

The **Docket**

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TRAVEL

Everest Effects

POSITIVE THINKING

Silver Linings

BLACK LIVES MATTER

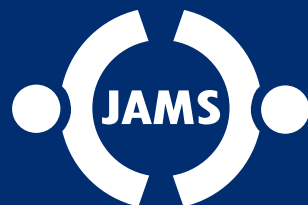
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FEATURES



10. Everest Effects

“and you decided Everest was a good pick for your first time out?” they snickered. and there it was, unmistakable – the certain knowledge, in the gloat of their eyeballs – that i would be the first to fall. in chic black wool and all.

BY JULIE STERMASI

14. Germane Germs: Microbes Are Going Mainstream

Yes, they're everywhere, but they're not all pernicious. Get microscopic with bacteria, fungi, protozoans, and, yes, even viruses.

BY BECKY BYE, DDS, JD

30. The Docket Interview: Tiffany Shively Demos

Denver artisan and entrepreneur offers a way to help you wear your mask.

BY CHARLES MCGARVEY

DEPARTMENTS

2. Presidents' Letter

Yes, that apostrophe is on purpose. We'll explain.

4. Music Review: Who's Zoomin' Who?

It's 1985 and Aretha is back and better than ever!

6. A Call Out to Volunteer

16. How About the Moms?

Understanding postpartum mental health and ways to support moms

18. Law School in the Era of COVID-19

A term like no other comes to an end, but what's ahead?

20. Why Pride is About #BLM

Onward and upward together, just like it started.

22. What Trends Will We Want to Keep Past the Pandemic?

24. Novel Coronavirus Leads to Novel Legal Issues

27. DBA Awards

Meet the extraordinary recipients of 2020

28. Legal Affairs

29. In Memoriam

32. 10 Questions with Our New Deputy Executive Director, Dan Sweetser

PRESIDENTS' LETTER

BY KEVIN E. McREYNOLDS AND TYRONE GLOVER



Leadership Update

Hello Fellow DBA Members. As your President and new President-Elect, we wanted to tell you all about some big, unexpected, and ultimately positive changes at the DBA in the era of court via WebEx and “newscaster” dress codes.

In normal times, we would be meeting this month to pass the gavel to a new DBA President at our annual awards ceremony and talking about all that we accomplished together in the past year. As with so many things these days, we are not living in normal times.

While we've moved the DBA awards celebration online, we won't be passing the gavel until January, and new President-Elect Tyrone Glover will be taking over instead of the regularly scheduled next DBA President, Dan Sweetser.

Let us explain.

Earlier this year, the Colorado and Denver Bar Associations began looking for a new Deputy Executive Director/Chief Operations Officer/Chief Financial Officer to help manage our joint associations. We were lucky to hire a longtime volunteer leader — and then DBA President-Elect — Dan Sweetser to take on this new role. Dan has always been a fixture at the DBA and a super-volunteer in the broader legal community. He was excited by this opportunity to move over to the staff/management side of the associations. He wrapped up his law practice and officially joined the staff team last month.

This was great news for the DBA and

CBA, but it did create a sizable hole in our leadership team for the coming year. After talking with a lot of stakeholders, we realized the best solution was to split this gap year by having Tyrone start six months early and leaving Kevin in office through 2020. The DBA Board (and more importantly our families) approved this plan and we are now working together to fill out the rest of this year's leadership team and keep the DBA moving in the right direction.

Although we can't all gather in person and enjoy complementary drinks and appetizers while we celebrate this year's incredible DBA Award winners, we hope you will all join us for our online awards ceremony our online awards ceremony this July—date and time coming soon! We're crossing our fingers that we will all be able to get together (without masks) to honor Ty when we (finally) pass the gavel in January.

As always, the DBA remains committed to helping lawyers practice law, especially during these challenging times. Rest assured, we are working hard to offer resources and programming to support our members and those they serve. Stay tuned and stay safe. 🍷

Kevin McReynolds

Kevin E. McReynolds, DBA President

Tyrone Glover, Jr.

Tyrone Glover, DBA President-Elect

The Docket

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

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

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Silver Linings

With the current state of affairs being what they are, *The Docket* posed the question “But is there a bright side?” We got some pretty great responses.

Many volunteers who would normally be hesitant to assist Metro Volunteer Lawyers, due to travel constraints, are helping us with our remote telephone consultations and mediations! Even volunteers outside of the Denver metro area are signing up to help!

Lots of family dinners. This has not happened in years between commuting, work and kids’ sports.

No more 2-3-hour commute has given me time to start exercising again.

2 very happy and well-run dogs.

As an elder member of the Denver Bar Association who has been physically active all of his life, I am well into the phase of life where body parts can fail. With me, it has been my knees. For years I worked out with machines at the gym designed to strengthen the muscles surrounding my knees, on the theory (which was supported by a physical therapist) that this would reduce the stress on my knees and reduce pain.

With Covid-19, the gyms closed. As a result, for the past few months my exercise regimen has been limited to long walks, either in my neighborhood or on a golf course. And guess what. My knees have never felt better (well, they felt better when I was 25, but you know what I mean). So, coronavirus, as awful as it has been, has had at least one “silver lining” for me. Once the gyms open I will stay off of the weights and keep walking, and my knees will love me for it.

Not having to commute 30-40 minutes in heavy traffic each way to work.

My cat couldn’t be happier.

I’ve reconnected with so many friends. We’re finally making time for phone calls and video calls with folks we love.

The ozone layer is healing, the canals in Venice are clear, emissions have decreased, and air quality has improved. The environment is getting a rest.

I’ve finally learned to cook! I’m super impressed with the things I’ve been able to make (and not burn). I’m even baking bread. Like, from scratch!

With college classes moved online, all of my children are home for the first time in years. I know it’s selfish, but it feels good to have a full house again. 🍷



Who's Zoomin' Who?

In this time of social distancing (or social solidarity, as a wise neighbor described it) and the resulting popularity spike of a certain video conferencing platform, Aretha Franklin's smash hit album *Who's Zoomin' Who?* (1985) has been top of mind. The album featured several uptempo hits, including *Freeway of Love* and her iconic duo with Annie Lennox, *Sisters Are Doing It For Themselves*. The album became the best-selling non-compilation release of Aretha's career, often compared to Tina Turner's blockbuster 1984 album *Private Dancer*.

From *Rolling Stone's* review: "Though *Who's Zoomin' Who?* never quite comes together as an album...this is some of Aretha Franklin's best work since the 1960s...The example of Tina Turner acted as goad and inspiration, and the edge of rich brashness in Aretha's performances seems sparked by Turner's electric drive ... enough vocal brilliance here to stun any listener within range."

After a bridge starting at 2:45, the title track modulates up a full step at 2:59 — oddly, just as the wall-of-sound accompaniment dies down. But the lull in the action sets the stage for Aretha's vocal fireworks to return at 3:20. 🎧

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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A Call Out to Volunteer

I joined the advisory board for Metro Volunteer Lawyers (MVL) in early 2016. I had only been in private practice for a year and, although I had heard of the organization and been to the Barrister's Ball, I did not know much about its mission. Prior to 2015, I had worked as a staff attorney for the Colorado Court of Appeals and was not permitted to do any outside legal work, even for pro bono clients. My firm, Ciancio Ciancio Brown, has been very active with MVL and they urged me to become involved as a representative from the Adams Broomfield Bar Association. After attending quarterly meetings for the board, volunteering, and meeting with the committees I had been assigned to, I have had the privilege of learning and being part of an organization that gives attorneys, new and old, opportunities to fulfill the most fundamental and noble tenet of our profession: to bring justice to those who would otherwise lack meaningful access to the courts and the legal system.

MVL services individuals referred by Colorado Legal Services and who meet certain financial guidelines. MVL provides eligible clients assistance in the areas of Family Law, Bankruptcy, Landlord-Tenant, and helps those needing Power of Attorneys. Its outreach is extensive. It holds clinics at the courts in the wider metropolitan area for pro se litigants and offers a frequent, general clinic at the Indian Center. It now

offers unbundled services and provides attorney representation for individuals needing it, such as when the other party has an attorney or the case is contested. MVL's experienced staff guides volunteers and clients alike at the legal clinics, resulting in an efficient and productive process. For attorneys assigned to handle specific cases, MVL offers valuable mentoring assistance which takes stress off of those attorneys who become embroiled in an unexpectedly challenging or complicated case. MVL has built into its system support for both its clients and its volunteers and, in that way, is able to meet the needs of a significant segment of the urban population that would otherwise be shut out of the judicial process or forced to fumble blindly through it.

I contacted Gina Tincher, a litigation attorney at Brownstein Hyatt Farber Schreck, who recently took on a case for MVL, to find out about her experience. MVL initially contacted her firm's pro bono eviction team to ask for assistance with a case. The client, a disabled 64-year-old man, had been living with his brother in the brother's home for about 20 years. The brother passed away, leaving the home to his son, who then sold the home to a third-party developer. The developer planned to scrap the home to build condos and initiated an eviction action to remove the client. Because the client had no lease

with his brother, he lacked a strong defense against the eviction.

Gina's team still appeared on his behalf at the possession hearing and successfully negotiated a longer move-out period of two weeks, as well as the dismissal of the eviction action upon compliance with the move-out deadline. Gina used the two weeks to find subsidized housing for the client. She encountered several complicating factors: the client did not qualify as low-income, even though his income was limited to his social security benefits of about \$800 per month, and he had several pets he was extremely attached to. Gina found one multi-tenant apartment which was extremely small and did not allow pets and so the client has, instead, been living in his car with his pets. While the outcome of the case might seem less than ideal, Gina and her team registered the client for the Denver Housing Authority's lottery which they hope will soon yield some good news for him. In addition, the client now works with a caseworker at a mental health center and has access to fresh produce, which he uses to cook meals for the other homeless individuals near where he stays. The most moving part of Gina's story is that the client joined her for Thanksgiving.

I also spoke with Janet Price, a certified paralegal at my firm, who regularly volunteers for MVL at the family law clinic held at the Denver District Court. She

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told me that she has always felt that she should give back and MVL provided the only forum where she could contribute as a paralegal. Volunteering also helped her become familiar with family law when she was starting out in that area. She related that she took a multi-year break from volunteering, but when she joined Ciancio Ciancio Brown, she started volunteering again because it was encouraged and supported. She said that MVL made it easy to get involved through their website, and that when she showed up for her first clinic, she received a thorough introduction to what MVL does and what they wanted their volunteers to do. Because she is familiar with the paperwork required for a family law case, Janet was able to jump in right away and help the clients without further guidance. However, for volunteers not as familiar, a staff person is always present to answer questions. Janet feels like the clients are always very appreciative of her efforts. Janet finds helping clients navigate the judicial district forms, which can be confusing especially to those who have little exposure to the legal system, and answering questions to be very fulfilling, as it seems to reduce her clients' stress and give them more confidence to engage with the court to get the relief they need.

