

The Docket

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FEATURE

Fooling Yourself:
Diary of a Staycation

RELATIONSHIPS

The Committee
and the Cowboy

EDITORIAL

Baditude and
Other Trial Tips

Daniels & Fisher Tower, Denver, Colorado - 1911

Judicial Arbiter Group is elated that retired Chief Judge Emily E. Anderson has joined the distinguished arbiters at JAG



Judge Emily Anderson was appointed as a district court judge in 2013 and retired in January 2021 as Chief Judge of the 17th Judicial District Court. She has presided over hundreds of trials and has expertise in civil disputes and domestic relations.

Previously as a District Court Magistrate from 2005 to 2012, Judge Anderson worked in every division including civil, domestic relations, criminal, and juvenile.

Prior to moving to the bench, Emily ran her own law firm for eleven years with a focus on family law, civil litigation, and mediation.

Emily was the recipient of the Colorado Women's Bar Association Judicial Excellence Award in 2020 and the Colorado Judicial Institute's Judicial Excellence Award in 2013. Judge Anderson served in leadership positions in both the Colorado Women's Bar Association and Foundation, the Colorado Bar Association and the LGBT Bar Association. She currently serves on the Executive Committee for the new Judicial Peer-to-Peer Coaching Program.

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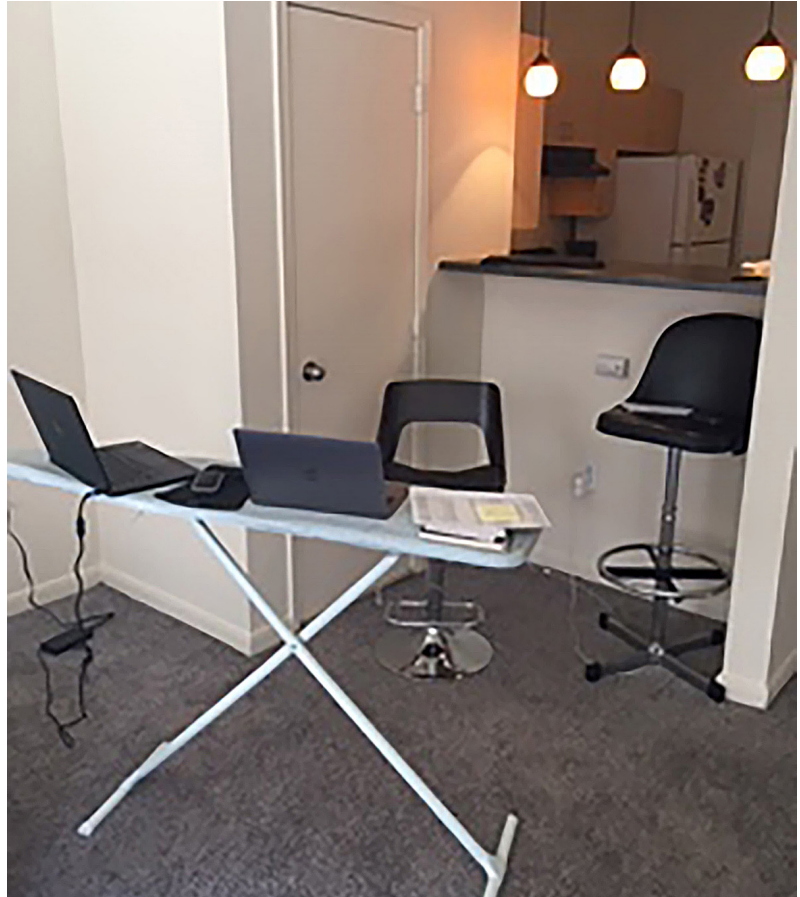
I'd say the theme of this issue, if there is one, is *time*. This issue marks one year since the pandemic began in the United States and one year since the bar pivoted to remote work. Sometimes it feels like yesterday, other times it feels like much much longer.

And no wonder. For most, the perception of time has shifted in the last twelve months. Our movements restricted and our ability to plan for the future compromised by doubt, our notions of time and its value have been challenged.

Anthropologist, Felix Ringel, wrote "The current crisis, like many others, could be seen to deprive us of our *temporal agency* — the ability to structure, manage and manipulate our experience of time. For example, many of us will have already lost track of time, wondering which day of the week it is. It feels a bit as if time has come to a standstill." A prominent feature of our experiences of time during crisis is what anthropologist Jane Guyer termed *enforced presentism*: a feeling of being stuck in the present, combined with the inability to plan ahead. When will we see our loved ones again? When can we travel? Or, for many, when can we go back to work? In the midst of this crisis, it can be hard to imagine a future that looks different than the present.

I tried to tell myself that this would all be over in a few weeks or months, but I knew that wasn't true. "But remember H1N1?" I said hopefully. "I don't remember that coming to Colorado," my coworker countered. I knew she was right. This was different. I had seen the drone footage of the swarms of bulldozers frantically building hospitals in that city in China I had never heard of.

So, on March 13th, we cleaned off our desks and we said goodbye. The disbelief



My makeshift ironing board desk that I used in the early days of working from home. *Adaptability* — see what I mean?!

dulling the sadness, we all seemed to move in slow motion. Here's where time first began to bend. In the weeks that followed, we found our footing then our groove, then our rhythm. A few months in, it became apparent that we had moved from surviving to thriving. At the CBA and DBA, we saw our participation rates more than double. Our members and our staff cleverly altered in-person events and programs to accommodate a virtual world. We were making it work. Resentfully, but still...

And that is what is so remarkable about humans: our adaptability. The courts adjusted, your firms adjusted, your family adjusted, your bar adjusted, and one year in we are still going strong. We're all certainly over it, but standing tall. And we're doing it together as a community. 🌐



Charles McGarvey

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Small Businesses in the COVID-19 Recession

March 4 & 11, 2021
11 AM – 2 PM

Co-sponsored by the CBA Business Law Section

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walks the practitioner through choice of entity, formation and dissolution of the entity, creditor rights, securities and tax issues, and ethical considerations related to Colorado limited liability companies. Sample multi-member and single-member operating agreements included in the appendices provide an invaluable resource. A comprehensive guide to the LLC and partnership entity types.

CBA • CLE



STRENGTH THROUGH

CONNECTION

As I am writing the first solo president's letter of my term, I am reflecting on our previous night's gavel toss ceremony. We honored both past presidents and 50-year members with an eye to what the future holds. It was truly an inspiring event and one I will always remember. I found myself switching my Zoom to gallery view and scrolling through the attendees to take in the breadth of those who came in support. On my screen, I saw past presidents and members of the Sam Cary Bar Association — the first organization I joined after moving to Colorado. I saw judges I appeared in front of as a young lawyer and who, to this

day, shape the way I practice law. I saw colleagues, classmates, and fellow bar leaders who I have had the pleasure and privilege to work with during my journey as a lawyer and leader. I was especially honored to receive perspectives, words of encouragement, and advice from past bar presidents. In those moments, I felt a deep connection to the DBA and the leaders who came before me.

This experience reminded me of other times when I felt supported in the face of great challenges. In my previous career as a competitive fighter, I recalled times where I stumbled back to my corner after especially tough rounds to then be

comforted, advised, and supported by my coaches and teammates before being sent back to an uphill, but winnable, battle. I remembered entering difficult and high-stakes stages in trial as a Denver public defender and then turning around to see the courtroom gallery full of my fellow PD colleagues, my client's family, and my wife. In these moments of great challenge, people stepped up and let me know that I was not doing this alone. As I reflected on the gavel toss ceremony, I saw the parallels between these experiences and what I felt as I looked out at the virtual screens of the lawyers and judges in attendance. This DBA presidential term

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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DENVER BAR
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It is more important than ever that we show up for each other and build meaningful bridges between not only our members, but our organizations.



will be unquestionably challenging, but I was reminded that I am not doing this alone and the people who have helped me and the DBA, in the past and present, still stand firmly in our corner.

Which brings me to what I hope will be the hallmark of my presidency — *Strength Through Connection*. We are living in unprecedented times and the ongoing pandemic has the potential to leave our profession and our communities fractured and our members isolated. It is more important than ever that we show up for each other and build meaningful bridges between not only our members, but our organizations. It is imperative we lean on one another during these tough times and I see a great opportunity as lawyers, leaders, and members of our communities to strengthen our relationships across organizations. We will undoubtedly need to weather the challenges to come, but we can only do that effectively by working and standing together. I hope to focus on three main areas during my time as president. These are my ABC's:

■ **Attain DBA equity.** We must make sure that the DBA is inclusive and that our many stakeholders have a seat and

a voice at the table. We must further seek to promote and attain equity in our profession and greater community.

■ **Be a good bar partner.** We must meaningfully engage with the many organizations and associations that make up the Denver legal community, whether they be organized by location, practice area, identity, or cause. We must show up in solidarity with them.

