

# *The* **Docket**

PROUDLY PUBLISHED BY THE DENVER BAR ASSOCIATION | OCTOBER/NOVEMBER 2020

## ARTS & LITERATURE CONTEST

• • • 2020 • • •

### FEATURE

Strangely Enough,  
the Pandemic Has  
Been Good for Me

### PRESIDENT'S LETTER

RBG: Reflections

### POLITICS

In Search of a Statesman:  
Ford and Nixon

# We wish you a happy and healthy fall.



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FEATURES



## 22. Voodoo Zombies

Well, what if I told you zombies exist, but they will not kill you, they are not evil, they are not bloody or scary looking, they are regular people that have come back from the dead.

BY JESSICA ESPINOZA

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So I was left with a lot of “me” time. And, looking back, that was not a bad thing.

BY DANA SHOWALTER

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BY RANDALL PETERSON

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*Ceci n'est pas une pipe.*

*The Treachery of Images* by René Magritte.

## But is it Art? Yes!

What do Sir Walter Scott, Henri Matisse, Wassily Kandinsky, and Washington Irving all have in common? They were all lawyers! But as our fifth annual *Docket Arts & Literature Contest* proves, they weren't the only lawyers with creative talents. Our goal here at *The Docket* is to give the Denver legal community a platform for expression. I love the *A&L Contest* because it highlights just how gifted and multifaceted this community truly is.

Iconic choreographer Twyla Tharp said, "Art is the only way to run away without leaving home." Well, if there has ever been a time to make us long for escape, this is it. The Docket Committee had a wealth of exceptional submissions to consider this year.

Experiencing this artwork was therapeutic for me. Brian Landy's dreamy, inverted photograph *Wash Park* seems to gently sing in the ripples of the water. Brett Godfrey's awe-inspiring painting, *Essence of Colorado*, delivered me right to the doorstep of this great state's natural beauty. And Morgan Liphart's honest poem, *Leaving and Arriving*, reminded me of my own optimistic anticipation that brought me west. While *On Identity*, Maha Kamal's personal story of belonging, took me to the other side of the world. Each work of art in this issue brought me a sense of calm and lifted my spirits with some much-needed positivity. Our most sincere gratitude to all of the artists who shared their work with us this year. Thank you for keeping this beloved tradition alive.




And on a personal note, this issue marks my one-year anniversary as Editor of this amazing magazine. I can't wait to see what the next year brings for *The Docket*. 🍷

*Charles McGarvey*

Charles McGarvey, Editor

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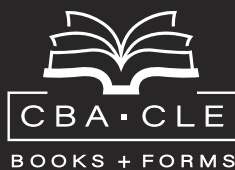
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## RBG: Reflections

As our legal community mourns the passing of one of our most respected jurists, we reflect on Justice Ginsburg's legacy and her impact on society. Her contributions to the fight for equality were significant. Her influence on the advancement of women's and LGBTQ rights is undeniable. And arguably it was in dissent when she was most powerful, speaking the truth when the moment most demanded it. We spoke to one of Justice Ginsburg's former clerks, Attorney General Phil Weiser, and also with Colorado State Supreme Court Justice Melissa Hart, who clerked for another U.S. Supreme Court justice during the time when Justice Ginsburg

issued some of her most famous opinions. When asked about Justice Ginsburg's legacy, A.G. Weiser said:

She leaves a rich legacy, primarily as a trailblazer. The values she fought for — women's rights, equality, and justice — have made our society better and fairer. She elevated the quality of the Supreme Court's work, through her brilliance, outstanding lawyering, and collegiality. And she inspired millions to do their part to advance their values and view law as a tool for advancing the cause of justice and a more inclusive "We The People."

Justice Hart, also focused on Justice Ginsburg's time as a lawyer and advocate, reminding us of the impact that we, as lawyers, can have on greater humanity:

The way that she shaped the law we all now live under happened 20 years before she was appointed to the court — in her fight, as an advocate, for women's full citizenship. Every single man and woman alive today have different opportunities than they otherwise would have directly because Ruth Bader Ginsburg saw — and convinced the courts that women deserved an equal opportunity to participate in the workplace and men deserved an equal opportunity to participate in the home.

A.G. Weiser, remembers a case from his clerking days where Justice Ginsburg built upon work she started as an advocate and delivered an opinion that would forever impact women's rights in our military institutions:

The *US v. Virginia* case, involving the Virginia Military Institute, was decided when I was clerking for her and established the principle that discrimination on the basis of gender could only be justified with an exceedingly persuasive justification. In that case, the Court built on prior work of Justice Ginsburg as an advocate, developing the principle that gender discrimination is not tolerated by our Equal Protection Clause. Later, VMI invited Justice Ginsburg to address their cadets, acknowledging that their prior discrimination was unjustified and that the women cadets were contributing to their community

Justice Hart reminded us of one of RBG's most legendary dissents where she made her now-famous analogy regarding the elimination of preclearance from the Voting Rights Act, saying "[t]hrowing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you

# The Docket

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## OUR MISSION

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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Her influence on the advancement of women's and LGBTQ rights is undeniable. And arguably it was in dissent when she was most powerful, speaking the truth when the moment most demanded it.

are not getting wet." Justice Hart had this to say about the dissent:

Justice Ginsburg achieved her superhero "Notorious RBG" status after she had already served as a justice for 20 years and as a result of her powerful dissent in *Shelby County v. Holder*. She often reflected that dissents were written, not for today, but for tomorrow. A judge writes a dissent hoping that, with time, that position will become the majority. And perhaps some of her powerful dissents will one day become the majority position. If that does happen, she will have significantly shaped the law in ways we still cannot see.