I've outlined these experiences to show that what MVL does is not only vital, but it is structured to make it easy for attorneys and paralegals to volunteer and get legal services to those who desperately need that assistance. MVL makes sure that clients who need help get it and that volunteers who encounter the unexpected get the necessary support. Volunteering for MVL is an excellent way to serve our legal community and firms can contribute to that effort by encouraging their attorneys, and paralegals alike, to get involved. There are always clinics to sign up for and cases needing attorneys assigned. Please check MVL's website and either hit the volunteering tab or give them a call. Do that today — there are a lot of people needing and deserving of your help. 🙏



Are We Seeing a Return to Decency Thanks to the Pandemic?

(Maybe, but Probably Not)

Here I am, writing again from the joyful comforts of my home. This issue talks about “Silver Linings” and my editor says I’m supposed to speak to that. The last time I’ve fussed with a silver lining is around my 32nd birthday, which came with a touch of grey...but I digress.

Don’t be fooled, this all has been just fine for me, thanks.

I don’t have to make plans to cancel them anymore. No more blasé pleasant-ries. I already know the event isn’t happening! (Saves a lot on postage!) Not that I really get out and see people, anyway.

People tell me about ‘virtual’ this and ‘online’ that. All I need to need to say is I haven’t Zoomed since my 20s.

Even day-to-day life has ways of becoming more convenient.

The grocery stores these days even have an hour for people my age to shop in peace. And it’s about time...and to make things even better, there are arrows directing where the other hooligans can walk, leaving me to carry about my business.

Furthermore, traffic has been a breeze

with such few people on the road.

I’ve had extra time to clean up the backyard and start the garden I can now complain about for the rest of the summer. (Don’t forget to wear your sunscreen.)

Masks add to a new level of decency where not only do you not have to feign a half-hearted smile to maintain politeness, you also are not required to shave or fuss over the ever looming 5 o’clock shadow.

Maybe a millennial or two even picked up a sewing machine (or good ol’ needle and thread) and learned how to sew!

Linings on linings, if you ask me. (Which, to clarify, my editor did.)

Either way, it’s a pressing time for so many out there. Whether it’s staying at home quietly, Zooming until your eyes go crossed, turning off your internet completely, or actively taking strolls to the park, take care of yourselves. 🙏

Laszlo Scofflaw



Everest Effects

By Julie Stermasi



In the midst of a mid-life crisis and yearning desperately for a game-changer, I decided to go to Nepal to hike up to Mt. Everest Base Camp and back. Having never hiked before, but compelled beyond reason, I went – knowing it would either thrill me or kill me: no lesser ground could sustain itself in such a place. It was a perfect plan, replete with its own halo of promise – because my big ideas always wear tiaras.

Somewhere along the way those hopes were mangled. But I suppose they were dashed against the stones for something more earthly to take root: that was the lesson it took so long to discern, what with it showing up in grey garb you'd never notice.

My experiences there and thereafter seem more defined. Things register on my consciousness more clearly now. I'm calling these *Everest Effects* – regardless of whether there's any empirical evidence to link them to the Himalaya, my beloved Sherpa, or the sturdy Asolos I donned the week before my trip.

I suppose this is about how I see things now.

And how I see things now has been inspired by change and growth; along with observation, transformation – how stupid funny that can be – and, hopefully, in the end, some actualization – or, a bit of freedom and love.

Sometimes this shows up as ordinary, barely perceived in the daily routine. Other times, even in its deepest darkest depths, it manifests as pure amusement, like good medicine. And sometimes, it's bigger and more profound; but whether it goes noticed or unnoticed, honored or dismissed, this is good data, woven into the fabric of our lives. And in its weft and weave, one can find one's truest self.

Or at least that's what I'm going with as I sit by the loom, in late bloom.

Headlamp

i was jabbing the mountain with a good-looking pair of retractable poles in neon green. despite the aches that began to rack my body from every conceivable

angle, there was some solace in a corner of my mind knowing that, when it came time for the thinnest penultimate down jacket, it, too, was neon green – it would match the poles and look great beneath the slate gray shell i bought. i was climbing in my second pair of new boots which i stepped into only the week before my departure – the stiff leather of the first pair bothered my ankles and these others, being made of suede, were more loving. whether that love would ease my virgin trek up Mt. Everest was the big question. but then, good i avoided this type of thing twenty years before when i might have been tempted to tattoo such queries or conquests on my back.

that first day hiking was eight and a half hours over rock bends and stone stairs in sheer verticals that were hard to the step and hard to the eye. each moment was an incomprehensible feat of blind will and sheer stupidity.

i was still a day or two away from worrying about the porters, who whisked past us bent in half under their loads, navigating high narrow jagged trails in sub-par flip flops made who knows where. they carried 60 pounds plus a few extra in the bag that held their own belongings for the three-week trek, rolled up and balanced somewhere above their heads like mountain magic on strings of crack.

before, when we were waiting in the lounge for taxis to the airport, we chatted. or at least i forced myself to acquiesce to chatting. despite being a world-class talker, i loathe group activities and find it painful to be tethered to one. the synchronized meeting times and places. itineraries. guides. the megaphones... me, hair flying, sneaker treads, truant. anyway, the couple sitting nearby were avid hikers from the midwest in their fifties. they looked like they had stepped out of an L.L. Bean catalogue sporting all its dependable offerings at once, but with add-ons of their own back-country ways: there were hats with tripartite neck flaps and tented shoe covers below their knees. they wore sweaters and gloves in colors from the nineties. sunglasses,

hand sanitizers and compasses were all securely linked to loops in secret places; the per-capita inventory of things they were hooked up to hurt my head.

they were talking about peaks they had mounted or whatever it is you do to a peak, and then one turned to ask, “so what trails have you hiked?”

“i don’t really hike,” i said. “these boots are new. but i like them – decided to go Italian – Asolos.”

“and you decided *Everest* was a good pick for your first time out?” they snickered. and there it was, unmistakable – the certain knowledge, in the gloat of their eyeballs – that i would be the first to fall. in chic black wool and all.

instantly, i quietly praised myself for having left the hotel as soon as i’d arrived yesterday, on a mission to get my toes painted. the concierge made several calls and soon enough a local salon had dispatched a man on a motorbike. a quarter past the hour, still jet-lagged but hanging onto a stranger, i was zipping sideways, helmet free, through the perambulatory mayhem of Kathmandu – minibuses, scooters, motorbikes, rickshaws, cars and bicycles, cows, dogs, police and people, all moving hockamock in streets drowned in a breathless haze of whipped up dirt.

i clung to the sides of the bike but now for sure i didn’t care if i died – i had a small but strong man clutched between my legs.

later, in the twelve-seater plane high above the Himalaya, my pedicure faded into obscurity. it was ethereal up there. its beauty and breadth turned you inside out.

day after day i hiked higher and higher ascending hundreds of miles. it was mind and body traumatic, but i took well to altitude. a headache nuzzled my brow, only once, on the veranda of the tea house we arrived at the day before Base Camp – more likely it was invoked by the persistent assault of so little comfort and style. by then we had dropped 25 percent of our group – altitude sickness or weariness or just the folly of putting one foot in front of the other, straight up into thin air, for no good reason.



i missed ice cream the most. i dreamed of Haagen Daaz. i thought of the factory in New Jersey and the big vats that were churning my favorite flavors there. i craved the comfort of pizza. the yak cheese that substituted for mozzarell’ on this mountain was pungent, like smelly feet, and i knew i would never again say “even bad pizza is good.” i wished for outlets. electrical ones. it was so hard to break the habit of batting at the wall where the switch would be when you woke up in the middle of the night. my roommate, an ex-military nurse who had served in Afghanistan, was one of the hard-core hikers that came well-equipped. she had a down pillow that turned into a phone i think, three ipod plugs that could text you in foreign languages, and a bear’s fistful of headlamps. she always left these on the table between us, just in case you needed saving in the dark.

one night i woke up in the icy pitch black and grabbed a headlamp off the night stand. i held it tight with the straps

laced through my fingers like a glow ring, all the way down the hallway to the tiny WC; once in the filthy square with the hole in the ground covered in frozen pee and puke, i frantically searched for a bag hook to hook the lamp onto. but no bloody hook! no nail, no

nothing...

no door handle, no handicap bar, nowhere to rest the headlamp so i could see. i cursed the flimsy 4x4 box and all its missing hardware before i remembered the clue in my dilemma. finally, with the lamp attached as it was intended, and realizing the light guiding capacity of my own body, i peed safely, and accurately, hands free.

Everest Epiphany Number 1.

Namche Bazaar

it had dropped to far below freezing at three in the morning in our room, and somehow, via coughs or the swish of twists in sleeping bags we realized we were both awake. we started talking across the aisle with our breaths condensing into little



clouds above our bundled heads half in a bag, the nearby walls were icy thin. you could feel the frost from the next room over inappropriately reaching up to suck on your face if you turned toward it by mistake.

after some tired chatter we wondered if maybe it was warmer outside. “you wanna go out?” one of us asked in the pre-dawn dark. “yeah, it’s too damn cold in here to sleep.”

never in my life had such a plan appealed to me - to leave bed for a 4am stroll through the craggy edges of a mountain, hoping to generate heat in air that your dying brain cells have imagined might feel balmy upon the break of day. i did not want to linger looking for pants or, god forbid, remove leggings just to get slapped bare-assed by the crack of cold. and my sleepwear was surely good enough for yaks. i threw on boots and a jacket and we were out the door.

it was quiet. like powdery graphite rubbed on rags. the stillness of the Himalaya is a force - it envelopes you, lifts you like you are nothing, and transports you to a silence so vast you die in it and are resurrected.

we walked along a street with closed up shops, but in a second it ended and we were on narrow dirt paths that looped

PAGE 8/9: Ama Dablam, the even more technical peak beside Everest; this is my favorite pic of the trip, taken just after I escaped the stale jokes of my fellow trekkers by going out into the dark with no flashlight and no street lamps. I had only the starlight, and my certitude that, the possibility of failing to find my way back to them with the breadcrumbs I dropped, was way funnier.