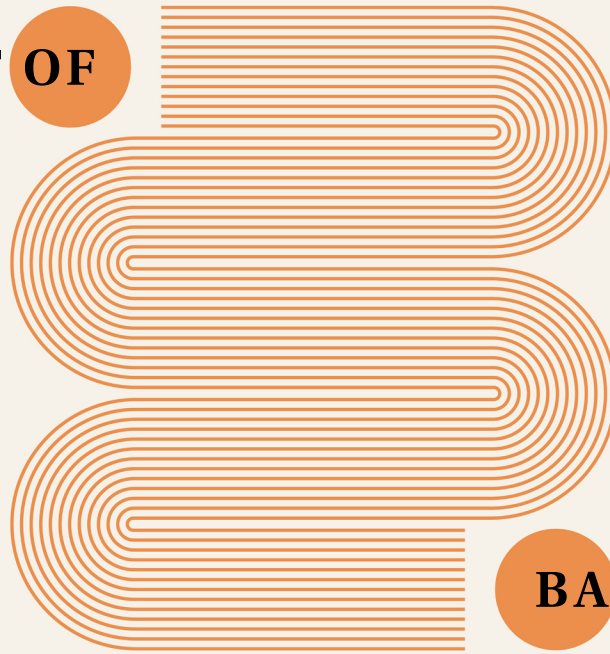
■ **Commit to programs that strengthen our community.** We must make sure Metro Volunteer Lawyers (MVL) and programs like it are well supported and thriving. The community at large needs programs like MVL more than ever.

I am truly honored to be your DBA president. Your Board of Trustees is committed to make this an organization that values and is valuable to its members. We will get through this pandemic and be stronger and more united for it. It is time to step up and do what this moment demands — together. Stay tuned and godspeed. 🍷

A. Tyrone Glover, Jr.

A. Tyrone Glover, DBA President

THE ART OF



BALANCE

2020 was a difficult year for a variety of reasons and, for many professionals, it highlighted the difficulty of finding a work-life balance and emphasized the need for one. Whether you are a parent or not, most people's obligations have increased as the methods of communication and work flow we use have shifted. Most of us are pulled in multiple directions every day. Thankfully, there are simple, free techniques we can use to feel in more control and balanced.

When I became pregnant with my first child, a respected colleague told me, "Once you have children you will never feel like you are able to give 100% to being a mom and/or 100% to being a therapist." At the time, hearing this felt discouraging, as it might for any new parent, but it was one of the best pieces of advice I've received. Balancing work and home life is tough, especially when children or other family members are involved. Work constantly needs you

and home always needs you. This isn't meant to be discouraging but rather to emphasize the need for finding balance.

Why Is Balance Important?

We know stress has multiple effects on us and can actually create biochemical responses in our brain. A Harvard study published in August of 2018 showed that the effects of stress include memory loss and changes in our mood, as well as the creation of anxiety and depression, which can promote inflammation, which in turn impacts heart health.

Think back to the year 2020 for a minute (I am currently writing this at the end of 2020, so the optimist in me is hoping that 2021 has significantly calmed down by the time you are reading this). This was the year of stress. We underwent multiple changes and had to quickly adapt to new situations. During this time, did you find that it was hard to remember things? Did you find that you could easily

forget what you were about to say or what someone was saying to you? A study in the Washington Post found that only three months into the COVID-19 pandemic, half of Americans were reporting that the pandemic was negatively impacting their mental health. One federal hotline for substance abuse and mental health reported a 1,000% increase in calls in April of 2020, compared to April of 2019. If you have found that over the last year you have experienced increased anxiety or depression and have had a harder time finding balance, you are not alone.

Here are some tips to cultivate balance regardless of where you are working.

Schedule fun things and self-care into your calendar. For many professionals, we live by our schedule, so we can use it as a tool for increasing self-care. When we block off time on our calendar for personal appointments, exercise, or a lunch break, we are more likely to take it and not plug a

meeting in. Without scheduling self-care, we often ignore it and it doesn't happen. I suggest scheduling that hour lunch or other personal time during the middle of the week, or maybe blocking off your workday at an appropriate time.

At home, create fun traditions with your roommates or family. Schedule a standing Friday movie and pizza night that everyone can look forward to. If you know this is happening and that your kids or loved ones look forward to it all week long, you will be less likely to work late or schedule a work event that will take you away from this.

Find a balance between the enjoyable coping skills and the necessary coping skills. We all deserve to take care of ourselves and by doing so we are better for the important people around us and better in our professional lives. Coping skills are sometimes the enjoyable things like spa days or 18 holes of golf. Sometimes they are also checking things off your to-do list so that you are less stressed. Taking care of yourself and making yourself a priority will help you to feel more balanced and will help you prioritize things in a way which allows you to be more present at home.

Give yourself grace. This is probably the most important tip. Whether you are still working at home or back in the office, finding a balance is hard. You may feel like you are failing at work one day and the next day you may feel like you are failing at home. Pick what is crucial in that moment and understand that you can't be perfect. You will always be juggling multiple balls in the air — work, relationships, self-care, etc. Some of these balls are plastic and some are glass and it is important to know which are which. You can drop the plastic ones and pick them up later and they will be okay, but you can't put the glass ones back together. Do you have a big trial next week? This may be your glass ball for a week and you

may have to drop some plastic balls, such as helping with homework every night. Does your child have a big concert or sporting event? Then this may be your glass ball that day and the emails at work may be the plastic balls. Understanding which are which can help you prioritize while also giving yourself grace.

Refine that office space. Create a space that supports your productivity regardless of where that space resides. If you are still working from home, it may not be a true home office (mine has been my dining room table), but create a space where you can organize your things. Not being able to find what you need is going to create more stress regardless of where you are and now is a great time to consider what has or has not been working and to modify accordingly. Maybe add an extra plant or aromatherapy to your space. If you do work from home, capitalize on this to set yourself up in a space with natural light that also allows you to look outside. Your brain and eyes will thank you and you may get some extra vitamin D, which we think can help with depression and anxiety.

Create and honor working hours. Driving to work creates a barrier between work and home. When we work from home, there is not a separation between the two. Whether it is due to working from home or simply modern technology, when everything you need for work is sitting at your fingertips, it is easy to keep working long past when your workday should be done. To help with this, I suggest having a *mental commute*. Schedule in twenty to thirty minutes before and after your workday to check out from work and ensure you are not doing things around the house during this time. Go for a short walk, enjoy a cup of coffee, workout, read, meditate, anything to help signal that you are starting or ending your workday. Regardless of where you are working, allow yourself to clock out at the end of

the day. Just because you have access to your work doesn't mean you need to be working non-stop. We know definitively that this does not promote long-term sustainability for anyone.

Working from home has become a new normal for most people and has created new difficulties in finding balance in our lives. The silver lining in this is that we have been forced to adapt and evolve towards a much needed, more balanced state. Finding a work and home life balance allows us to feel better about our roles at work and home, decreases our stress, and improves our mental wellbeing. However, this is hard and takes practice. Think about setting appropriate goals to help with this and sharing these goals with the people around you to help hold you accountable. This is a constant struggle and no one is perfect at it, but a little bit of balance can go a long way!

If you would like support creating and executing goals to move your balance forward, consider contacting your Colorado Lawyer Assistance Program for a free and confidential wellbeing consultation at 303-986-3345 or info@coloradolap.org.

ASHLEY BALDWIN is a licensed professional counselor and a level II certified addiction counselor. She has worked in the counseling field since 2008 and established her private practice in 2018. Ashley specializes in perinatal mental health and, among other client issues, works with parent-related stress, anxiety, and struggles. For more information, contact Ashley at 719-344-2209, ext. 3, or BaldwinCounselingCO@gmail.com.

SARAH MYERS, executive director of the Colorado Lawyer Assistance Program, is the coordinating editor of this wellness series. Contact COLAP for free and confidential assistance at 303-986-3345 and info@coloradolap.org.

Pro Bono in All Shapes and Sizes

The law school applicant, student, and new graduate are full of idealism with goals of providing comprehensive representation for individuals unable to afford it. But how to implement such goals in private practice based upon the varying level of experience and other expectations of your employer? This is a question faced regularly by attorneys who want to contribute to the community in one way or another, but at the same time must balance commitment to work, personal, and family life.

It can be daunting to try to fix the entire system, but, remember, the help you provide each individual makes a difference for that person and his or her community. This approach to pro bono services reminds me of the starfish story, in which a young person is throwing countless starfish back into the ocean as the tide is going out. An older person, observing, remarks on the seeming futility of the task and is told that it “makes a difference to that one.” This mindset is imperative to reach more members of the community in need.

A common misconception is that providing pro bono services requires taking on a case from start to finish. While there are countless benefits and invaluable learning opportunities in doing so for new attorneys or for the seasoned practitioner learning a new area of practice, pro bono services can come in different shapes and sizes. It is important to make aware that the vast opportunities to all practitioners.

Entering private practice, I wanted to find opportunities to give back to the community in ways that provide legal resources to the public. After moving to Colorado from Maryland, I was introduced to Metro Volunteer Lawyers. My first volunteering opportunity was to take a domestic case as a way to become familiar with the change in jurisdiction. I found the opportunity to be important to the client, but at the same time very

rewarding for my own education and practice. That said, I wanted to find ways to provide service that were regular and controlled in light of having a young family. That’s when I found MVL’s assorted clinics and now, in the world of COVID-19, telephonic consultations.

