock the doors** to your room to avoid distractions.

■ **Virtual Backgrounds:** The preferred colors are neutral, and blue is always a favorite. Remember that you want to be taken seriously, so be careful what you choose. Keep in mind that if you use a virtual background you will have to be very still, because of the digital halo that takes place when you move.

■ **Microphone and Speaker:** For the sake of quality I recommend using either a clip-on microphone or a headset so you can maximize your voice and avoid an echo of your voice on an open speaker.

■ **Make sure your attire is professional** and you are well-groomed: Just because you are home does not mean you shouldn't take the usual steps to present a neat self.

■ **Your face should take up no more than one-third of the screen:** Take a cue from newscasters, your face should be somewhere between a quarter and a third of the screen and no more.

■ **Image location:** Set the onscreen image you will be talking to as close to the device camera as you can so that you look into the camera more naturally than when it's off to the side. 📷

RICHARD LIONBERGER is an independent attorney and commercial arbitrator who is a graduate of the University of Texas School of Law and is licensed in Colorado and Texas. He has over 40 years of legal experience. rlionberger@rll-law.com

Changes

► We are excited to announce that **Mark Boscoe** and **Gary Kleiman** have joined the firm as Special Counsel. Mark's practice focuses on trusts, estate planning, probate, real estate, lending, taxation, and corporate law. Gary's practice focuses on business and wealth management, estate planning, and tax & probate law."

► Ciancio Ciancio Brown, P.C. is pleased to announce that **Jonathan Bereman** joined the firm's Denver office on January 27th.

► The firm is pleased to announce the addition of **Caleena S. Braig** and **Tanya A. Sevy** as associates in the firm's Litigation Section.

1 Brown Dunning Walker Fein PC is pleased to announce that **Drew P. Fein** has become a named partner of the firm. She joined the firm as an associate in 2016.

2 Collins Cockrel & Cole is pleased to announce that **Ayshan Ibrahim** has joined the Firm as an Associate. Prior to joining Collins Cockrel & Cole, Ayshan represented railroad companies at a regional Denver-based law firm. She brings litigation and regulatory experience and is excited to transition into her new role as counsel to CCC's local government clients.

► **Lipson Neilson P.C.** has opened an office in Colorado Springs at 102 S. Tejon Street, Suite 1100, Colorado Springs, CO 80903 (phone: 720-601-8008.) The new office will be run by seasoned attorneys Janeen Isaacson and Joseph Garin, both of whom are recognized nationwide for their work in the firm's core strengths

► Merchant & Gould P.C., a national intellectual property (IP) law firm with clients in the Rocky Mountain region, is pleased to announce that **James Beard** joined the firm as a partner on Jan. 10.

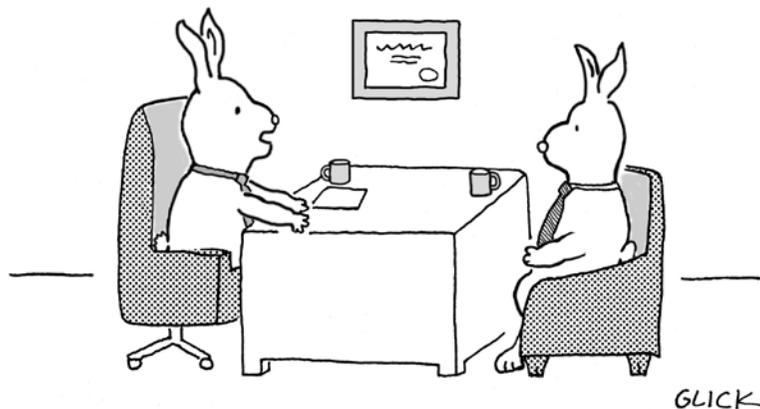
► Davis Graham & Stubbs LLP is pleased to announce that **Andrew Garnett** has joined the firm's Trial Department as an associate.

3 Moye White is pleased to announce the addition of **Brendan Leanos** as an associate in the firm's Business Section. Davis Graham & Stubbs LLP is pleased to announce that **Kyle Holter** has joined the firm's Trial Department as an associate. He is currently admitted to practice law in Colorado and New York

4 **Rhonda Rudolph** has joined the construction law firm of Beltzer Bangert & Gunnell as a Senior Paralegal. With 16 years of experience as a paralegal and 14 years working in administrative and management positions in law firms, Rhonda's career has been dedicated to assisting attorneys. Rhonda has a Bachelor of Science degree in Information Technologies and a Paralegal Degree from an American Bar Association approved program.



If you are a DBA member and you've moved, been promoted, hired an associate, taken on a partner, received a promotion or award, or begun service on a new board, we'd love to hear from you. Talks, speeches, CLE presentations and political announcements, due to their sheer number, cannot be included. In addition, the Docket cannot print notices of honors determined by other publications (e.g., Super Lawyers, Best Lawyers, etc.) again due to volume. Notices are printed at no cost but must be submitted in writing and are subject to editing and space available. **Send all notices to Jessica Espinoza at jespinoza@cobar.org. Announcements will be placed on a first-come, first-served basis.**



"I have found that there is one big challenge when trying to explain asset protection techniques to clients: No one wants to give up control of their carrots."