around the rocky hills. dawn was on its second-to-last dream so it was still hard to see. but by the time we got up further, i could make out the bowl of the valley in which the village was set, because it had started to glow.

we came to a monastery with the painted prayer wheels lining the road and of course i put my hand out to turn them as i passed. there were a dozen, at least, with the biggest one at the end and i spun each one around and round praying praying and then praying again to every deity of every ilk that might find themselves within a 1000 feet of me. prayers that i knew better than to bother praying fell on deaf ears, on all the demi-ghosts bored with tourists.

in the light of the rising day the rocks turned first purple then pink and then hues of blood orange set in. the painted reds of the wheels grew brighter and the weathered gold and yellows shone through the gritty dust. life up there always started early to use the light, so we thought

to check if the monk was up.

of course he was.

he welcomed us into the warm dark recesses of the prayer rooms, where painted idols and wooden buddhas sat high up on pedestals. ancient texts lined the walls in long bound rectangular books; some lay open on low tables where monks wrapped in yards of orange and red silk would sit on pillows chanting verses written in them a thousand years ago.

now my sudden thirst for prayer peaked and i wanted to one-up the wheels that had maybe only flung my hopes and dreams to the edges of an unending fray; i wanted a one-on-one blessing from a man with connections here in the room with the books with a billion words that had lived on till now.

i picked a bracelet of blue woven string and he wrapped it around my wrist this way and that while he hummed a prayer in his soft, deep voice. when he was done, he smiled and tied a knot in it so it would stay.

i prayed again it would. 🙏

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Germane Germs: Microbes are Going Mainstream

By Becky Bye, DDS, JD

Until this year, the universal definition of “hygiene” included showering, brushing our teeth, and washing our hands when they were dirty. These gestures allow us to stay clean and keep germs away.

The term hygiene now has a new paradigm. As a healthcare provider in general dentistry, germs are a significant part of my life and education. Our nasal and oral cavities serve as the gateway for microbes, such as the coronavirus, to enter and proliferate in our bodies.

Healthcare providers have spent centuries studying how microbes affect us. We have also evolved our professional hygiene to protect ourselves against these microbes by wearing masks, protective eyewear, and gloves. Some of these very

basic initiatives, such as wearing gloves while treating patients, have only become mainstream in the last few decades.

Over the past few months, several people have approached me regarding my knowledge of microbes in the context of my healthcare background. I wanted to take this opportunity to answer some common questions and hopefully enhance your understanding of this virus that has changed our lives forever.

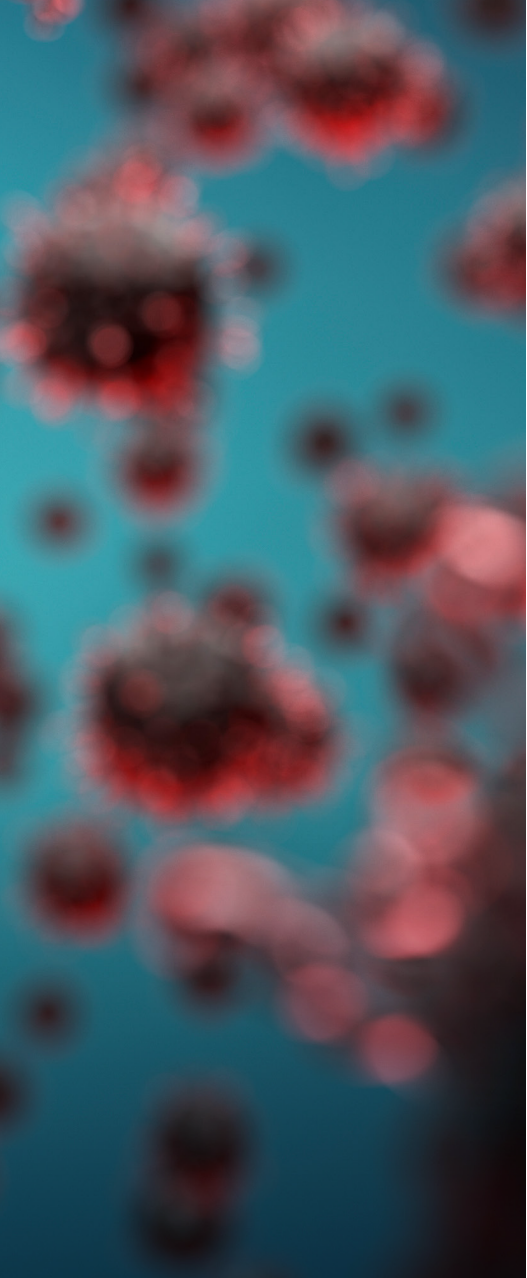
What is a microbe?

Microbes are microorganisms, organisms that are invisible to the eye yet inhabit nearly every crevice of this earth, including our bodies, plants, soil, air and water. Microbes consist of bacteria, fungi, protozoans, and viruses.

Bacteria are single-celled creatures with no organelles or organized nucleus, unlike our own sophisticated, compartmentalized cells. We need bacteria on and in our bodies to survive. They help with our digestive tract to break down foods and nutrients. They are a fixture on our skin and keep our skin fungi in check. They live in our mouths and particular strains can cause cavities and periodontal disease.

Like any group of organisms, scientists further classify and identify bacteria based on the thickness of their cell wall, their cell shape, and their metabolism. Most bacteria are beneficial or nonharmful; some cause mild or life-threatening diseases.

Fungi are similar to animals and plants in that they are eukaryotic creatures,



meaning they have organized cells with organelles and their own nucleus, which is a special envelope within the cell that houses DNA and genetic information.

Fungi can be invisible or clearly visible to the naked eye; we have all observed mold growing in a wet environment or on old bread. We have fungi on our bodies and in our mouths. When fungi overgrow, they can cause obvious visible symptoms, such as white patches on our tongue, ringworm on our skin, or thick nails. Yeasts are a form of fungi and certain strains can cause athlete's foot or other skin ailments. Other strains can help us bake delicious bread and brew tasty beer. An accidental growth of fungi on a petri-dish also led to the monumental discovery of penicillin.

Protozoans are also single-celled, animal-type creatures. They, too, are responsible for many diseases. One famous disease is toxoplasmosis, which is transmitted to humans via cat feces and can have detrimental consequences to fetuses and babies. This is why doctors will insist that pregnant women avoid cleaning the litter box.

Last but not least: viruses. Viruses are so mysterious and foreign that they are akin to aliens. They are technically non-living creatures that can obviously wreak havoc and cause devastation. Viruses can also serve as vectors for many life-saving therapies.

Viruses merely consist of a piece of genetic material and a protein capsid. They must invade a host cell's machinery to reproduce. The inability to reproduce or replicate on their own is what renders them non-living.

What is the coronavirus?

Viruses present in a variety of forms. Coronaviruses consist of a subgroup of viruses that look like crowns, hence *corona*. They tend to affect the respiratory system. In humans, coronaviruses target the cells on the outer layer of the respiratory system. The particular coronavirus which is the subject of our current pandemic is COVID-19, our current pandemic is SARS-CoV-2, which causes the disease COVID-19.

COVID-19 is not the first human coronavirus. We discovered coronavirus in humans decades ago; many of these strains have caused symptoms akin to the common cold. Others, such as MERS (Middle East respiratory syndrome) and SARS (severe acute respiratory syndrome) have been notably severe and deadly. COVID-19 has also been classified as a type of SARS virus due to its acute respiratory nature.

What does immunity mean?

Our complex human body contains multiple cell types, each for specific functions. Some of our immune system cells produce antibodies, which are cells that can identify a specific microorganism and destroy it. We develop these antibodies from previous exposure to that particular

microorganism. The exposure can be via a vaccine, which inoculates us with a weak or inactive form of the microorganism, or more commonly, through direct exposure. Sometimes we are asymptomatic and unaware of our exposure; many times we have battled the disease and become immunologically stronger because of it.

As you might have read, many who have been exposed to COVID-19 have absolutely no symptoms. Scientists cannot distinguish why some individuals can be exposed to COVID-19 and asymptomatic while others battle life-threatening complications or die from the same virus strain.

Antibodies can often provide us with lifelong immunity. For example, the measles vaccine is a highly successful, long-term vaccine. As of now, scientists cannot determine whether our antibodies to COVID-19 are short-lived or permanent.

How can I continue to protect myself from COVID-19 and other germs?

Simple handwashing remains one of the most effective ways to significantly reduce our exposure to germs. In fact, when healthcare professionals get a needlestick injury (i.e. when a needle which was exposed to someone else's blood or saliva accidentally penetrates the provider's own skin), the protocol for the injury is to first swiftly wash our hands before seeking additional care.

For microorganisms that are transmitted primarily by aerosols or saliva, aside from washing our hands, we must avoid oral and nasal exposure to others' aerosols. Masks help with this process, as they trap our own saliva and mucous membranes and help shield us from the aerosols of others.

We are lucky to have distinguished scientists working vigorously all over the world to attain even more information about this virus, how to avoid it, and how to cure it. 🍓

DR. BECKY BYE is an attorney and general dentist. She enjoys reading and writing about anything related to health, healthcare law, and the life sciences.



How about the Moms?

Understanding Postpartum Mental Health and Ways to Support Moms

“How’s the baby doing? Is the baby sleeping through the night, napping, eating enough, crying too much, or not crying enough?” Moms of newborns get asked a lot of questions about the wellbeing of their babies. There are lots of family members and friends coming over to see the baby, hold the baby, and love the baby. But how often do family and friends check on the mom?

While, of course, it is important and normal to want to see the newborn baby, we often forget to celebrate and check in on the mom — to support and nourish her in what is, for most women, an extremely challenging time. The overall experience of such a significant life change impacts a person’s sense of identity, relationships, and day-to-day life, which can create a lot of intense emotions. All of this, on top of the sudden, rapid shift in hormones, can create the perfect storm that can go beyond just having the baby blues.

On some level, every mom experiences an influx of anxiety and mood changes during pregnancy and after having a baby. For most women, it is mild and temporary. However, sometimes it goes beyond that, and makes checking in on the mom even more necessary. Postpartum mood and anxiety disorders, known as PMAD, impact an estimated 15%-20% of women and don’t always start soon after childbirth. According to Postpartum Support International, onset can be anytime between pregnancy and the first year postpartum. PMAD includes prenatal and postpartum depression, anxiety, obsessive compulsion disorder (OCD), posttraumatic stress disorder (PTSD), and psychosis. Partners and adoptive parents can also experience PMAD. When a mother experiences PMAD, her partner is more likely to experience it too. Since there is often confusion about different aspects of perinatal health, here is a deeper dive into PMAD, to clarify what it is. Also, some resources for moms, partners, and for those who want to be supportive of colleagues during pregnancy and postpartum.