Metro Volunteer Lawyers offers programs for attorneys to be involved in as much or as little pro bono work that fits their work and life balance. I strongly recommend that each attorney review mvslaw.org/ways-to-get-involved/ to find out how to get involved. There are Colorado residents who need the help of counsel but are without resources and the variety of programs offered by

It can be daunting to try to fix the entire system, but, remember, the help you provide each individual makes a difference for that person and his or her community.



MVL makes it possible for everyone make a difference. 🌍

JOSEPH MAHER is a senior associate with Griffiths Law PC. His practice involves all aspects of family law, from the trial level through appeals. Joseph has always had an interest in public service. Prior to law school, he worked with at-risk teenage youth to develop their civic knowledge and awareness as an AmeriCorps volunteer. He now sits on the associate board for the same organization’s Denver location, City Year.

METRO VOLUNTEER LAWYERS MAKE A DIFFERENCE

MVL's Post Decree Clinic is designed to help people with the issues that arise after a Dissolution of Marriage or Allocation of Parental Responsibility order was issued. Attorneys get to meet with clients one-on-one and give a one hour legal consultation. Clinics are held in Denver, Arapahoe, Jefferson, and Adams Counties.

*Pro bono attorneys
can make a difference.*

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a Denver Bar Association program

*in collaboration with the Adams/Broomfield, Arapahoe,
Douglas/Elbert, and First Judicial District Bar Associations*

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Did you know?



► Daylight Saving Time is now used in over 70 countries worldwide and affects over one billion people each year. The beginning and end dates vary from country to country. (from TimeandDate.com)



► While Germany and Austria were the first countries to use DST in 1916, it is a little-known fact that a few hundred Canadians beat the German Empire by eight years. On July 1, 1908, the residents of Port Arthur, Ontario, today's Thunder Bay, turned their clocks forward by one hour to start the world's first DST period.



► Although modern DST has only been used for about 100 years, ancient civilizations are known to have engaged in comparable practices thousands of years ago. For example, the Roman water clocks used different scales for different months of the year to adjust the daily schedules to the solar time.



ON THE COVER

Daniels and Fisher Tower

Built as part of the Daniels & Fisher department store in 1910, it was the tallest building between the Mississippi River and the state of California at the time of construction, at a height of 325 feet. Today the Clock Tower is the backdrop for Night Lights Denver, "a permanent way for The Denver Theatre District to support innovative artists with an experimental platform while attracting people downtown to experience a free, unique experience." And did you know there is a cabaret in the basement?! Check out Clock Tower Cabaret for details on live events.

"The two most powerful warriors are patience and time."

- Leo Tolstoy, *War and Peace*



"I always forget - when we switch to Daylight Savings Time, do we gain a billable hour or do we lose one?"

This Coronavirus is Killing Me



Loyal readers of this column know that I am not one to complain. I have endured the COVID-19 pandemic with equanimity and grace. But now it has become personal — the state has imposed restrictions on my favorite bar.

Now, I have heard that people have lost jobs, businesses and homes due to the pandemic but, as we all know, the panic over this so-called “virus” has been blown way out of proportion. Even though I rarely leave my house and generally want to be left alone, I think that it is significant that I don’t personally know one person who has come down with this illness. And even if COVID-19 has led to a serious national health emergency, what has that to do with me? I have been doing fine.

Until now. The watering hole at which I have been able to sit for hours, joyfully explaining to my fellow patrons what is wrong with the world as well as what is wrong with them, now expects me to wear a mask and to keep myself at a six-foot distance from other people. And they have even put limits on the number of people who can be in the bar to hear my important pronouncements. You know



what a social animal I am! How am I to hold forth on the issues of the day, as is my wont, if my beautiful voice is muffled and I can’t get all up into an adequately-sized audience’s face for emphasis? Without that up-close-and-personal, barrier-less contact, and with a limited audience, I can’t properly describe what is wrong with everyone, why I am right about everything, and how everyone can make my life better by just doing what I tell them to do.

I have endured many indignities in my life. I am a Chicago Cubs fan. I was forced to take a bar exam even though I know more than anyone about my specialty of maritime animal law. I had to vote by mail in the last election, depriving me of the opportunity to explain to poll workers why they were doing everything wrong (had they the benefit of my advice there would have been no contested electoral votes). I have to wait for front-line health workers to get vaccinated first against the coronavirus even though I am much more important than they are.

But having to wear a mask and stay six feet away as I complain about everything to a limited number of people in a bar? That’s just a bridge too far. I am considering moving to American Samoa where, I am told, there is no COVID-19 and they accordingly have bars without any restrictions. I am sure the Samoans are anxious to hear about the things that annoy me and without a doubt they will benefit from my criticisms of whatever it is that they do down there.

Now you understand why my angst is more important than yours. Fa’afetai (that’s “thank you” in Samoan). 🍻



Laszlo Scofflaw

Legal Aid Foundation's Associates Campaign Kicks Off March 1

For associates at law firms throughout Colorado, March marks the 17th year of the Legal Aid Foundation's (LAF) Associates Campaign, a month-long friendly fundraising competition. Aptly named — it is both run by associates and driven by associate donations — the Associates Campaign raises money for Colorado Legal Services (CLS), Colorado's only statewide provider of civil legal services for low-income people and vulnerable populations. Last year, 65 firms participated and raised \$228,080 from 1,175 individual donors.

Any account of the Associates Campaign calls for a brief primer on the organizations (and acronyms) at play. LAF is a nonprofit 501(c)(3) organization that was founded in 1981 in response to cuts to federal funding for legal aid. LAF's mission is to promote equal access to justice by raising funds to provide civil legal services for low-income persons in Colorado.

The funds raised by LAF directly support the work of CLS. CLS is the only agency in the state that provides free legal services in civil cases to indigent clients in every Colorado county. To do that, CLS employs 65 attorneys in 13 offices across the state. CLS's clients, with few exceptions, live at or below 125% of the federal poverty guideline, which means an annual income ceiling of about \$15,000 for an individual and \$32,000 for a family of four. Before the pandemic, approximately 800,000 Coloradans met this criteria and were eligible for CLS's services. CLS focuses its limited resources on legal issues that impact basic human needs such as food, shelter, utilities, necessary medical care, adequate income, and freedom from domestic violence and abuse. In 2019, CLS directly served over 25,000 Coloradans and stretched its limited resources with technology, self-help materials and clinics, and state-of-the-art, interactive

online legal forms to help many more. Nevertheless, for every client served, CLS is forced to turn away one income-eligible client because of inadequate resources.

The Associates Campaign began in 2005 as a way to build support for civil legal aid among a new generation of Colorado lawyers interested in supporting access to justice. In that first year, 125 associates from ten Denver firms donated nearly \$9,000. The Associates Campaign has grown each year since to include more donors and more firms and the campaign has become a significant portion of CLS's funding. In 2012, the Associates Advisory Board (AAB) was formed to guide and oversee the Associates Campaign. The AAB comprises associates from participating firms and provides leadership and guidance to firm representatives. The firm representatives, in turn, are tasked with asking others at their firm for donations. Although the focus of the campaign is on

donations from associates, donations from anyone affiliated with a firm — including partners, staff, friends, and family — count towards a firm's fundraising goals.

But of course, this March marks another anniversary. It has been one year since the COVID-19 pandemic took hold in this country and upended, well, everything. The Associates Campaign was no exception. The AAB paused last year's campaign in mid-March and the campaign instead resumed for two weeks in April. Firm representatives modified their fundraising techniques to adapt to a stay-at-home world. In-person requests, presentations, and happy hours were shifted to



phone calls, emails, or Zooms. Despite the disruption, the firm representatives were relentless and donors were generous; the 2020 Associates Campaign quite nearly matched the previous year's total.

The pandemic has also highlighted the importance of the funds raised by the Associates Campaign. COVID-19 has increased the need for CLS's services, both in terms of the number of people in Colorado who meet CLS's eligibility threshold and in terms of the demand for services among those who do. For example, in 2019, housing issues (including foreclosures, evictions, and landlord/tenant issues) accounted for 37% of CLS's work. The pandemic has only created more housing instability as many struggle to make rent. That same year, family law issues, including domestic violence, accounted for 24% of the services CLS provided, even before stay-at-home orders exacerbated already-tense home situations. Employ-

ment, health, and individual rights made up 18% of CLS's work prior to massive unemployment amidst a public health crisis. And consumer protection issues, such as bankruptcy, debt collection, and small claims, accounted for 16% of CLS's caseload before the pandemic devastated American pocketbooks.

"The COVID-19 pandemic and its economic consequences have significantly increased both the number of clients eligible for our services and the need for high-quality legal information, advice, and representation," explains CLS Executive Director Jon Asher. "Never has the need for our services been greater or more vital to so many people in need with nowhere else to turn."

In a time of uncertainty, one thing is sure: the more money raised by the Associates Campaign, the more eligible people CLS can help. With the leadership of the AAB and the generosity of associates

across the state, this year's Associates Campaign is on track to be another success. The challenge of fundraising during a global pandemic does not discourage this group of young leaders — after all, they've done it before.

If your firm is not already participating, there is still time to sign up for the 2021 Associates Campaign. For more information, please contact Kelly Bossley, Associate Director of the Legal Aid Foundation, at kelly@legalaiddfoundation.org.