Lastly, A.G. Weiser reminds us that professionalism is a fundamental tenet and a guiding principle of our conduct. He said this of Justice Ginsburg and professionalism:

Justice Ginsburg's sense of equanimity was extraordinary. Even as she faced challenging times, she kept her head and was calm, cool, and collected. It has taken me time to develop that competency, but she provided a pow-

erful example of its importance. She also had a deep commitment to public service, law as a tool for promoting justice, and equality. She lived those values profoundly and they continue to be an inspiration to me. Finally, Justice Ginsburg was committed to listening to and learning from others, working to see their points of view, and sharpening her thinking through true engagement with different ideas. That quality explains how she and Justice Scalia could be such good friends and have so much mutual respect for one another.

We are saddened that Justice Ginsburg is no longer with us. But we are forever grateful for the positive lasting impact she had and will continue to have on the world. It was certainly a life well lived and pleasure to have had such a remarkable representative of our profession. ●

*Kevin McReynolds*

Kevin E. McReynolds, DBA President

*A. Tyrone Glover, Jr.*

Tyrone Glover, DBA President-Elect

# Pause. Breathe. Feel. Sing.

**H**ow do you spend your daily 24 hours? Your 1440 minutes? If you charted your activities, would the time align with your values? Or, would you discover that somewhere along the way your priorities and values diverged?

Sometimes it takes a crisis to create change. Significant disruptions to our lives allow us to examine where we have become derailed or veered from our true priorities and values and acknowledge that our lives have become a blur of perpetual motion. We race from task to task, anxious and feeling the pressures to be perfect, often exclusively attending to the needs of others at the expense of our own mental and physical health. We can literally forget to breathe as we race through our days, exacerbating our stress and making things worse.

As we have been made acutely aware in the past few months, the most crucial survival function for a human being in the moment is respiration. And yet, ironically, we do not usually focus on breathing. It may arrive in our conscious awareness when we are unable to catch our breath while climbing a mountain or have a near-miss merging onto the freeway. It certainly catches our attention during a pandemic caused by a respiratory-related virus. Even when we are aware, we do not observe the intricate processes involved in allowing our bodies to breathe. We certainly do not appreciate the power of this physiological wonder. According to Dr. Zaccaro and others in a 2018 article in *Frontiers in Human Neuroscience*, deep breaths can change our parasympathetic nervous system — the system that helps us calm and restore the body — and the way our central nervous system functions, which affects all other systems. Instead, we find ourselves entranced in surviving our day-to-day: wake up, work, family, friends, exercise, eat healthy, volunteer, sleep, and *repeat*. We take on more tasks than the minutes in the day allow, get lost in our daily routines and responsibilities,



and we lose sight of what fuels us. We forget to pause. To breathe. Thus, we do not give ourselves time to heal.

The constant rush of adrenaline produced during the stress response also keeps us from feeling. This could be related to the real reason we halt our own breath — to avoid the discomfort that might fill the pause. When we are exposed to horrific news or witness something terrifying, we gasp and hold our breath. We do the same when we worry or have anxious thoughts. Deconstructing our emotions can feel intolerable.

However, when we operate like a perpetual motion machine, sometimes for years, our brain and body will eventually protest. Our physical and mental health requires a collaboration between our mind, body, and emotions. These are all branches of the nervous system and when one hijacks the others we experience mental and physical dis-ease. Some of us will experience mental health issues, some will turn to substances for relief, and some will experience physical manifestations like insomnia, gastrointestinal problems, chronic pain, heart disease, and obesity.

We can improve collaboration between our cognitions, emotional health, and physical health through practice. The simple practice of identifying and labeling emotions makes them more manageable, even those that feel most intolerable on our worst days. It increases our acceptance of whatever is present for us in the moment and makes it less intense, according to a 2006 paper by Dr. Fratrotoli in the *Psychological Bulletin*. We cannot selectively numb our unpleasant emotions; doing so prevents us from fully feeling the good in life.

So, pause. Breathe. Feel.

What emotions are with you right here in this moment? Where do you feel them in your body right now?

Pause. Breathe. Feel.

For me, it wasn't the 10-year grind of higher education and training at top institutions to become a psychologist where I learned these lessons. Much like the legal community, the competition, perfectionism, and pressures of my profession reinforced the perpetual motion machine lifestyle as I attempted to juggle academic, professional, and



personal obligations. Yet I continued to push because that is what was expected. We must always be at our best. To pause would be weakness ... or that is what we tell ourselves. Once I had accomplished my goals, however, I found myself unsure of what to do next. I had lost myself in this hustle so I carved out time to slow down and make time for hobbies old (singing) and new (hiking).