Baby Blues

Baby blues are common to experience after giving birth. Upwards of 80% of women have them. Feeling emotionally fragile, overwhelmed, tearful, or lonely are typical of the baby blues. The baby blues start soon after childbirth and become most intense around one week postpartum. The baby blues usually pass around the end of the second week. It is mainly due to the body trying to level out the hormones.

Although people often refer to postpartum depression as the baby blues, they are not the same. Not being aware of the distinction between the two can be harmful to moms who are struggling with their mental health postpartum.

When it Goes Beyond the Baby Blues

While most women experience the baby blues, there is still a significant percentage of women who experience something deeper. Historically, the focus has been on postpartum depression alone. Because of this, women experiencing a broader range of symptoms, including anxiety, OCD, or mood disorders, might not consider these symptoms to be related to their perinatal experience, and thus, not seek support. These disorders can last for an extended period of time. Onset can occur during the pregnancy and up to a year postpartum, but it frequently happens two to 12 weeks after giving birth. Symptoms can include:

- Prolonged sadness, feeling overwhelmed, and irritability.
- Feelings of worthlessness and hopelessness.
- Lack of motivation.
- Difficulty sleeping (not just due to the baby's sleep schedule, but because the mind and/or body is not relaxing).
- Feeling disconnected from self, others, and/or the baby.
- Persistent worry and fearful thoughts.
- Intrusive thoughts (disturbing or fearful thoughts such as the baby being harmed or about harming the baby).

- Obsessing over the health and well-being of the baby.

- Engaging in compulsive behavior, such as checking the baby monitor repeatedly instead of sleeping.

Intrusive Thoughts

Intrusive thoughts are not uncommon for new mothers. An intrusive thought is one that is involuntary and is often disturbing or distressing. To a certain degree, everyone experiences intrusive thoughts. For example, a person may envision getting into an accident while driving their car. Although these thoughts can be distressing, generally a person forgets about them and moves on with their day.

New moms often have intrusive thoughts about themselves or their baby being harmed. Sometimes, those intrusive thoughts might be of the mom herself causing the baby harm, which adds another layer of distress for the mom. To be clear, intrusive thoughts do not equal intent or likelihood to harm the baby. Often, moms will not talk about these thoughts with partners, friends, or healthcare professionals out of fear or shame about having these thoughts. This silence can exacerbate the symptoms of PMAD.

There's Help

Social support can be helpful in both preventing or managing PMAD. Support can be found in early childhood community classes, playgroups, or workout classes. Groups that allow space for moms to be open and candid about their experiences are important, and many communities offer these groups, sometimes found in birth centers, hospitals, or mental health practices. Seeking help through counseling can significantly decrease PMAD symptoms. Finding a therapist that specializes in perinatal mental health is important. Postpartum Support International (postpartum.net) offers a variety of both online support groups and a list of trained perinatal mental health providers.

Ways You Can Help

If your colleague is transitioning back to work after maternity leave, here are ways to support her:

- Check on her. Ask how she is doing. Don't take it personally if she doesn't want to talk. If she does, listen without judgment. Avoid making statements that say she should feel a certain way, as this can be isolating if she isn't feeling that way.

- Avoid general statements such as, "let me know if you need anything." Most people, in most circumstances, will likely not let you know what they need. Get specific about how you are available to help and follow through. Something as simple as letting her know you will have a coffee and breakfast sandwich on her desk in the morning can alleviate some of the stress of adjusting to a new morning routine. Or, create an office lunch meal train — taking turns in the office her first week back bringing/ordering her lunch.

- Trust her. Trust that when she is back, she can do her work. Avoid making assumptions about her abilities.

- If you see she may be struggling with any of the signs of PMAD, let her know — privately, without judgment or questioning her — that it is not uncommon and share the resources above.

- Destigmatize seeking mental health services. Periodically send out email reminders or find other creative means to remind to the whole staff of employee assistance program benefits, other available resources, and the importance of taking care of one's emotional wellbeing.

Postpartum can be a challenging time. An understanding of the postpartum experience and mental health concerns, along with these small steps, can go a long way to create a better environment for everyone. 🍷

ERICA HENKEL is a Licensed Clinical Social Worker and Registered Yoga Teacher. She is a mental health therapist specializing in perinatal mental health and the treatment of trauma at Mindful Springs in Colorado Springs.



Law School in the Era of COVID-19

As I am certain many of you remember from your time at law school, classes emphasize interaction with other students and the professor be it in the form of discussions, debates, or the Socratic method. There are many reasons for this system, however, it seems to me that the most relevant are that this methodology tends to meld with law students' own learning styles, that it effectively teaches and demonstrates professional interactions, and, crucially, teaches students to begin "thinking like a lawyer."

Before the pandemic hit, I had never taken an online course. This was in part because it was never a necessity for me and in part because I felt that my learning would suffer. I learn best by speaking with my peers and interacting with my professors, a method which has been

catered to by the law school educational experience as a whole. As it became clear that a transition to online learning was necessary for the health of our society, I could not help but wonder about its efficacy. Surely, the experience as a whole would be diminished in some way.

ABA guidelines require that accredited institutions provide either exclusively in-person classes or a majority of in-person classes. While undergraduate-level college courses can be taken online, the difference between the two, both in what they seek to teach and in how they accomplish it, cannot be understated.

Having now taken law school classes for the better part of a semester online, I must confess that I understand the requirement for in-person learning. While platforms like Zoom or other similar applications

can serve as perfectly adequate media to teach core curriculum and concepts, I feel the law school experience is undermined by the lack of physical presence in two ways.

First, in the online environment there is the lack of organic and natural conversations. As a society, we are accustomed to subconsciously including nonverbal communication in our interactions and speaking with others in a group setting in a certain way. In a classroom, one can typically tell when someone is going to say something, how they are feeling about it, and how the rest of the class is feeling about it based entirely on nonverbal cues. This informs us about how we will approach the conversation and also makes us more engaged by forcing us to not only pay attention to what is being said, but how it is being said. With time, I believe people can adjust to online interactions and begin to improve on this, but it also brings me to my next point, the loss of the social component of law school.

I have often heard about what a small



LEFT: University of Denver's Sturm College of Law and Williams Tower
BELOW: University of Colorado's Wolf Law Building



legal community Denver is, and have seen the evidence of that myself firsthand. I have had the great privilege of getting to know many of my peers and professors on a personal level and know their areas of expertise and character. With online courses, gone are the discussions before and after class with the professor and peers about the material in different contexts and from different perspectives, gone are the hours spent studying with peers and helping each other understand the material in a new and different way. I fear that this loss of community among students can lead to feelings of isolation and take away one of the best parts of law school — the relationships you build and how they help you as you transition to the legal workforce.

Of course, I understand the necessity of the measures taken and applaud both The University of Denver and The University of Colorado for the swift action which they took in the interest of the health of their students, faculty, and staff. I also acknowledge that there have been plentiful

efforts to maintain a sense of community during this time, with events like virtual happy hours and lunches put on by the various offices within the school. I also do not believe that this shift to online learning has been without good — the transition to the pass/fail grading scheme created a slightly less stressful finals week and allowed students to focus on their families and other pressing matters in this societal moment of uncertainty.

At this point, it seems that the plan for the fall semester is a return to in-person classes with numerous limitations focused upon ensuring the health and safety of everyone. Classes will be smaller and spaced out over greater time periods to allow for social distancing and regular cleanings. Masks will likely be required. I hope that these goals are able to be realized pursuant to the guidelines which the state sets forth for educational institutions, because this pandemic has helped me to realize what law school truly teaches.

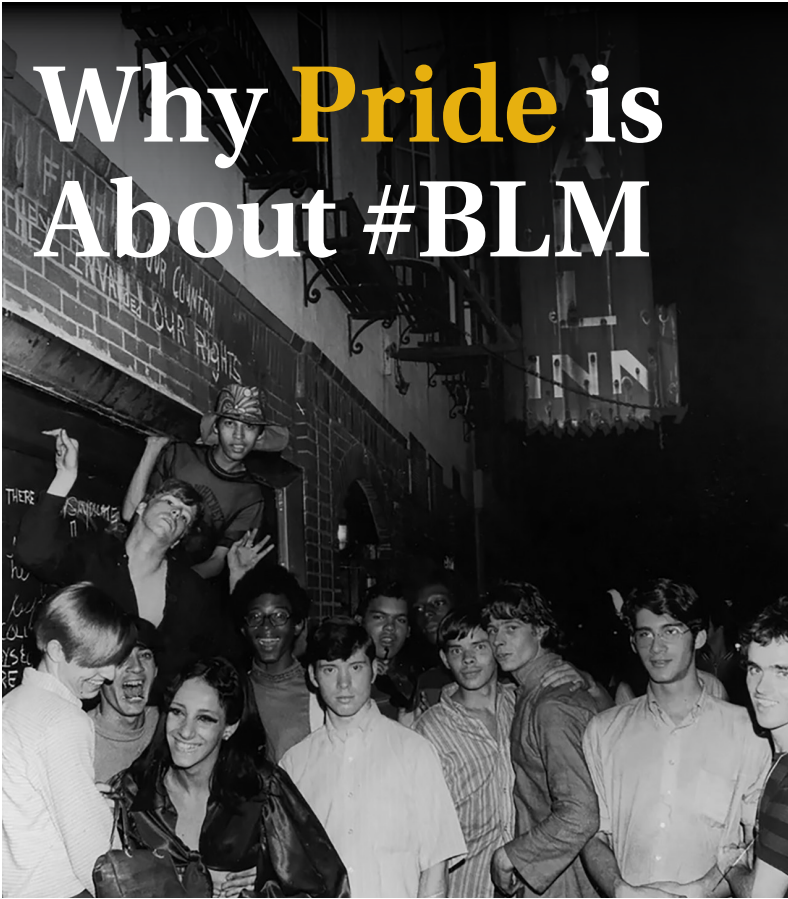
The flexibility and resiliency of my fellow students, the faculty, and the law

school leadership has been impressive to behold and has reminded me that there is still much to learn from the actions we see others take outside of the school setting. As I finished my final exams, I was surprised with how much information I had retained from online classes and the podcasts or other methods of teaching my professors had gone the extra mile to create.