ELIZABETH A. OCH is a senior associate at Hogan Lovells US LLP, where she specializes in commercial and environmental litigation. Liz is a member and past co-chair of the Associates Advisory Board and serves as one of her firm's Associates Campaign representatives.

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New York, a Ghost Town

New York City, the beautiful historic city, with millions of people living on top of a random rock in the Atlantic Ocean. I have traveled to New York City several times, but this experience was a bit different from the previous ones. As I booked my trip to New York, I was excited to see the beautiful historic buildings, the people, and to taste the amazing food. I was actually excited to see the huge rats.

Well, that is not exactly what I saw this time. New York during the pandemic was an experience I did not expect. It is said that there is no place in this world like New York during Christmas, it's like a movie, and the experience did feel like a movie — about a ghost town.

This was my fourth time traveling to New York. I had visited during the fall and summer of 2016, pre-COVID days, but I wanted to see what Christmas in New York was like. I landed in Newark, New Jersey, and hopped an Uber to NYC. As I got to the city, I was a little confused. No one was



on the street. There were a couple of cars but there were no people walking, stores looked closed and empty, and there was absolutely no sign of human movement. I understood we were in a pandemic and a huge snowstorm had just happened a couple of days ago, but it was three in the

afternoon and there was no human soul on the street.

I arrived at my hotel and got ready to explore the city. I walked a couple blocks down to SoHo and many stores were closed. Some restaurants had outside seating but even then, the tables were empty. I was

As I was walking the streets, I realized this was not New York — there were no rats, no trash, no people yelling at me, no one on the street, no cars beeping. I did not know what city I was in, but it was not the city I expected it to be.



on the search for the best pizza in New York and found a small family restaurant in Little Italy that caught my attention. We ate there the first day and every day after that. I seriously went back every day for that pizza and pasta. It was heaven in my mouth. We decided to keep exploring the city and maybe go to a museum. We went to the 9/11 memorial where there was no line and only a couple of people inside the museum. It eerily brought to mind the post-apocalyptic movie *I Am Legend* and I was hoping maybe Will Smith would pop up with a German shepherd and take me to the real New York City with millions of people and no COVID.

As I was walking the streets, I realized this was not New York — there were no rats, no trash, no people yelling at me, no one on the street, no cars beeping. I did not know what city I was in, but it was not the city I expected it to be.

I decided to take the train — if you don't ride the metro in NYC, did you even go to New York City? As I was walking in the underground tunnel, I noticed there was no smell, still no rats, and still no people. It was all so clean! I am not going to lie, it was a little scary. I kept thinking, "Am I missing something? Why are people not riding trains?" I mean, I was in complete shock!

We got off at 42nd Street to Times Square and I thought, "Yes — people have to be here," but again: empty road, no souls, only the lights of the colorful ads reflecting on the wet ground. The only movement was Mickey and Minnie Mouse and Michael Jackson, who tried to charge us \$5 for just looking at him.

After Times Square I was a bit more afraid that there were absolutely no humans anywhere. We decided to go see the famous Rockefeller tree in hopes of catching something magical like Mariah Carey signing *All I Want for Christmas Is You*. We got there and it seemed like we found where everybody was hiding. There were two huge waiting lines just to see the Rockefeller tree up close. You know what, Mariah Carey? I will just listen to *All I Want for Christmas Is You* on YouTube over and over. Those long lines did not seem appealing, especially in freezing weather. We did walk around and take pictures on the huge ornaments they had around the city, which was fun

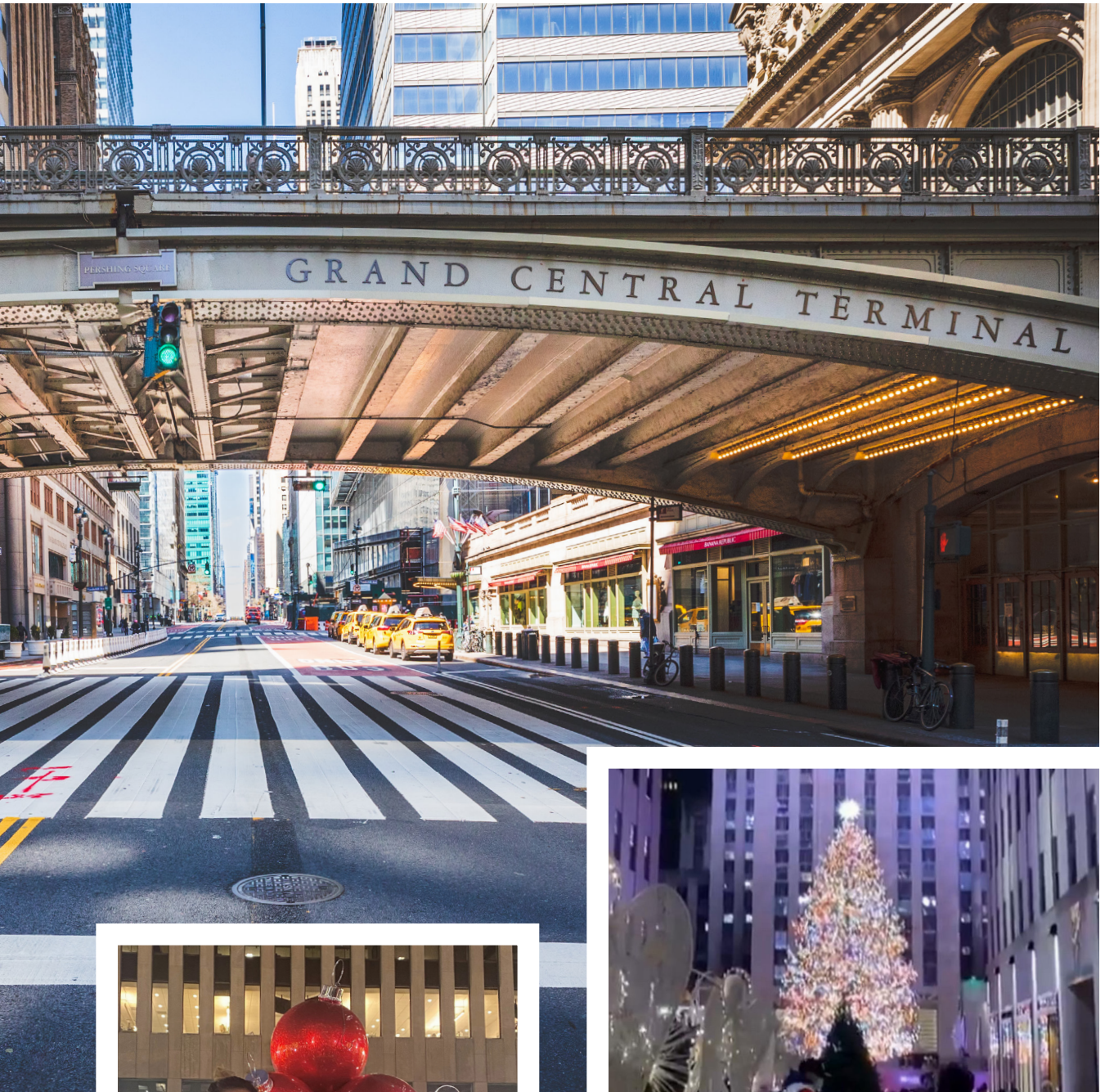


Taxis wait for nonsexist passengers on an empty E 42nd Street.

but very cold. I was surprised everyone was wearing a facemask. I'm sure it also helped to keep warm, but I was in shock that everyone wore one.

We ended up skating in a small ice skating rink in Bryant Park where I had the best hot chocolate of my life and the best Nutella waffle — and yes you read that right, *Nutella waffle*. It felt so festive. It was a perfect mixture of being in an old ghost town and a Christmas fairy tale story at the same time.

We explored the city a couple more days and nothing changed. It still was so lonely. No one was on the bus, train, or street, and everything was super clean. New York during quarantine was a ghost town. Even though it was a short trip, I am glad I saw New York in a completely different way, however, I hope to keep this tradition in the years to come, when COVID is gone and I can make better Christmas memories of a New York that does not feel so lonely. 🍷



Red ornaments in Midtown



The Christmas tree at Rockefeller Center from afar

Fooling Yourself: Diary of a Staycation

By Charles McGarvey



Traveling is so 2019. But vacations will never go out of style. And if there's ever been a time in history that has made us all want to take a vacation more than 2020, I don't want to know about it.

Now more than ever, we need to get away from it all and give ourselves a chance to reset and take a break. This pandemic has us rethinking a lot and that means vacations too.

But what to do when you can't just pick a beach and go? Well, it's time you rethink the value of a good 'ol *staycation*. That's right, the latest trend in (non)travel can be the vacation of your dreams with just a few easy steps.

The hallmarks of any good vacation can be distilled to a few key components: sleeping late, pigging out, relaxing, indulging, and not checking email. And as long as you get that vacation feeling, that I'm-actually-excited-to-go-back-to-work-because-I-feel-so-rested-and-renewed vacation feeling, where you do those things really doesn't matter. After all, isn't a vacation just a state of mind?