Good Things



Rolf Asphaug has retired after four years as General Counsel for the Regional Transportation District and 30 years as an RTD lawyer. Rolf continues to do pro bono work through the Colorado Lawyers Committee and Metro Volunteer Lawyers, is training to be a volunteer patroller/naturalist for local state and county parks, and is a board member of the Center for Legal Inclusiveness and the Colorado Mountain Club Foundation.



Moye White is pleased to announce partner **Zaki Robbins** has joined the board of the Colorado Solar and Storage Association (COSSA), a nonprofit organization focusing on expanding Colorado's solar and energy storage industries.



Spencer Fane on the addition of a new real estate attorney in the firm's Denver office. **Sarah Sicotte** will serve as of counsel.

► Davis Graham & Stubbs LLP is pleased to announce that Shannon Stevenson has been named a recipient of the 2020 Ms. JD Honors Woman of Inspiration Award in recognition of her commitment to inspire others through her passion for her work.

In Memoriam

Steve Farber



Longtime Denver attorney and power broker Steve Farber, a founder of Brownstein Hyatt Farber Schreck who was entwined in the development of many of the city's biggest public projects, died Wednesday. He was 76.

His friend of 50-plus years and law firm partner Norm Brownstein issued a statement Wednesday morning calling his friend "a Colorado legend."

"Steve passed away peacefully surrounded by his family at his home," Brownstein told *The Denver Post*. "For more than 50 years, Steve and I were partners on this incredible journey that started on the playground at Colfax Elementary. Who would have thought Steve, Jack Hyatt and I, three kids from north Denver, could do all this?"

Farber rose from humble roots in a tight-knit Jewish neighborhood on Denver's west side, according to a *Denver Post* story published in 2005 after he experienced kidney failure.

His father worked as a general manager of a Denver produce wholesaler, and his mother worked at a May department store. Brownstein lived at a foster home in Farber's neighborhood, and he often would crash at his friend's house, according to a 2016 story in *The Post*.

After graduating from the University of Colorado's law school in 1968, the two and Hyatt started the firm, and eventually turned it into a juggernaut that netted the firm more than \$25.7 million in federal lobbying revenue in 2015. Hyatt died in 2017.

Marvin Eli Wolf



Marvin Eli Wolf, a Denver oil tanker, lawyer and philanthropist who was a longtime benefactor of the University of Colorado School of Law and the Denver Center for the Performing Arts, among other organizations, died Sunday in Denver. He was 89 years old.

Wolf and his wife of 37 years, Judi, have long been a patron of the arts in Colorado. The Marvin and Judi Wolf theater, formerly known as The Stage Theater at the downtown DCPA complex, is slated to reopen in November. Wolf's generosity also benefited the University of Colorado School of Law, from which he graduated in 1954.

Admitted to the Colorado Bar Association, Wolf briefly practiced law, but turned to the oil and gas industry. With his brother Irving, he founded the Wolf Land Company, which later became the Inexo Oil Company. Under the brothers' leadership, Inexo discovered the Madden gas field in Wyoming's Wind River basin, one of the country's largest natural gas reserves. 



EDITOR'S NOTE: In the February/March issue, *The Docket* published an interview with Denver City Attorney Kristin Bronson but misidentified her as Theresa Wardon Benz. We sincerely apologize to Kristin, Theresa, Kevin, and our readers for the blunder, and are reprinting the revised article here.

An Interview with Kristin Bronson

Hello fellow DBA members. As your President, I have the opportunity every year to help select the winner of the Richard Marden Davis Award, which recognizes a Denver lawyer under 40 “who so combines excellence as a lawyer with creative civic, cultural, educational, and charitable leadership as to best exemplify the character and promise of Richard Marden Davis at that stage of his career.”

This year’s winner, Theresa Wardon Benz, joins a long line of renowned Colorado attorneys whose ranks include Supreme Court Justices, a governor, and the subject of my most recent interview, Denver’s City Attorney, Kristin Bronson. The City Attorney’s Office serves as legal adviser to our local elected officials (i.e. the Mayor, City Council, City Auditor, City Clerk and

Recorder) and all City departments as well as representing the City in all litigation and enforcement of City ordinances.

Kevin: What was your path to becoming the City Attorney for Denver?

Kristin: I started out as a public servant. I worked in Washington D.C. for my hometown Senator Bob Graham from Florida. That was an incredible experience, but I knew that I wanted to go to law school.

After graduating from CU Boulder, I went into private practice at Lewis Roca Rothgerber Christie and the predecessor firms and stayed for about 20 years.

I had a wonderful practice as a trial attorney. But in my heart-of-hearts, I really yearned for public service again. I was very

civically engaged as a private attorney, but eventually decided that I wanted to jump in and do this full-time. When the City Attorney position became available, I made a few inquiries and interviewed and was delighted when I got the job.