I will be glad to return to classes where I can see my professors and peers and learn in the way to which I am accustomed, but I would be remiss if I failed to acknowledge all that I have learned in this time. I find a great deal of comfort in realizing how well the law school process works, seeing it continue to take bright and driven individuals and turning them into bright and driven attorneys. With some luck, I will be able to count myself among them. 🍀

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Why Pride is About #BLM



As we take part in a different kind of Pride month than those we have celebrated in the past, especially since the May 25 police murder of George Floyd, we are now more likely to, and must, think about Pride month as the time in which the Black Lives Matter (BLM) movement rekindled across the United States and around the world.

Moreover, the confluence of Pride and BLM this year should not be viewed just as a coincidence. Instead, while celebrating Pride, we should embrace this moment to support BLM. Indeed, since its inception, Pride has been about BLM. Most people do not know this.

In 1967, the Stonewall Inn opened as a gay club in New York City's Greenwich Village. It immediately became popular as a place welcoming of drag queens, homeless LGBTQ* youth, and trans people who were not always accepted at other gay clubs or bars. Stonewall was also one

of the only gay clubs left that allowed dancing at the time, since engaging in gay "behavior" in public was illegal. Since the Stonewall Inn served LGBTQ* customers and since the police used to engage in scare tactics against the LGBTQ* community, Stonewall's management would frequently bribe police to tip them off in advance so that the lights could be turned on and the dancing could be stopped to avoid a police raid.

In the early hours of June 28, 1969, however, no such tip was made, and the police raided Stonewall. In the course of arresting patrons for publicly engaging in gay "behavior," officers rounded up drag queens and trans women present, many of whom were Black, on the suspicion that they were not complying with New York's law requiring people to wear cisgender-conforming clothing. The female officers even took some of the drag queens and trans women into the bath-

room to "check their sex" to determine if it matched the gender associated with their clothing.

Such violative police tactics incited the dissent of patrons including Marsha P. Johnson, a Black trans woman who, story has it, picked up a shot glass and threw it at the mirror behind the bar, shattering it while shouting, "I got my civil rights!" Marsha's act, whether fact or fiction, is considered to have been the watershed moment leading fellow Stonewall patrons to riot. They smashed windows, fought back against the police discrimination, and some even barricaded themselves in the club so that they could not be arrested under the anti-LGBTQ* laws.

The struggle that night sparked five more days of organized protests collectively known as the Stonewall Riots, which widely are viewed as galvanizing the momentum of the LGBTQ* civil rights movement across the United States and around the world, leading, in part, to annual Pride month.

Besides serving as the legendary act that started the Stonewall Riots, Marsha's smashing of the mirror was an assertion that the lives of Black drag queens and trans women mattered. There was no reason for the assault that the police perpetrated on them other than multiple bases of discrimination.

To this day, the intersection of racism, homophobia, and transphobia has disproportionately affected Black queer people. For example:

Disproportionately high rates of arrest and incarceration among Black transgender people exist when compared to all other racial and ethnic groups. In Black transgender interactions with police, 38% of Black trans people who interacted with police reported harassment, 14% reported physical assault from police, and 6 percent reported sexual assault;

Black survivors of hate violence are 1.3 times more likely to experience police violence than their non-Black counterparts. Black survivors were also twice as likely to experience physical violence, twice as likely to experience discrimination,

and 1.4 times more likely to experience threats and intimidation during acts of hate violence;

32% of children being raised by Black same-sex couples live in poverty, compared to 13% percent of children being raised by heterosexual Black parents and only 7% percent being raised by married heterosexual white parents. Black transgender people face severe rates of poverty, with 34% living in extreme poverty compared to just 9% of non-transgender Black people; and Young Black gay and bisexual men are among the communities most heavily affected by HIV. For example, a young Black gay man living in the city of Atlanta now has a 60% chance of becoming HIV-positive by the age of 30 even though Black gay and bisexual men are more likely to engage in safer sex practices than their white counterparts.

This undeniable disparity in the treatment of Black LGBTQ* people can be cured only when society acknowledges the perverse discrimination against them and uses all tools available to procure their equal civil rights. The purpose of Pride, a modern manifestation and continuation of the Stonewall Riots and the LGBTQ* civil rights movement, is just that: to be a tool to help advance the rights of those that have faced discrimination. Now, more than ever, it is our duty to recognize that this tool would not exist in the same fashion as it does today had it not been for the BLM activism of Black LGBTQ* people like Marsha P. Johnson. This is why Pride has been about BLM since its inception and why now, at the confluence of Pride and the rekindling of BLM, we must recommit ourselves to ensure that Pride remains a tool not just to advance the rights of white LGBTQ* people, but Black LGBTQ* people too.

I ask that you join me in seeking to further eliminate the disparity in the social treatment that BIPOC LGBTQ* people experience. Below are some of the organizations and resources that you can follow this Pride month that provide education on how to help stop systemic discrimination of the BIPOC LGBTQ* community:



PAGE 20: A group of young people celebrate outside the boarded-up Stonewall Inn after the riots. Photograph by Fred W. McDarrah **ABOVE:** Marsha P. Johnson pickets Bellevue Hospital to protest treatment of street people and gays. Photograph by Diana Davies **ABOVE INSET:** From the Netflix documentary *The Death and Life of Marsha P. Johnson*

- The Marsha P. Johnson Institute
- Black Visions Collective
- Transgender Law Center
- Solutions Not Punishment Collaborative (SNaPCo)
- The National Center for Black Equity
- LGBTQ+ Freedom Fund
- The Okra Project
- The National Black Justice Coalition
- Black Queer & Intersectional Collective
- Lavender Rights Project
- Human Rights Campaign, Being African American & LGBTQ: An Introduction
- The Trevor Project, Research Brief: Black LGBTQ Youth Mental Health.

While we may not have the chance to celebrate Pride together in person this year, we still have the opportunity to celebrate the progress that has stemmed from the actions of BIPOC LGBTQ* peo-

ple, like Marsha P. Johnson, and to both recognize and fight against the continued discrimination against BIPOC LGBTQ* individuals. 🍓

Thank you to Philip Nickerson, CBA YLD, for his review and perspective on this topic as a member of the Black community generally. Information used in the drafting of this article was sourced from the History Channel, CNN, Forbes, and the Human Rights Campaign.

SPENCER RUBIN is an Associate in the Boulder office of Bryan Cave Leighton Paisner, LLP. He is proud to be able to elevate persons of all backgrounds through the CBA YLD's diversity, equity, and inclusion platform.



What Trends Will We Want to Keep Past the Pandemic?

The scientists tell us every viral outbreak has a cycle. There's even a name for the phenomenon, Farr's Law. Named after early epidemiologist William Farr, it describes a roughly bell-shaped curve that pandemics tend to follow to the end of an outbreak. I am no one's idea of an epidemiologist, but I take some comfort in Farr's Law and know that someday, hopefully soon, the worst of the COVID-19 pandemic will be past us.

As I write this, businesses are cautiously reopening. By the time this is published, I hope the downward viral trend has continued and we will have opened more broadly. The question now on my mind, as we timidly reemerge from our lockdowns, is simple: What will we reemerge to?

The pandemic, and the global collective reaction to it, have produced epochal changes in how we do things with a rapidity never before seen. "How we always did things" disappeared in an instant. Ask yourselves: Did you ever think you would live in a time where all of our ski areas could be closed in an instant, just on the order of the governor? Where the thought of meeting someone for a pint of micro-brewed beer would be impossible? Where our local news anchors would be broadcasting from their basements? Where traffic would drop to near zero

as millions remained "Safer at Home?" Where office attire no longer required pants?

As have other cataclysmic events in our lives, the virus has torn a hole in the universe we thought we were in and propelled us into a new one we are still figuring out. Things changed. We are in a new world, like it or not. There is no going back. The only way now is all the way through.

Gone are the days when we could pop into the local supermarket to pick up a few things on our way home from the office. Now? A trip to the store requires planning worthy of a military operation: "List?" Check. "Mask?" Check. "Hand sanitizer?" Check. "Disinfectant wipes?" Check. "Once you're masked up, for the love of God, don't touch your faces! And ration that hand sani — we're running low, soldier."

And did I mention the office? Our "offices" are now our kitchen tables, a basement card table set up with our laptop and cellphone, or, if we're lucky, an actual home-office setup. We once lived in our cars, on the way to or from court, depositions, meetings, closings, or our kid's soccer games. Now? We have to remember to go out every couple of weeks just to start the cars to charge the

batteries. Our practices have moved to the screens in front of us.

But as we continue to ride the downward curve of this pandemic, I try to remind myself: One of the benefits of a new world is the ability to let go of what didn't work in the old one. It gives us a chance to learn new ways of living that may work better. Might there be a "good" aspect to the cataclysmic change we are living through?

I know — it sounds delusional. But bear with me. What I am focusing on here is not the terrible impact this virus has had on so many of our fellow citizens. Of course, there is nothing good about any of that. But what about using this experience to identify the trends we may want to keep as we reemerge? What new ways might we try to hold onto?

One trend I think may be here to stay for many people will be the notion of working from home (or anywhere), whether full time or from time to time. What seemed utterly unthinkable to many just a few months ago has been forced on all office-based enterprises, small or large. They either allowed most or nearly all of their employees to go home with laptops and keep working or went out of business. The dreaded meetings we all endured in stuffy conference rooms

were moved onto Zoom video platforms. As companies and enterprises did this, many discovered something profound: The work still got done. Many have seen that their employees have become more productive and could get more done in less time without the distractions of the office milieu. Look for corporate real estate managers to start shrinking their leased square footage. A lot.

Sure, there are drawbacks. But look at your own experience — how quickly did you adjust to the idea of someone’s dog, or child, climbing onto their lap during a Zoom meeting? When this is over, will you want to go right back to the old days of long, brutal commutes in rush hour traffic, parking hassles, crowded elevators, and stuffy conference rooms? Or will you haul your laptop out to the patio on a sunny morning and work from home, even when you don’t have to? Will you find yourself preferring your home-office “commute” to the one through bottlenecked traffic, and your morning break to take your new pound puppy for a walk to that long slog to your soulless office tower?

One trend that hits right where I live is the overnight transition to all videoconference-based mediations. In what now looks like propitious timing, I co-wrote (with Sharon Sturges of the Colorado Office of Dispute Resolution) a series of articles on online dispute resolution for *The Colorado Lawyer* (February 2020, March 2020, and April 2020). The first installment, on the benefits of videoconference mediation, came out in the February issue. Little did we know that less than a few weeks later our theory would be put to such a test.