Step one is to identify your vacation triggers. On past trips, what vehicles have helped you to reach your happy place? And don't say airplanes because this is a *staycation* — you're not going anywhere. I'm talking figurative vehicles. A good book, a fruity drink, comfy clothes, familiar tunes, a jaunty outfit that you wouldn't normally wear — everyone has their things.

But how to make a staycation not feel like quarantine?

When you're staycating in the same place where you quarantined, it's important to trick yourself. You're not holed up in fear with the door barricaded, glued to the news, obsessively taking toilet paper inventory — you're relaxing at home, casually allowing yourself the luxuries of a holiday, avoiding the news, and feeling confident in your paper products supply. And you're not checking email. See the difference?

I recently took a seven-day staycation like a true professional. I think my diary will help you discover the mind tricks necessary to lead you to that sweet spot between real and imaginary. If you're like me, by the end of your staycation you'll be more than ready to go back to work.

Day 1

What's one of the things we love most about Denver? Roof decks! If you are fortunate enough to have a roof over your head and you live in Denver, chances are you've figured out a way to hang out on top of it. And if you can see the mountains, even just a peek, chances are you've found a way to get all of your friends up there at some point too. Well, my apartment complex does indeed have a roof deck, but on day one of my staycation I find it packed with people. I've been sequestered for many months now, so the thought of all that potential human interaction gives me the jitters. And for a vacation, jitters just won't do. Then I remember that my apartment complex also has a parking garage. And that parking garage has a top level, aka, my own private roof deck. Sure, I'll have to share the space with a few parked cars, some random piles of broken glass, and

a scattering of pigeons, but I'm nothing if not adaptable. My destination has been decided. *Fantastique!*

So, if vacations are a state of mind, I'll need more than the top level of a parking garage to take me to that altered state. It just so happens I own a Hawaiian-style shirt with bright canary yellow hibiscus flowers overlapping with birds of paradise in rocket ship red. Loud is an insufficient adjective for this shirt. Deafening is more like it. The perfect piece of attire to put me in the vacation mood.

For me, magazines are essential travel items. One of my favorite activities is perusing the magazine wall at Hudson News before boarding my flight. I invariably drop serious cash to ensure I have a variety of pages to flip through. *GQ* for things I want, *Condé Nast Traveler* for places I want to go, and *Vanity Fair* for gossip and general aspiration. Magazines never fail to invoke the excitement and anticipation of travel. I subscribe to each of these publications, so I'm all set. No, they won't be coupled with that experience of collecting them from the rack for twenty times the price, but paramount to a successful staycation is lying to yourself. Collecting them from the mailbox is just as fun. *Yay!*

Piña colodas have a magical ability to transport me to a tropical attitude. When the pandemic first hit the fan, I stocked up. Canned goods, frozen foods, boxes and boxes of cake mix, and booze. Lots of booze. And not just your wines, beers, and clear spirits, but also ancillary liquors like amaretto, Cointreau, and Kahlua. I figured, if I'm going to be locked up for an indefinite period of time weathering a once-in-a-hundred-year pandemic, I want the option of a White Russian. Soon thereafter I remembered that I don't like to drink alone, so many months later it's all still there, decorating my cabinet. But this is a staycation — time to celebrate! I fire up the blender with pineapple juice, rum, Coco Lopez cream of coconut, and plenty of ice.

I slather on some sunscreen, don a bathing suit, the aforementioned Hawaiian-style shirt, a pair of flip flops, sunglasses, and a somewhat dusty Panama hat I found in the back of my closet. I grab my stack of magazines and my frosty adult beverage and to the parking garage I go! The excitement and anticipation of travel is very much with me as I climb the concrete stairs to my perfect staycation location.

A few hours in the sun later and I'm feeling very relaxed. I've made my way through all of the magazines and dogeared a bunch of pages of things, places, and people I plan to explore further someday. I already feel bathed in optimism. The pigeons turned out to be quite a bit more curious than I had expected, but we all got along. The piña colodas and the unobstructed Denver sun have made me sleepy, so I go back down to my apartment for a nap. What a perfect day! And I didn't check my email once. #Winning.

Day 2

I sleep late and lounge a bit before jumping back into my staycation. Then I remember, lounging and sleeping late are fundamental to a successful staycation. Look at me, I've only been awake an hour and I'm already accomplishing! Yesterday

was so enjoyable that I decide to go back up to my private roof deck. This time I pair my swim trunks with a t-shirt covered in pink flamingos and some extra-large, white plastic sunglasses a girlfriend of mine left behind. I feel very whimsical as I settle back into my relaxation on the roof with the pigeons. The sounds of splashing and laughing from the swimming pool just beside the parking garage really help to complete the fantasy. Now, I know what you're thinking. "Wait, if he has a swimming pool, why isn't he down there instead of on top of the parking garage?" Apartment management has removed all of the lounge chairs in an effort to, well, discourage lounging. They figured, who wants to hang out on a hard beach of bricks? Turns out, everybody. And without wearing masks.

Just a quick side note

People talk about their right to not wear a mask. Ok, I get it. Only problem is that your right to not wear your mask is infringing on my right to stay alive. This reminds me of something Fran Lebowitz once wrote: "Your right to wear a mint-green polyester leisure suit ends where it meets my eyes." But I digress.

So with the sounds of reckless abandon floating up from the pool below and my second piña colada conquered, I nod off happily. I wake up some time later feeling a little pink from the sun. I guess the tide is coming in. I head home.

Day 3

I wake up with a significant sunburn. I decide to spend the day inside indulging. I read, I watch some TV, I snack, I text with friends. This is going to be a wonderful day. I also decide to finally get around to a few things I've been putting off. I hang a couple of pictures, order some home goods online, and rearrange my sock drawer. I'm sure some of you are thinking that sock drawer rearranging doesn't sound much like a vacation activity but, for me, organizing is an indulgence, so there. I'm so pleased with my sock drawer that I tackle that top shelf in my closet with all the sweaters. Very rewarding. I order way too much Thai food. I say to myself, "this is great! I'll have lunch and dinner for tomorrow." Done and done.

Day 4

After a few hours of texting with friends and eating breakfast while still in bed (*très décadent!*), I head out for a leisurely walk around the neighborhood. I realize my sunburn is hurting pretty badly, so after only a couple of blocks out, I decide to abort the mission. No worries, this is vacation — no, better — staycation. I can do whatever I want. *Except check email.*

Continuing with the pigging out portion of my staycation, I decide to bake lemon squares. I've never made lemon squares before, but I had never made banana bread, sourdough bread, zucchini bread, or hand sanitizer before this year either, so I'm not intimidated. After mixing everything together, I realize that I don't have the correct sized pan. My only pan is larger than the recipe calls for. Give up? Yeah, right. I place some metal tongs on the oven rack to prop up one side of the pan so that all the lemony goo slides to one side and...*voilà!* The final product comes out as more of a lemon cobbler than a square, but the

deliciousness is fully formed. I eat the whole thing.

I'm so pleased with myself following my lemon cobbler creation that I decide to go for the sock drawer again, this time in a daring new way which features folded pairs side-by-side instead of the staked rolled pairs that I've traditionally done. Like colors are still grouped together, of course. Quarantine has changed me, but I'm not yet an animal.

Somehow, I'm still hungry. I treat myself to a pizza.

Day 5

My sunburn kept me up much of the night. I decide that the sweaters I rearranged on day three belong in a drawer, so I remove t-shirts from a large bottom drawer of my dresser and replace them with the sweaters. I neatly stack the t-shirts on the former sweater shelf. I'm a genius. I spend much of the afternoon texting with friends and watching the news. I'm becoming aggravated, so I switch to that overly wrought Ryan Murphy Netflix series I've been meaning to watch. It's great, but I feel a little guilty for watching so much television. I vow to only watch one episode. When it finishes, the next episode starts automatically, so I figure I can do one more.

Six hours later I order a pizza before beginning episode eight.

Day 6

The t-shirts are falling off that top shelf in the closet every time I pull one out. I put jeans and shorts on hangers in order to clear another shelf. It's satisfying to be inventive. I guess. I'm sick of looking at all that Thai food every time I open the refrigerator (which is at least eighty times a day), so I throw it all out. I order another pizza but this time with extra everything and a side of ranch. I stay in my pajamas and eat it while sitting on the floor in front of the TV. I'm pretty tired as I was up until 2 a.m. finishing that Netflix show. I thought it was overall pretty disappointing, yet somehow felt like my life would be torture if I didn't make it to the end.

Likewise, the new sock arrangement isn't working out. If they're folded, they get separated. I only wear argyle socks, so pairs need to stay together. I'm such an idiot. I'm feeling pretty frustrated as I roll each pair up and toss them back into the drawer. I look around and think, "now what?"

Day 7

It's finally almost over. My sunburn is peeling and I feel curiously unrested. Now not even Leslie Jordan's Instagram is lifting my spirits. I begin to fear that I've actually just been texting with a sympathetic algorithm this whole time. I step on the scale in my bathroom and instead of showing me numbers it just flashes, "FAT, FAT, FAT." There's now a pile of t-shirts on the floor of my closet. Quarantine is the worst. I mean, staycation. Whatever.

I open my email. There are 563 unread messages in my inbox. I've got to get out of here. 🍷

The Denver Bar Association is built on a strong foundation of members and leaders who have blazed the trail. Please join us in honoring those who have reached **50 years of membership** in 2020 and 2021.