Kevin: For those who aren’t familiar with it, how would you describe the role the Office of the City Attorney?

Kristin: We provide all of the legal advice to city officials from the Mayor to all the agencies and boards. We handle all aspects of advice for city leadership and help guide them in the decisions they make from a policy, enforcement, or regulatory perspective.

In delivering that legal support, we have six substantive law sections: (1) airport; (2) human services; (3) litigation, which is our defense of the City section; (4) municipal operations, which is all of the transactional and regulatory work as well as our plaintiff team for representing the City; (5) employment; and (6) prosecutions and code enforcement.

Kevin: What are your favorite parts of the job or that you enjoy most about serving as City Attorney?

Kristin: I love working at the City and the team that we have here within the City Attorney’s Office. We have amazing lawyers that have an incredible wealth of experience. I think that when you’re in private practice you may get that one big case or that one big project. In the City Attorney’s Office you have the opportunity to touch everything that’s going on in the City. So the opportunities to learn and to work on complex projects in really limitless. I’ve really enjoyed that challenge and the comradery of working with such a great team.

Kevin: Having transitioned from private practice, what do you find most challenging about working as a government attorney?

Kristin: In private practice I had been a trial attorney and did a lot of business disputes, business torts and had dabbled

in employment law early in my career. I also had done a lot of work in real estate, construction, banking and finance. As far as my own transition to the City, I had a lot to learn and spent a lot of the first year learning a lot about municipal law, airport law, human services, and our child welfare system. So while my practice trained me well in some respects, I did have a steep learning curve and had an amazing team to help me get up to speed in those areas where I hadn't had much experience before.

The pace of government practice was also a huge change. I think a lot of people assume that government practice will mean going home at four in the afternoon and not having to bill hours and not work as hard. But the city never sleeps. The pace that we work at here is really intense. When I come in each day, I may be working on the Great Hall project, or the unauthorized camping ban ordinance, or an employment issue. I never know what the issue is going to be and then there's always that curveball that comes up because a lot of unexpected things happen.

Kevin: What would you say to law students or practicing attorneys who are considering a career in government service?

Kristin: If you don't devote your career to it, find time at some point in your career to be engaged in public service. It is the most rewarding thing that I've done in my career. I love my community and having the op-

I think a lot of people assume that government practice will mean going home at four in the afternoon and not having to bill hours and not work as hard. But the city never sleeps. The pace that we work at here is really intense. – *Kristin Bronson*

portunity to help build a better community and lift up Denver residents and improve their lives and the quality of life in Denver has been a true blessing.

Kevin: How has your involvement in professional groups, including bar associations, impacted your career?

Kristin: All of those groups have made me a better leader; a more connected leader; a more confident leader and better prepared to handle the challenges of my job. I've learned so much from my engagement at the bar association level and also with nonprofits and community organizations. It gave me opportunities to grow, stretch, learn as a leader much earlier in my career and those experiences have proven invaluable.

Kevin: What do you wish other people knew about the Office of the City Attorney?

Kristin: I've said some of those things, but selfishly speaking I'd tell them that it's a wonderful place to work so please apply! We're always trying to recruit the best and the brightest. The opportunities that a young lawyer or even a more seasoned attorney can have here in working for the City are really incredible. It's a little known secret that we have such great opportunities to do meaningful work such as participating in opioid litigation against big pharma or major capital projects with multi-billion dollar bond issuances. The work itself is second-to-none. 🍷



Kevin E. McReynolds, DBA President

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Provides financial assistance for "aged, infirm, or otherwise incapacitated lawyers who have practiced in Colorado for a minimum of ten years."

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Advocatus Diaboli

Attorney” in American. “Solicitor” or “barrister” in British. “Esquire” in all forms of English. “Avocat” en Francais. “Abogado” en Espanol. “Advocatus diaboli” (“the devil’s advocate”) in Latin. To alliterate, legalese stems from these languages.

To illustrate, Latin gives us a majority of legal terminology. “Res ipsa loquitur” (“the thing speaks for itself”), “argumentum ad hominem” (“argue against the person rather than the idea”), and “ipse dixit” (“it is because I say it is”) are all

phrases with which first-year law students acquaint themselves.

But some legal terms of art have French root words. For example, “voir dire” means literally “to see to say.” To see what testimony a witness will contribute, a judge must allow a lawyer to preliminarily cross-examine him. Latin and French were historically the languages of the upper-middle classes, so court proceedings were held primarily in Latin with French contributions to keep out the commoners.

Spanish is also useful for American immigration and family lawyers needing to communicate with clients who may have limited English. “Demandar” is a demand, or – idiomatically – a lawsuit. “Basta,” “enough,” is a word that Hillary Clinton used in one of the Democratic primary debates when she described how she would and wouldn’t deal with illegal immigrants.

To alliterate again, linguistics for lawyers rests upon Romance languages. ●

“Smooth seas do not make skillful sailors.”

- African Proverb



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