We have not held an in-person mediation for more than two months. It may be months before we do again. And we, along with the parties attending these mediations, have seen that the benefits have outweighed the occasional tech glitches. Many participants have expressed a desire to continue to use our videoconferencing method even when they no longer have to because it is simple, works well, and saves hours of travel and other down time.

How about videoconference-based

home schooling, though? Eh. I have mixed thoughts on it. I am guessing this one may not quite be ready for long-term deployment yet, for a lot of reasons. Kids need interpersonal contact with other kids to fully develop, and our brick-and-mortar schools serve a function too important to do away with just yet.

But I would not be surprised to see online education assume a much more prominent role not just in K-12 education, but also higher ed. What will getting an education look like in the months and years to come, even after the pandemic is over?

How about our old over-scheduled lives, hauling kids to year-around sports practices and games? With little league and after school activities on hiatus, I now see something I had not seen in decades: kids, unsupervised, out riding bikes together, no adults in sight. They’re meeting up to play pickup ball, or just goofing around in the neighborhood. Their heads aren’t bent down into their devices — they are out exploring. Maybe they have had their fill of screens by noon and need to get out.

Families go on walks together after dinner. Or maybe they hang out in the front yard in lawn chairs, enjoying another phenomenon I hope catches on for good: front yard social distancing cocktail hour with the neighbors, while their kids stay out till the streetlights come on.

When they can, will these same families and kids now enjoying this free, unstructured, time snap back to their overpacked schedules filled with carpools to and from practice? Will they happily jump right back into the stressful logistics of how to attend all the weekend ball games and soccer matches? Or maybe, just maybe, will they weigh the benefits of free time against the toll of all that overbooking on themselves and their kids, decide to cut back, and keep some of that free time?

And let’s take a look at that air travel thing again. Who among us ever saw business travel as anything other than pure drudgery at best? And that was before the masks, temp checks, boxed snacks (with

disinfecting wipes included) and health questionnaires.

As businesses and law firms look at their drastically lower travel expenditures during the lockdown and the months to come and see that all of the work is still getting done, numbers are still being hit, sales are still being made, and customers are still happy, will all of those road warriors gleefully jump back on the treadmill at the airports? Or might businesses scrutinize each trip more closely, examining the productivity lost by all that time in airports and crammed coach seats, and begin trimming away? How many of those long-haul flights, domestic and particularly international, will be trimmed in favor of a Zoom conference? I predict that business travel will look a lot different in the months and years to come.

Sure, I expect some of the trends will drop away, too. Let’s face it — how many of us really have the slavish commitment needed to become long-term sourdough bread bakers? Many things will come back. As restaurants and bars reopen (or new ones bravely step in to take the place of the ones that couldn’t hang on), many of us will flock back to them. We can also look forward to the return of sports events, maybe even with live fans in the stands. I hope I have not walked my last steps on European streets.

It won’t be the dreaded “new normal,” one of those pandemic phrases, like “flatten the curve,” that I hope becomes extinct. There is no such thing as “the old normal,” really, except maybe in our rose-colored memories. Change is a constant. “Normal” is nonexistent, and always has been. As humans, like any other organism, every morning presents us with a stark choice: As circumstances change, we must adapt.

The Stoics had a saying in ancient Rome: “The obstacle is the way.” We have modernized it like this: “The only way is through.” But the French might have said it best: “Plus ça change, plus c’est la meme chose.” The more things change, the more they stay the same. 🍷

Novel Coronavirus Leads to Novel Legal Issues

The past several months have left us all in a situation we could have never imagined. Though not the first pandemic our generation has faced (think H1N1 in 2009), SARS-CoV-2, or COVID-19, has impacted every aspect of our personal and professional lives. With it brings questions of legality, morality, sociology, and economic implications, the reach of which cannot be fully grasped or answered at this time.

Businesses across the country have been forced to adapt to these unique issues and the legal industry is no exception. We have been tasked with answering urgent questions that, like most legal issues, are not black and white and may be better answered with the proverbial “it depends.” What does impossibility actually mean during times of a pandemic in contractual terms? Can you make your employees go to work? Are these government orders constitutional?

These extraordinary circumstances force lawyers to analyze emerging legal issues in real time and with little legal precedent, regardless of the practice area. We are all working toward identifying, analyzing, and attempting to resolve these often interesting and novel issues. During such a devastating time for our community, when people’s lives have been irreparably impacted, the following explores some of the challenges COVID-19 is bringing to society, to our profession, and to the courts as we explore answers to these difficult questions.

Business

Contracts: Force Majeure Clauses

Business is created, commenced, negotiated, and defined by contract law principles. Every storefront, from your neighborhood florist to your local supermarket conglomerate, relies on contracts to stock their shelves, engage in domestic and inter-

national commerce, and serve the public. Any disruption to business interferes with manufacturing, supply chain, and personnel issues — all of which are governed by these contractual principles. COVID-19 has brought the term “force majeure” a new reputation as the ever-elusive, but critical, contractual clause that determines what is really meant by impracticability, impossibility, and circumstances that are out of our hands.

Concepts legal scholars could write treatises about, these issues are now being urgently interpreted and litigated. With the World Health Organization designating COVID-19 as a pandemic on March 11, 2020, and with Colorado declaring a state of emergency the day prior, Colorado lawyers have been working to enforce (or get out of) contract performance due to these emergency circumstances. After identifying some of these contractual issues following the H1N1, SARS, and other recent outbreaks, many contracts began incorporating specific references to pandemics and epidemics, which may be illustrative under current circumstances, as Steven T. Boell of Fitzpatrick, Lentz & Bubba and David McIlwaine of Pinsent Masons have written on their firms’ respective blogs.

As these issues come before the courts, we will learn how judges will determine current as well as future enforceability of these difficult clauses.

Insurance and Workers’ Compensation

As businesses transition from following “stay at home” to “safer at home,” to more relaxed restrictions in Colorado, businesses are, or perhaps should be, concerned about their insurance. Chances are, if you don’t work in workers’ compensation or didn’t take a refresher CLE since law school, you might be surprised to know that workers’ compensation claims



can be made by employees working at home, as Joseph Lazzarotti, writing in *The National Law Review* reminds us. To mitigate, employers have been advised to create telecommuting policies that outline expectations for working at home. This may include requirements for a designated workspace, ergonomics assessments, and fixed hours of work to separate home and office.

Once we all return to the office, different issues arise — what responsibilities do private entities have when it comes to tort liability in the era of a pandemic? While Colorado’s governor and local municipalities have continued to revise their guidelines and recommendations as new information about the virus develops, workplaces brace for potential challenges to their business practices and explore their obligations for protecting their staff. What constitutes a sufficient warning during a pandemic? Do employers face potential workers’ compensation or other liability for bringing their employees back to the office even when operating within the guidelines provided by the state? Are these health waivers we see popping up at various businesses enforceable among employees and patrons alike? Meanwhile, the U.S. Department of Labor’s Occupational Safety and Health Administration has issued revised enforcement guidelines regarding employers’ mandatory reporting requirements of employees with COVID-19. These mandates will require businesses to take precautions

and reporting seriously — to the extent they are aware of and can understand the many guidelines and requirements to which they must adhere.

Medicine

Health Care Professionals

Medicine has been a frontrunner in the emergence of critical legal issues during this time. Colorado healthcare professionals have been provided guidance for their respective practice areas from numerous sources, including the Colorado Department of Public Health and Environment, the Department of Regulatory Agencies (DORA), executive and public health orders, and several local directives, all of which have been amended and amended again as this fluid situation continues to change. These guidelines are, among other things, intended to allow healthcare providers to continue doing their jobs to the extent possible, while carving out exceptions to ensure productivity and safety in their industry as they serve the general public. For example, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was also recently signed into law, expanding health coverage for

diagnostic testing, allowing emergency use of certain testing not necessarily approved by the FDA, and providing additional funding for the prevention, diagnosis, and treatment of COVID-19.

Scope of Practice

Medical professionals have been overloaded during this dire and unprecedented time. DORA has been working in overdrive to issue guidance designed to relax licensing requirements to enable practitioners to participate in providing care for patients under certain restrictions. With the number of COVID-19 cases ebbing and flowing, there has been a need for recently trained providers and volunteers to step up and assist in providing emergency aid.

Beyond this, Colorado, along with many other states, has recognized that the nature of COVID-19 requires adaptation in medical practice, reprioritization of services, use of personal protective equipment, and relaxation of certain laws and protections. With this comes the Colorado Volunteer Service Act, designed to protect those serving on the front lines from liability in certain specific instances. A federal law,

the PREP Act, similarly aims to provide limited liability to the distributors, manufacturers, prescribers, and other involved persons/entities that are developing or utilizing products to treat, diagnose, or prevent COVID-19. The industry is working together with local lawmakers to balance the changing needs of the profession with the protection of the public.

For an in-depth analysis of liability immunity information regarding healthcare providers, see COPIC, Liability Immunity Summary.

These guidelines and protections are some of many being considered on the liability front. Telehealth, for example, spans issues of liability for healthcare professionals as well as raises privacy concerns for patients. Adjustments to the standard of care, choice-of-law issues when conversations cross state lines, and licensure matters are some of the many considerations for medical professionals providing services via telephonic or video means.

Patient Rights

As for patients, most seek assurances that HIPAA-protected information remains confidential. Are these telehealth ap-



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

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pointments secure? Will insurance cover these appointments? Are the availability of these appointments deterring the critically ill from going to the hospital? These questions also raise ethical considerations of providing treatment and testing to undocumented persons or under- or uninsured persons, and questions of whether telehealth is sufficient for providers to meet their obligations to their patients, as discussed in Jens Manuel Krogstad and Mark Hugo Lopez’s article for the Pew Research Center. Medical professionals rely on objective data, often from touching, feeling, and hearing — modalities that are not possible via videoconference. Providers have been forced to rapidly transition to this platform and challenges may arise as to whether these providers have the necessary competencies to evaluate patients in this manner.

Constitutional

Though challenges to stay-at-home orders may become moot before they are resolved, jurisdictions around the country are starting to defend and/or challenge the constitutionality of some of these orders which may affect future rights. Concerns about “what may be an arbitrary and heavy-handed approach to continuing stay at home requirements” were raised by the Department of Justice in challenging certain stay-at-home orders across the country, according Kristine Phillips writing for USA Today. Issues concerning travel bans, mask requirements in places of public accommodation, and methods for voting in the upcoming election are all currently hot-button issues.