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The Committee and the Cowboy



By Elizabeth Tharakan

“Die-vorced?” His voice rose in such a high register that it cracked on the question mark. He even pronounced the word as though it was a form of death.” In Arundhati Roy’s *The God of Small Things*, the marriage and quick divorce of Ammu has devastating consequences, reflecting the social and cultural stigma of divorce in India. Indian matchmaking is a different model of entering and exiting a marriage than the American process of courtship. In honor of Valentine’s Day, we will analyze the comparative processes of entry into and negotiation within marriage.

Marriage involves all sorts of negotiations, from whether to have children, to how much to spend on groceries, to where to live. In arranged marriage, which one could call the “committee” model, groups make decisions on the spouse’s identity and the terms of the marriage, which yields a 5% divorce rate. When the committee negotiates the terms of a marriage before the couple is married, the couple has a framework for what to expect in the marriage and is less likely to exit the marriage upon future conflicts, using the example of negotiation demonstrated by the committee to work through future disagreements. In the



Western “cowboy” model of marriage, individuals choose their own mates and decide the terms of their marriage. Almost half of American cowboy marriages end in divorce. This rate, if divorce is consensual, shows that American spouses are more willing to walk away than are spouses in countries with lower divorce rates, i.e., every other country.

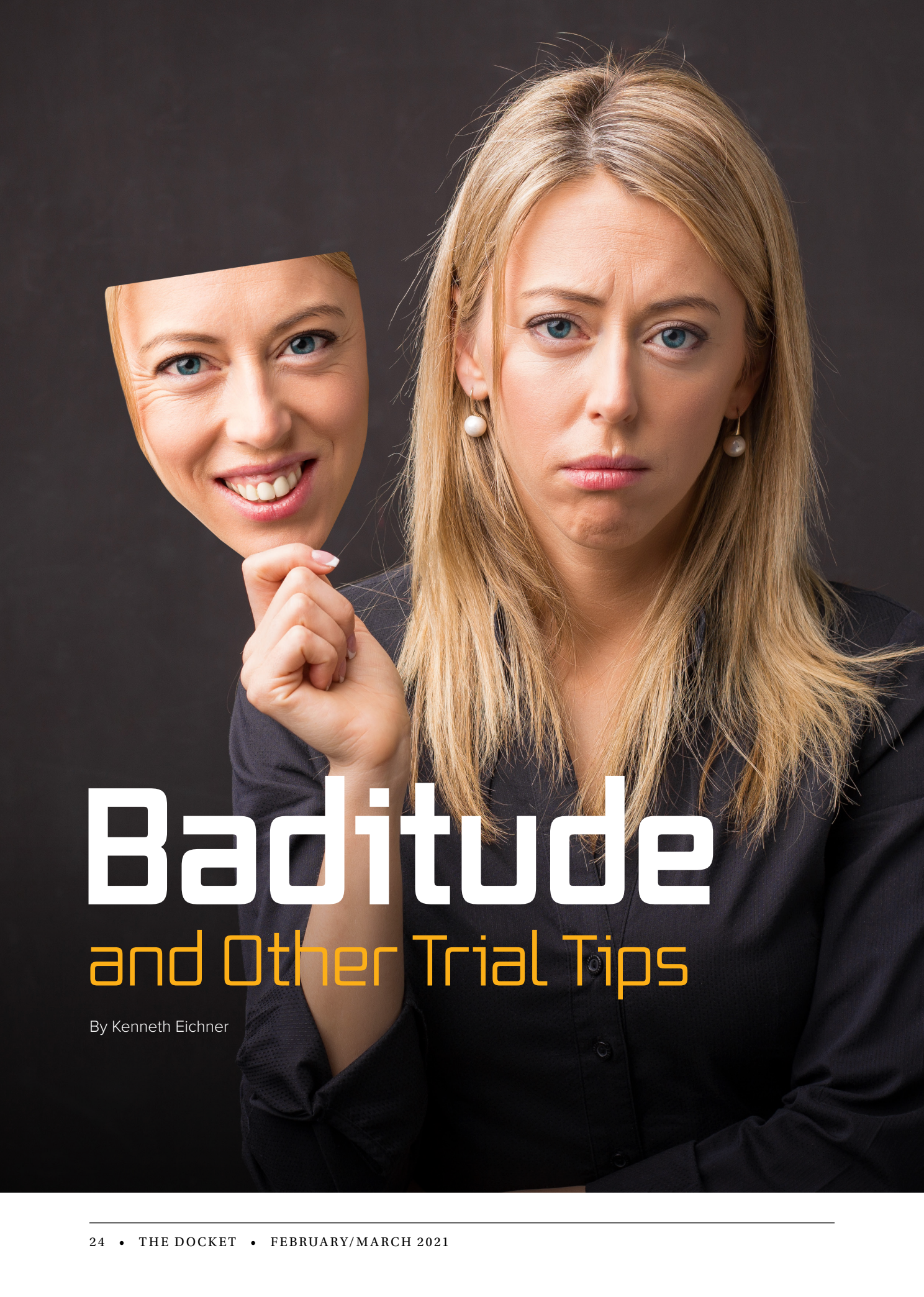
There are two basic elements of negotiation in an arranged marriage: negotiating the match (the prospective spouse) and negotiating the terms of the marriage. These terms include who will work, who will raise the kids, who will take out the trash. It makes sense for elder family members to negotiate these terms because with age comes wisdom and experience. But individuals should have the liberty to make their own choices about whom they are attracted to, for fear of adultery, or sexual incompatibility, or just not being satisfied with the person. “The committee’s strength is the collective wisdom of its members regarding practicalities, but choosing whom to take on the honeymoon should be a matter of free choice,” says divorce mediation professor Bob Collins. “They may not know all the answers, but they know what questions to ask.”

The committee model of families, therapists, or mediators can help over the terms of the marriage in both societies. I posit that the committee model of Indian marriage may lead to a problem of too much clutter. Specifically, if the parents and the uncles and aunts and cousins are all involved in finding Raj for Geetha, Raj and Geetha will at the end of the day appreciate the goodwill of all the matchmakers but realize

they lack chemistry and find there were too many cooks in the kitchen — or the bedroom.

American (or Western) cowboys enter marriages without legally prescribed premarital negotiation. The absence of a committee means that Western cowboys enter marriages without much premarital negotiation — or much thought. Another factor that yields high divorce rates is the presence of no-fault divorce universally through the USA, facilitating the cowboy’s exit from marriage. American law gives courts too much discretion to end marital negotiation: if there is no definition of what constitutes “irretrievable breakdown,” a marriage can be dissolved at the behest of one party who decides reconciliation isn’t possible when reconciliation is in fact possible. Essentially, the American legal system and American negotiation model involve less premarital negotiation and less negotiation through the hard times of a marriage.

In America, we see that the rugged individualist cowboy model of free market selection with its 50% divorce rate could pick up some cues from the Indian model’s negotiation process. Specifically, the U.S. could use either familial, clergy-based, or therapist-based assistance in negotiating terms of marriage, but no assistance in negotiating prospective spouses. This tale of conflict resolution shows us that, rather than looking at the American model versus the Indian model as a tug-of-war with a right side and a wrong side, we can see that a hybrid (a “marriage,” if you will) between the cowboys and the Indians yields an optimal result in terms of low divorce rates. 🍷



Baditude

and Other Trial Tips

By Kenneth Eichner

Even though I have picked 150 juries and have worked as both a public defender and prosecutor, I still have a lot to learn when it comes to navigating the ins and outs of the legal system. Being an effective litigator and successful at trial is a life-long endeavor, is rarely smooth sailing, and can only come through practice and dedication. But, as of today, this is what I can share with young lawyers who are just entering the fray.

#1: LOSE THE BADITUDE

Bad attitude. Baditude. Nastiness. Lawyer ego plus client ego plus a sense of entitlement equals baditude. Lose it. It will damage your case and your reputation. Just be kind, for everyone is fighting a great battle.

#2 DON'T BE CODEPENDENT TO CORRUPTION

Your clients will ask you to do things that are far worse than anything you ever thought of in your darker moments. They will ask you to hide assets, put on false testimony, and mislead the court. You can't. You won't. Be firm and dismissive (see baditude). If it comes to it, negotiate the return of their money. Show them a legal directory and tell them there are plenty of other choices available. Show them the door.

#3 COMMUNITY

Compete with yourself, not your opponent. Aren't you trying to best your last court efforts and learn from your mistakes and missteps? Make a friend out of opposing counsel. You are a member of a community. Your opponent is also your brother and sister at the bar, as they used to say many years ago. Sure, there are some fools out there, but there are also the boys and girls that brought us seat belts, clean water, desegregation — lawyers are the social architects that have transformed society into a better place. Add a sense of humor to that, and you have some decent people to have lunch with.

#4 PREPARE FAR IN ADVANCE

Anyone can have the will to win, but only a few have the will to prepare to win. Instead of worrying about new business and search engine optimization and marketing, drill down on the cases you have. There is much to do on that file and you know it. Work the cases you have until you know every scale on the hide of the fish.

#5 DEVELOP THE STORY IN YOUR CASE

Walk away from the office. Take a break from obsessing and bickering over discovery. Grab the file and take it to a coffee shop or a park. Look outside. It's a sunny day in Colorado. (Aren't they all? It's one of the major reasons we live here.) Now look back at the file. What is the theme? What is your story? If you do not know how to construct a story, read Robert McKee's book. It is entitled, what else, *Story*. It is the bible for screenwriters. You don't like movies? Fine, read *How to Argue and Win Every Time* by Gerry Spence. Either book will serve you.

#6 JURORS: THE ULTIMATE CONSUMER OF YOUR PRODUCT

Run an ad on Craig's List for mock jurors. Try your case in front of the mock jurors at the office on a Saturday. Talk to the mock jurors. Listen. Try the case in front of a real jury. Talk to the jurors. Listen. They are the ultimate consumers of your product. You can learn a lot from them.

Your clients will ask you to do things that are far worse than anything you ever thought of in your darker moments. You can't. You won't. Be firm and dismissive (see baditude).

#7 GOVERNMENT EXPERIENCE

If you are lucky enough to get the offer, take any position in the government that allows you to try cases. Muni or county court, public defender or prosecutor — just try cases in front of juries. It is a tremendous opportunity. You will be tossed into trial with no experience. Chances are, you will be annihilated. So what? It is a great education. You will develop a preternatural sense of ease. Short of that, the best thing to do is sit in court. Take your files, go down to the courthouse. Ask the bailiffs and courthouse staff who is in trial. Then try to find out who is worth watching. Sit in that courtroom and drink up the art of trial advocacy. A great, heartfelt story is being told with no baditude and a ton of preparation. 🍷

KEN EICHNER launched The Eichner Law Firm in 1996 after serving as a state prosecutor for six years. He defends individuals and corporations in state and federal criminal prosecutions, grand jury inquiries, and regulatory and government investigations in courts across the country. Having tried over 500 bench trials and 150 jury trials, Ken lends his expertise and sits on the advisory board of LYRIC (Learn Your Rights in the Community), a social justice platform that teaches teens their constitutional rights.

Defining Effective Strategies for Safety and Communication During the Pandemic

By Kerry N. Jardine

Defining the most effective strategies for safety and internal and external communication during the COVID-19 pandemic was one of Burg Simpson's most pressing challenges. After implementing physical distancing measures, the firm's management team convened to determine the best ways for everyone to communicate effectively and securely while working from remote locations.

Developing a Comprehensive Strategy

Shareholders and practice group leaders from departments across seven states met virtually during the beginning stages of the pandemic and worked together to share collective perspectives about the most effective methods of communication. They collaborated to develop a communication strategy and talking points for attorneys and professional staff that was informative, responsible, and secure.

Creating a Mobile Workforce

After Colorado's governor established mandates for social distancing, the firm moved to adopt a mobile workforce strategy to ensure efficient online collaboration while protecting client confidentiality. To meet this challenge, there was an investment in technology and digital communication tools to facilitate secure communication from any location. All employees were equipped with laptop computers and the remote access necessary to enable secure and confidential communications with clients and colleagues from workstations outside the firm.

Protecting Our Employees

Burg Simpson shareholder Nick Fogel, Practice Group Leader for the Workers' Compensation Department, commented on the firm's approach to protecting employees during the COVID-19 outbreak:

"In response to the pandemic, the firm immediately implemented a series of measured approaches to safeguard employees and mitigate their exposure. For example, we have limited visitors to the office, established policies for social distancing, and provided employees with the hardware and digital tools they need to communicate effectively and securely with clients and colleagues from remote locations. To protect employees who come to the office to work, our management team has installed state-of-the-art, contactless body temperature-assessment kiosks in the lobby, provided face masks and hand sanitizer, and created workstations that keep employees a safe distance apart. To prevent the spread of the coronavirus and to reduce the potential risk of exposure to our workforce, the firm also requires that all employees who enter the building submit an online screening survey that attests to their well-being. As the pandemic evolves, we are continuing to monitor the situation and are adapting our existing safety measures as new information becomes available. Creating a safe and healthy workplace for our employees is our priority."

Staying in Contact with Clients

It is imperative for clients to have easy and reliable access to their attorneys, paralegals, and professional staff during the course of their legal matters. During the pandemic, legal teams made an extra effort to reach out and let clients know that the



client's legal matters, as well as their safety, had been prioritized. Attorneys reassured clients of the legal team's accessibility and the team's availability to discuss client legal matters and concerns by email, telephone, or video conferencing.

Addressing Client Concerns During COVID-19

To address client questions during the pandemic, the management team developed direct outreach campaigns. Monthly e-newsletters to current clients, for example, helped answer common questions about the firm's operations during COVID-19 while clearly outlining and reaffirming our attorneys' ongoing commitment to being accessible and providing the best in legal representation.

Via email and e-newsletters, the firm expressed concern for our clients and hoped that they and their loved ones were safe and doing well during these challenging times. Clients were assured that although some attorneys were working remotely to assist in the social distancing practices necessary to fight the pandemic, the firm remained fully operational and everyone was committed to working on clients' cases and assisting others who were seeking legal representation.

Addressing Public Concerns

The COVID-19 pandemic continues to create fear and uncertainty across the globe. Due to the many instances of business interruption in our community, some clients have experienced a greater need for legal counsel than ever before. To address the public's concerns regarding economic instability, attorneys responded by providing interviews about legislative and regulatory developments on local TV and radio stations, writing articles for legal publications, and producing online blog posts

and videos. COVID-19-related information published online was consistently updated and distributed on various social media platforms.

Is Working Remotely the New Normal?

It has been many months since the firm arranged operations to include a mobile workforce to ensure the safety of our clients and our employees during the COVID-19 pandemic. During this time, the firm has remained fully operational and is committed to serving the needs of our clients at the highest level while protecting the safety of our employees. If productivity continues to remain high and internal and external communications are just as effective via remote access and automated processes, then all employees may soon be provided with the option to work offsite. In addition to adding to employee satisfaction, allowing the staff to work from locations outside the firm may also afford significant financial advantages by lowering operating costs.

Although there is still much evaluation to be done regarding the various aspects associated with working remotely, we have found that where we work may not be as important as how we work. If we continue to experience the successful implementation of virtual workplace accessibility and effective communication methods, the safety inherent in this new work-from-anywhere approach to doing business may have a lasting impact on the firm and perhaps the entire legal industry. ●

KERRY N. JARDINE is Managing Partner of Burg Simpson Eldredge Hersh & Jardine. He has been named a Best Lawyer in America every year since 2009 and a Colorado Super Lawyer since 2010.



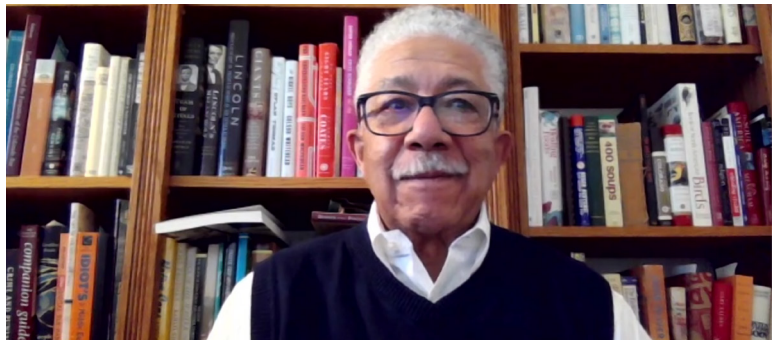
Passing of the Gavel

ABOVE

In order to observe social distancing, this year's Passing of the Gavel from Kevin McReynolds to Tyrone Glover had to be more of a gavel toss. So why not do it Spaghetti Western style?

RIGHT

A few attendees from our fun Zoom! Judge Alfred Harrell, former president Mary Jo Gross, Justice Richard Gabriel, DBA President Tyrone Glover, former president Janet Drake, Executive Director Amy Larson, former president John Baker, Judge Leonard Plank, and former Executive Director Chuck Turner





Changes

- Squire Patton Boggs is pleased to announce that partner **Keith Bradley** has been appointed co-chair of the firm's Appellate & US Supreme Court Practice. He joins partner **Lauren Kuley**, who has served as co-chair since 2019. The role transitioned from Benjamin Beaton, whom last week was sworn in as a US District Judge for the Western District of Kentucky.
- Griffiths Law PC, a family law and civil litigation firm dedicated to protecting the futures of all Colorado families, today announces **Eliza Steinberg** and **Leslie Hansen** will become the firm's newest shareholders.



Otten Johnson Robinson Neff + Ragonetti PC (Otten Johnson) is pleased to announce that **Cory M. Rutz** has been elected a shareholder and director of the firm. Her new role was effective January 1, 2021.



Cline Williams Wright Johnson & Oldfather, L.L.P. is pleased to announce that **Beau B. Bump** has become a partner.



Woods Aitken LLP is delighted to announce that **Laura J. DePetro** has been elected a partner in the Firm. The election was effective January 1, 2021.