Criminal law issues have been particularly implicated in times where courts are closed or at limited operation. Trials are getting delayed, bringing innumerable due process and speedy trial concerns to the forefront. While some jurisdictions in Colorado have been able to maintain some semblance of court as usual, other places have become creative in trying to keep their justice system moving — perhaps to the detriment of public health. What happens if a juror, witness, or spectator

becomes infected during a trial? Who is responsible? Is anyone? Patricia Hurtado raises these issues in her article for Bloomberg News.

Employment

While unemployment, layoffs/furloughs, and access to benefits are obvious challenges to the economy, another employment issue to consider is reopening guidelines. While some law firms have remained effective working from home to the extent they are nixing their office space completely, as did one international law firm reported on by Kathryn Rubino for Above the Law, most of us will (eventually) return to the office. The CDC issued updated guidance, the “CDC Activities and Initiatives Supporting the COVID-19 Response and the President’s Plan for Opening America Up Again,” providing a staged reopening strategy for numerous affected businesses. Identifying testing as an essential component of reopening the economy, the report suggests guidance for prioritization of testing and workplace safety considerations. Questions of liability and what precautions are necessary and recommended will continue to be answered as more businesses reopen to customers.

Law

Similar to the medical field allowing exceptions for new medical professionals to jump into the trenches and help, the legal field is bracing for impacts on its new associate pool, considering ways new or soon-to-be lawyers can help out. Despite these emerging legal issues requiring innovation and legal analysis, the legal profession is not immune from the mass layoffs and firings. While these novel legal issues have generated work for lawyers in many areas of the law, other areas are being hurt financially by government orders or a lack of financial resources that would otherwise be used for the litigious. For example, Governor Jared Polis issued an executive order halting both commercial and residential evictions through the month of May, as reported

by Marc Sallinger of 9News.

Businesses across the country have taken a hit and the legal industry is no exception. For those of us that have had the unique opportunity of interpreting and applying the various government guidelines and orders in real time in our various practice areas, we are left with more questions than answers for the time being. From global questions of constitutionality to whether our future colleagues will be able to sit for the bar exam in July (as reported on in Business Den by Lily O’Neil), the legal community is buzzing. Will there be a lawyer shortage after this? Who will interpret these ever-changing legal issues? Will the courts be able to handle the capacity and urgency of some of these matters?

Conclusion

There are many other interesting issues facing the general public and lawyers alike in the realms of access to education, consumer protection concerns, real property and finance, reimbursement and personal contracts, and other topics that affect all of us on a day-to-day basis.

While these are just examples of current impacts of COVID-19, what is undeniable is that the effects of this unique time will be long and far reaching. We will reenter our offices and our professions differently than we could have envisioned mere months ago with many new legal issues to explore and resolve.

*This is an ever-changing situation. By publication, these issues may have evolved or changed. For up-to-date information regarding COVID-19, please check covid19.colorado.gov/ or consult with legal counsel. 🍷

CORINNE C. MILLER is a litigation associate at Childs McCune, LLC, focusing her practice on medical and dental malpractice defense. In response to COVID-19, Childs McCune has created a task force to aid its clients with identifying and resolving these unprecedented issues during this unique time.

DBA Award of Merit Judge Christine Arguello



I am so honored to receive the DBA Award of Merit but, in all honesty, this award belongs to all who have helped make Law School. Yes We Can the impactful program that it is today. Without the assistance of so many lawyers, many of whom are DBA members, who are involved as mentors and board members, and the local law

firms and corporate entities who support LSYWC's mission financially, LSYWC would not be as successful as it has been. It truly takes a village to accomplish the goal of diversifying the Colorado legal profession and I am so proud that the Colorado legal and professional communities have stepped up to the plate. The greatest advice I received when I returned home to Colorado to practice law was to become involved in one or more bar associations, which is why I joined the DBA, CBA, CWBA, and CHBA. I have passed this advice on to all lawyers whom I mentor.

DBA Volunteer Lawyer of the Year

James Rufus Garts, III



"It is enormously satisfying to be acknowledged as DBA's Volunteer Lawyer of the Year. It should be recognized, however, that no volunteer can stand alone. It takes regular effort from a large body of volunteers to maintain consistency in services where it is needed with openness toward necessary changes in focus when that is needed. The

Denver Bar Association in conjunction with the greater Colorado Bar Association staff make it easy to help. Thank you to the members of the Denver Bar Association for recognizing the part that volunteerism must play in our profession and for this recognition with hope that it will continue to encourage the ever broadening of volunteer lawyer participation toward positive goals in the interests of justice and social goodwill."

DBA Young Lawyer of the Year Justin Cohen



Thank you for honoring me with the DBA Young Lawyer of the Year Award. The DBA has primarily shown me the numerous ways that I can contribute to the legal community outside of my work, including being involved with industry organizations and local nonprofits. I'm continuously grateful and honored to work at an amazing firm,

surrounded by excellent colleagues. The DBA has provided yet another outlet for my desire to be around thoughtful leaders and to make an impact within the legal and broader community. Volunteering my time with the DBA and using my legal and leadership skills to give back is the least I can do.

DBA Judicial Excellence Judge Gary Jackson



I accept this award to honor the vanguard judges of diversity in Denver: the Honorable James C. Flanigan, the first African-American and the first judge of color in the state of Colorado in 1957; the Honorable Zita Weinshienk, the first women judge; and the Honorable John Sanchez, the first Hispanic American judge in the state of Colorado.

These august individuals made invaluable contributions to the judicial system that serves the citizens of Colorado, and each one helped shape my character and my perspective during my thirty-seven years as an attorney and now, as a sitting judge.

During my fifty years working in the judicial system, I, regretfully, see inequality where there should be fairness, bias where there should be inclusion of black and Latinx lawyers, and ignorance where there should be wisdom. I shall continue to do my best to pay forward the examples set by these courageous judges by advocating for diversity, equality, and education, and by serving as a role model for today's young trailblazers who might hold back their dreams by erroneously thinking that being a lawyer or a judge is not in their reality or grasp.

Thank you DBA for providing me with the annual award of Judicial Excellence. You have played a vital part of my career development as you honored me by my selection to serve on the DBA Board of Trustees in 1976.

Outstanding Program Our Courts



We are deeply honored to be named the DBA's Outstanding Program of the Year. Our Courts, a joint activity of the CBA and the Colorado Judicial Institute, was founded in 2007 with a mission of providing

nonpartisan informational programs to adult audiences to further public knowledge and understanding of the state and federal courts in Colorado. To date, Our Courts presenters, many of whom are sitting and retired judges, have presented 12 different educational programs more than 600 times to more than 20,000 Coloradans, with 50 of these presentations being done in Spanish for Spanishspeaking audiences.

In addition, working with several teachers, we created an interactive program for high school students in which students play the roles of judicial nominating commissioners and judicial applicants and engage in a mock interview, which causes the students to think critically about the qualities that make someone a good judge. And, among other projects, Our Courts has created written materials, videos, and special programs for legislators and journalists, all in furtherance of its educational mission.

We sincerely thank the DBA for recognizing our ongoing efforts in this way! For more information on Our Courts, please visit ourcourtscolorado.org.



Good Things

1 CBA is excited to announce our newest member, Jacqueline Rowley's daughter, **Caroline Kay Rowley** born on Friday May 29th. Welcome to the world Caroline!

2 The Colorado Supreme Court has selected **Sumi Lee** as Head of Judicial Diversity Outreach for the Colorado Judicial Department.

3 The Center for Legal Inclusiveness has named attorney **Sara Scott** as their new CEO. Scott has been a practicing attorney for over 15 years. Before attending law school, Scott was one of the first students to earn her bachelor's degree in Comparative Studies in Race and Ethnicity from Stanford University. Her career highlights include time at the Washington D.C Children's Law Center as well as private practice focusing on Family Law and, more specifically, same-sex family cases.

4 The firm is pleased to announce that **Danielle S. Palardy** has joined the firm as an Associate Attorney in the firm's litigation department. Danielle's practice at Otis & Bedingfield focuses on business and real estate litigation

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.**

Changes

► Gov. Jared Polis today announced the appointment of Jill Deborah Dorancy to the Second Judicial District Court. Her appointment is occasioned by the resignation of the Honorable Elizabeth A. Starrs.



Moye White LLP is pleased to announce partner Eric V. Snyder has been elected to the Real Estate Section Executive Council of the Colorado Bar Association (CBA) effective July 1.



Merchant & Gould P.C., a national intellectual property (IP) law firm with clients in the Rocky Mountain region, is pleased to announce the promotion of Gregory G. Johnson to partner, expanding the firm's local leadership. His promotion was effective Feb. 1, 2020



Intermountain Rural Electric Association is pleased to announce that Craig N. Johnson has joined its staff as General Counsel. Mr. Johnson brings over twenty-five years of experience representing clients in the utilities and financial services industries. IREA is one of the nation's largest electric distribution cooperatives, serving over 162,913 active customers across Colorado.

In Memoriam



Judge Gaspar Perricone, former Chief Judge of the 1st JD, passed away on Thursday, May 21, 2020 due to COVID-19 related illness. Judge Perricone served on the District Court bench from 1979 to his retirement in 1997. He was known as a tough but fair judge, widely respected by the Bar. As Chief Judge he was the driving force in the Courts finding

their permanent home in the Jefferson County Courts and Administration Building, ensuring it was on time and on budget.

Judge Perricone was born on November 30, 1928 in Pueblo Colorado. He attended South High School in Denver, and then on to Northwestern University where he played football. As a freshman in 1946, he earned a spot as a fullback on the Northwestern football "B" team. He remained a fullback on the varsity teams of 1947, 1948, and 1949. He played in the January 1, 1949 Rose Bowl, beating the University of California where he "carried the ball and gained important yards and key first downs during the Wildcats' late, game-winning drive to the end zone," as reported at <https://findingaids.library.northwestern.edu/agents/people/1784>. He was drafted by the Chicago Bears, but was subsequently drafted by the U.S. Army. Thereafter, he attended the University of Denver College of Law and graduated in 1956.




Dennis William King, 65, passed away on March 20, 2020, at the University of Colorado Hospital, Aurora, Colorado. He was the husband of Jean Louise Butler King (Jeanne), to whom he was married for 38 years. Dennis was born in Rock Springs, Wyoming. He was the son of Edward Cecil King and Elinor Marie Smith King. After graduating from Rock Springs High School, he attended Brigham Young University, and he served a mission for The Church of Jesus Christ of Latter-day Saints in Northern Germany for two years. He graduated from BYU with a double major in Economics and Communications. He then attended the University of San Francisco School of Law and earned his Juris Doctorate degree. He also earned a Master of Laws in Tax Law from the University of Denver. Dennis had his own private legal practice and worked as a Trustee for the U.S. Bankruptcy Court.

Dennis loved spending time with his family and 11 grandchildren. He loved researching his family history, and when he was in better health, he enjoyed camping and traveling with his family. He was a kind, caring, and thoughtful husband, father, grandfather and friend.



William Francis Schoeberlein died at age 87 on April 25, 2020 of natural causes at his home in Louisville, Colorado. Bill was known for his love of outdoor adventures, travel and family, and his amiability and generosity. He was a distinguished Denver-based attorney practicing labor and employment law for more than 50 years.

Born in Watertown, NY, on November 23, 1932 to George Adam and Clara (Benarwic) Schoeberlein, Bill was raised in Rochester, NY. The first in his family to complete high school, he earned a BA and a law degree from Harvard, graduating cum laude from both. He moved to Denver in 1958 to begin his law career. One of the first attorneys in Colorado predominantly practicing labor and employment law, he represented public and private sector employers.

Bill began spending time in the Roaring Fork Valley in the early 1960's as he handled western slope cases for his firm and eventually became a part-time Woody Creek resident. Much of Bill's work was in representing mining companies in labor issues, including in the Leadville, Redstone and Paonia areas. He also represented several prominent Aspen area residents, including author Leon Uris. 

Professionalism Matters



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Contact Katie Null at knull@cobar.org or 303-860-1115 to schedule a program.



Interview with Tiffany Shively Demos

There's no use in fighting it, face masks are part of our new reality. So how do we make wearing a mask seem more normal? Denver attorney-turned-business-owner, Tiffany Shively Demos, might have the answer: What about wearing a mask that reflects who you are? Tiffany spoke to *The Docket* about what inspired her to start designing and making masks with personality, tips for proper wearing, and some advice for the Denver legal community.

Charles: Can you tell us a little bit about your company modthirteen? What made you pursue embroidery professionally?

Tiffany: I started making handmade goods in 2006. I had two small kids at the time and wanted to create baby accessories that were hip as well as functional. I sold my items both on Etsy when it very first began and in shops in Cherry Creek, the Highlands and on South Broadway. Christmas being my favorite time of year, I wanted to provide a way for people to create their own special set of custom Christmas Stockings

that they would be excited about using year after year. Customers began requesting personalizations, so I decided to invest in an industrial embroidery machine. My shop became insanely busy from October through December each year. I have developed a strong following of customers who return each year to add to their collection as members are added to their families. In 2012, I added a line of Christmas ornaments to have another product that could be customized. I taught myself Adobe Illustrator so that I could create ornaments using graphic layout and design. Having seasonal sales in such a compressed amount of time during the year was difficult, so I began working on ideas to expand my products to encompass the entire year. A few years ago, I began creating ID lanyards for teachers, students, medical professionals, etc. They took off and sales became steady throughout the year.

What I love about what I do is that I can collaborate with an individual one minute to create a very special custom

item and the next minute work on pieces of a larger wholesale order. I am currently working on expanding to include a line of personalized gifts — products that really cannot be found anywhere else. I love creating things that are unique and that bring people joy.

Charles: When did you start making masks?

Tiffany: I woke up early on Saturday, April 4th and started creating masks. I began listing the masks in my shop and within a few hours I had my first sale.

Charles: What made you decided to start making masks?

Tiffany: I would say that the impetus to start creating masks came from my need to quickly shift gears in order to keep my shop going coupled with the desire to somehow get involved in a positive and impactful way during these unprecedented times. In early March, my online shop experienced a near complete loss of sales for the first time in almost 12 years. I began having requests from friends and family members to create masks for them. It has not been easy for individuals to start wearing masks on so many levels — from comfort, to identity, to political reasons. I wanted to try to make that process a little easier by making masks that were stylish and helped people express their identity. Within my own family, I saw that by creating masks my kids could identify with, they were more willing to wear them. My oldest son, who is in his first year of college, was not eager to wear a mask until I presented him with a couple that I had embroidered with a Slipknot design and a House of Stark design. My youngest son was reluctant to wear a mask until I created one with a Seahawk on it (clearly very difficult for me to do as a Bronco fan). Last, my teenage daughter was able to pick out some unique prints from my fabric stash as well as some embroidery designs she liked — I think she has over ten masks to choose from when we need to venture out.

Charles: And how many masks do you think you've made so far?

Tiffany: Since April 4th, I have created nearly 1,000 masks.

Charles: Do you have any tips or advice for people hesitant to wear a mask?

Tiffany: As far as mask wearing — I would just encourage people to listen to what Governor Polis is asking us to do as Coloradans. We are a community and we need to take care of each other right now. It is especially important for us to wear masks when we are interacting with people who have to interact with the public all day long on a regular basis. They are the ones that are possibly being routinely exposed to the virus. Show your Starbucks barista that you care — just wear your mask for 2 minutes while you are going through the drive through!

Charles: Do you have any concerns with any of the masks you see for sale online or elsewhere? Do you have any advice for those shopping for masks?

Tiffany: The amount of masks on the market now is incredible. There are so many options for people to choose from in a reasonable price range. The biggest issue I notice is fit. Masks can be made with ties that tie around the back of the head or with ear loops. I think the masks with ear loops can cause issues as far as a proper fit and comfort. According to the CDC, a properly fitting mask should be made of multiple layers, should not restrict breathing and should fit snugly against your face but not be too tight and it should be secure. I often see people with elastic ear loop masks and the mask is hanging below their nose. I make my masks with long ties so that the customer can either tie them around the back of their head or create ear loops that are sized just right for them. Children 12 and under are required to make the ear loops to avoid a strangulation/suffocation hazard. I think that a great option for kids and people



You can find Tiffany's products at modthirteen.com

doing physical activities like running and hiking is the neck gaiter mask.

Charles: Do you donate any of the masks that you make?

Tiffany: I have donated masks to friends, family and individuals who have requested them from me through emails and my shop. I am currently featured as a retailer through The Colorado Mask Project and am working with them to connect with and provide masks to individuals and organizations who are in urgent need of masks for donation.

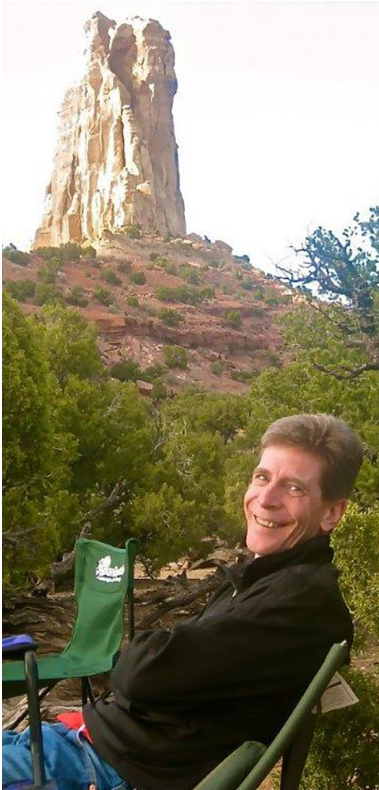
Charles: What prompted you to push pause on your legal career? Do you think you'll ever go back to practicing law?

Tiffany: I have practiced off and on for the past 20 years. Initially I paused my legal career to focus on my children. I really wanted to be home and available to my kids, but I am also pretty driven, so I needed daily mental stimulation and the challenge of some type of work. I love being creative, so I figured out how to turn creating handmade goods into a full-time job that was also flexible. I enjoy working

with people in a collaborative environment. I have always sought out things for myself that are unique and that you cannot find anywhere else. I love working with a customer to bring their amazing ideas to life through textiles as well as graphic design and layout. There is a constant internal pull to return to the practice of law. I think that it is just a matter of finding a good fit. I can see myself working in an alternative legal career where I can make an impact in an area I feel passionate about on a policy making level. I could also see myself working with startups and small businesses to help them bring their dreams to life.

Charles: Do you have any advice for the Denver legal community?

Tiffany: These are such uncertain times and due to the nature of what lawyers do, times of struggle are times when lawyers prosper. My advice to the Denver legal community would be that as a lawyer and as a human being interacting in the community — keep in mind one of my favorite quotes by Brad Meltzer (Columbia Law School Grad whose wife is a lawyer), "Everyone you meet is fighting a battle you know nothing about. Be kind. Always!"



Dan Sweetser

*Deputy Executive Director
of the Colorado and Denver
Bar Associations*

*Interim Executive Director
of CBA-CLE*

Ten Questions with Dan Sweetser

1. Where are you currently working? Effective May 4, 2020 I have taken the position of Deputy Executive Director of the Colorado and Denver Bar Associations. I am also serving as Interim Executive Director of CBA-CLE.

2. Why did you become a lawyer? My junior year at the University of Colorado I took a business law class from Chuck Hurth, who was an adjunct professor at CU. Chuck and that class hooked me in and after a year in Steamboat Springs following graduation and an additional year and one-half as an oil & gas land man during the 1980's boom it was time for law school.

3. What's the best advice you've ever been given? Look for the good in everyone. From my mother.

4. What is one of your favorite places in Denver? The west end of the Denver Nature and Science Museum overlooking the fountain, City Park, Downtown, and the Front Range.

5. What's one thing you couldn't live without? Music.

6. How do you de-stress? Playing guitar with friends and travelling with my wife for long weekends to cities we have not previously visited (which we will, hopefully, be doing again in the not too, too distant future).

7. If you could have dinner with any historical figure, who would you pick and why? George Harrison. He played the guitar like a piano and it is an ongoing joyous frustration trying to decipher the intricacies of his musicianship and playing.

8. What is your biggest pet peeve? Currently, it is the lack of an Oxford comma in any given sentence. If, in a list of three or more things, the thing that comes before the "and" preceding the last thing in the list is a separate thing from that last thing, then please do not wrongfully combine the two things by neglecting to include the comma of separation before the "and"!

9. Describe one of your favorite legal cases (either from your own career or elsewhere). More of an event than a case. A woman came to me who had a child after an assault by a security guard at a high school dance. Fast forward seven years and she and her now husband, the only father her son has ever known, wanted to surprise the son with a stepparent adoption, which I was able to handle for them free of charge. We completed the surprise adoption in Denver Juvenile Court on Christmas Eve. Tears all around; don't ever underestimate the immeasurable rewards that come from providing pro bono services in matters like these.

10. If you weren't a lawyer, you'd be a...? Deputy Executive Director! 🎱

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