- Shook, Hardy & Bacon is pleased to announce **Paul Williams** as the new managing partner of the Denver office effective January 2021. Williams has been a part of Shook for 25 years and currently serves as the co-chair of the firm's General Liability Litigation Practice Group. Williams represents clients operating



Good Things

1 Allen Vellone Wolf Helfrich & Factor P.C. is pleased to announce that **Averil K. Andrews** has joined the firm as an Associate. Averil focuses her practice in commercial and business litigation, international arbitration, securities fraud, intellectual property and licensing disputes, and professional liability.

2 **Christopher D. Schmidt** joined Coan, Payton & Payne, LLC as attorney at law. Schmidt's practice focuses on all areas of commercial and residential real estate, financing, mergers and acquisitions, general business and tax law. He assists clients with all of their transactional needs, including negotiating and drafting contracts and other documents regarding acquisitions, dispositions, purchase and sale options, as well as entity formations and restructuring.

▸ Ciancio Ciancio Brown, P.C. (CCB) is pleased to announce **Judge Edward Moss** has joined the firm to offer Alternative Dispute Resolution (ADR) services including special master, mediation, arbitration, and private judge sessions.

3 Ireland Stapleton proudly welcomes **Amy L. Jones** to the Firm as an associate attorney.

▸ Davis Graham & Stubbs LLP is pleased to announce that the firm has added five new associates who are admitted to practice law in Colorado: **Kristin L. Arthur** (Trial Department); **Jessica Dangoia-Crandall** (Finance & Acquisitions Department); **Michael Golz** (Natural Resources Department); **Kelsey K. Johnson** (Natural Resources Department); and **Philip D. Nickerson** (Trial Department). Their collective experience will further strengthen the firm's capabilities when assisting clients with transactional matters and complex litigation.

4 Wells Family Law proudly welcomes **Joanne Morando** her practice focuses on family law and criminal defense of matters that intersect with family law.

In Memoriam

Harry Barton Mendendhall

October 31st 1946 – December 17th 2020



Harry Barton Mendendhall II, 74, passed away on Dec. 17, 2020, at the UC Health Hospital in Highlands Ranch from COVID-19. Bart was the only son of

Cover and Willie Mendendhall. He was born on Oct. 31, 1946, raised in and a lifelong resident of Rocky Ford. Bart, a graduate of Rocky Ford High School, received a bachelor of arts from Colorado College in 1968 and a juris doctor from the University Of Colorado School Of Law in 1971. He was a captain in the U.S. Army Reserve, serving from 1968 to 1976. Bart was due to retire at the end of the year after 49 years as an attorney and community leader. He served as the Rocky Ford city attorney and general counsel for the Lower Arkansas Valley Water Conservancy District and the Arkansas Valley Super Ditch Company for many years. He was a Rocky Ford city council member from 1977 to 1997. He was a past director of the Koshare Indian Museum Inc. (having been an active member of the Koshare Indian Dancers during junior high and high school). He was also a past director of Community Hospital Building Inc., Arkansas Valley Fair Association, Rocky Ford Chamber of Commerce, and Community Assisted Living Inc. Bart served as president of Rocky Ford Lions Club 1980-81. He was a lifetime member of the Rocky

Ford Elks Lodge No. 1147. Bart served as president of the Colorado Bar Association in 1999-2000 and was chairman of the Water Law Section. He was a fellow, trustee and president of the Colorado Bar Foundation. From 1986 to 1991, he was a commissioner for the Colorado Supreme Court nominating commission.

Ben Aisenberg

February 17th 1931 – January 10th 2021



The Colorado legal community has lost a champion for justice, diversity, and professionalism. Ben Aisenberg, a principled and compassionate man who loved the law and the practice of law, died January 10, 2021, a month shy of his 90th birthday. Ben was an eminent and highly accomplished trial lawyer. In addition, Ben served as an arbitrator and mediator in hundreds of disputes, finding great satisfaction in his role as a problem solver. Ben was born in Worcester, Massachusetts on February 17, 1931. He graduated from Brown University Phi Beta Kappa in 1952 and Harvard Law School in 1955. After being stationed in Colorado Springs in the Army, Ben fell in love with Colorado and made Colorado his home. Ben joined the Denver law firm Gorsuch Kirgis in 1958, the first Jewish lawyer hired by a major Denver law firm, and he practiced there as a partner until 1980. Ben then formed his own law firm where he practiced until 2020, when he regretfully closed his practice.

Ben was active in and committed to the Colorado Bar Association, the Denver Bar Association, the Sam Cary Bar Association, and the Colorado Asian Pacific American Bar Association. Ben was the only Colorado attorney to serve as the President of the Colorado Trial Lawyers Association, the Denver Bar Association, and the Colorado Bar Association. Ben also served on the Denver Judicial Nominating Committee for six years.

Mary T. Hoagland

August 19th 1924- October 31st 2020



Mary Tiedeman Hoagland and her husband Donald Hoagland moved from Manhattan to Denver in 1951 when Don joined Davis, Graham and Stubbs, where he remained until his retirement in 1986.

Mary immediately started work on her passion of furthering educational opportunity, civil rights, and access to legal representation. In 1970, she was a founding member of the National Organization for Women (NOW) and the Women's Forum, and was an active supporter of female candidates for political office. Through her activism, Mary determined she could do more to further her ideals with a law degree. In 1975, at the age of 51, Mary earned her J.D. at the University of Denver. She started her law career in 1976 in family law, where she championed the rights of women facing discrimination, divorce, custody battles, and abuse. DU recognized Mary as a "Law Star" in 1996. 🌟

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- ▶ Davis Graham & Stubbs LLP is pleased to announce that **Jim Henderson**, **Sam Seiberling**, and **Taylor Smith** will become partners of the firm on January 1, 2021.
- ▶ Governor Jared Polis appointed **Madoche Jean** to the Adams County Court in

the 17th Judicial District. This vacancy is created by the retirement of the Honorable Sabino E. Romano and is effective immediately.

- ▶ Moye White LLP is pleased to announce **Kelsey R. Bowers**, **Abby L. Brown**, **Jake J. Tiernan**, and **Rachel Yeates** have been named partners of the Denver law firm, effective January 1, 2021.

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.**



Richard Murray

Polsinelli

2020 Davis Award Recipient

EDITOR'S NOTE

Do you know a DBA member who should be featured?

Email nominations to Heather Folker at hfolker@cobar.org.

10 Questions with Richard Murray

1. Where did you go to law school and where are you currently working? University of Colorado Law School. Polsinelli

2. Why did you become a lawyer? As a political science and philosophy student at the University of Colorado, I became increasingly interested in the American legal system and the important pillar of our society of the Rule of Law. I entered law school with the goal of helping others through a profession that offers the ability to never stop learning, and one that allows you to truly have a profound positive impact on people's lives.

3. What's the best advice you've ever been given? The best advice came to me from Mark Fogg, who taught me that the legal profession is one of the few ways to spend your life where you put the needs and interests of another human being before your own. He taught me that responsiveness, in addition to high quality work, is one of the most important qualities that a client deserves.

4. Where are your favorite places to travel? One of our favorite places to travel to is Kauai. Elizabeth and I first went to Kauai for our honeymoon and have been back twice with our kids. We love the lush landscape of the Garden Island and its laid-back atmosphere.

5. Are you currently binge watching any shows? We recently got caught up on *Ozark* and have been watching *The Crown*. We plan to start *The Queen's Gambit* soon. I've also been watching *Cobra Kai*, the sequel series to *The Karate Kid*, as well as *Schitt's Creek*.

6. Favorite childhood memory? One favorite memory from childhood was camping out (in an RV) along the parade route in Pasadena on New Year's Eve for the Rose Parade, and then being able to watch the parade the next morning. I hope that one day our family can do so again — perhaps if the CU Buffs can win the Pac-12 conference title and participate in the Tournament of Roses Parade and the Rose Bowl Game.

7. What is one item from your bucket list? Visiting Venice, Italy. Elizabeth and I celebrated our 10th wedding anniversary in 2020. We had planned to go to Venice for our anniversary but the COVID-19 pandemic was an unforeseen complication. We hope to be able to safely travel there for a future anniversary.

8. What is your favorite game? It's no secret that I am a huge CU Football fan. I am a proud member of the CU Buff Club and a longtime football season ticketholder. My wife, Elizabeth (who went to CU for her psychology degree), and I love taking our two kids, Cayden (8) and Olivia (5), to both CU football and basketball games. We enjoy reconnecting with friends at these events and supporting our alma mater. Go Buffs!

9. Any favorite legal cases/moments? There have been a lot of memorable moments to date, whether it was winning summary judgment or getting a case dismissed on a motion, helping clients through very difficult times in their lives, getting a favorable settlement, or winning an appeal. But the first case I took to trial as first-chair, which concerned claims of fraud and theft of investment funds, stands out. The trial resulted in a judgment for over \$2 million for our clients. Assisting individuals in a case involving the theft of their investment payments was extremely rewarding.

10. If you weren't a lawyer, you'd be...? If I had not entered the legal profession, I would have been drawn to the arena of public policy and public service. During college, I focused my studies on political science and political philosophy, with internships with both the U.S. and Colorado House of Representatives. The common nexus between my current career and this other possible path is a dedication to helping others, solving problems, and trying to make society better than you found it. 🌐



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