Historically, singing allowed me to be a character, to express the emotions of the artist while masking my own, much like we are taught to do in our professional lives. As I have been relearning to sing, I am learning to be more vulnerable, to feel my emotions, and to breathe. Without the ability to sustain my breath, I cannot hold the notes. And, without feeling the emotions in the lyrics, I cannot truly relay the story. It has been shocking to learn that my perfectionistic tendencies disrupt this process rather than help it. I am learning to allow myself to let go of the insecurity in this space, the frustration of not being better, and the desire to do it right. I am learning to enjoy the

discomfort and uncertainty of growth. And, it is *really hard*. I spend much of my practice learning to breathe and to feel. Singing is much less about singing than I ever imagined.

Surprisingly, this artsy pursuit has improved the athlete in me as I explore the Colorado outdoors. In the most challenging moments on the trails, I recall the breathing exercises I have learned in music. This allows me to go higher, farther, and faster. I have come to appreciate the emotional and psychological elements of physical activity, and I can cover even more ground and achieve more when I simply pause to take in the views, breathe mindfully in the thin mountain air, and respect what I feel.

So, I invite you to pause, breathe, and feel. You too might be surprised by what you will discover when you get to know yourself. After all, it is only through practice that we grow — growth in learning to pause, breathe, and feel can truly happen anywhere. Pause now!

Breathe. For a moment, draw your attention to your breath and explore

everything about it. Feel the air come in through your nostrils. Notice the temperature. Feel the sensations as the air travels from your nose ... down into your lungs ... into your diaphragm. Feel your ribs and abdomen expand. Pause. Hold the air here for a moment ... and exhale. Feel the air exit your nostrils. Notice your lungs and abdomen collapse. Now bring your attention to your emotional experience. What emotions are here, right now? Label it. Repeat. 🌍

**ROBYN HACKER** is a licensed psychologist, budding musician, and new trail runner. She received her PhD in counseling psychology from Arizona State University and completed her pre- and post-doctoral fellowships at Yale University School of Medicine.

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# Pandemic Pro Bono Publico

**2020** has been a year of challenges and change to say the least. The world has seen a drastic change dealing with peoples' fundamental way of life for the foreseeable future. However, what has not changed is the never-ending struggle to provide members of our community with access to justice. In fact, our mission at MVL to provide access to justice for the disadvantaged has only grown more complicated and dire. With more courtrooms closed and more trials being delayed now than ever before, we are faced with the seemingly insurmountable challenge of how to help facilitate procedural due process and access to the courts. But, with new problems we are presented with new opportunities to help!

At MVL, our staff and volunteers have been working tirelessly during the COVID-19 pandemic to continue assisting the needy while keeping our volunteers' safety paramount. By way of example, our Power of Attorney Workshop is still actively ready to help senior citizens in obtaining medical powers of attorney, declarations of

disposition of last remains, and living wills and will do so as safely as possible when the opportunity arises. Given that the elderly represent an extremely vulnerable portion of our population, MVL has devised new means and methods of providing these critical legal services to nursing homes remotely by supplying our own sanitized scanners, laptops, and webcams. These permit our volunteer attorneys to get people the help they need once legal assistance can be provided again to nursing homes and care facilities. We also have a remote Power of Attorney program utilizing technology to get POAs finalized virtually, which can use the help of volunteers like you. Now is when people need end of life documents prepared safely, which can only be done if those willing to help make the leap and volunteer with us.

As a result of COVID-19, we are also trying our absolute best at MVL to be prepared for what is to come and to learn from this pandemic the best that we can. We are actively preparing a virtual video series for CLE credit that we

hope to use for years to come to teach new volunteers how our programs work, and show how volunteers can give back to the community at large without ever having to leave the safety of their homes. If this is something you are interested in contributing to as a presenter, please do not hesitate to reach out to me directly to discuss the opportunity.

We also foresee the need for our bankruptcy volunteer attorneys to increase drastically in the coming months given the economic hardship the pandemic has caused. If you're interested in volunteering now, MVL is still actively accepting volunteers. Here are just a few of the ways you can help:

- Conduct one-hour telephone consultations on family law matters.
- Volunteer as a remote mentor for our existing volunteers.
- Assist applicants in completing advanced planning documents (Medical and Financial POAs, Living Wills, and Declarations of Disposition of Last Remains) remotely.
- Take a full-representation case.
- Join the Metro Volunteer Lawyers Board as one of our members at large.

MVL even has a Zoom account that can be used and MVL staff can be available to provide the necessary notarization services as well as witnesses when required for probate work. Another safe and easy way to assist MVL during these trying times is to do so financially.

As the 2020 chair of the board for MVL, I take this opportunity to thank our volunteers, past and present, while making a call to action. I also want to leave you with one of the mottos that I have found solace in recently: "You make a living by what you get, you make a life by what you give." 🍷

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**BEN KING** is a Colorado native and third-generation trial attorney. Ben practices family law with Montgomery, Little, & Soran, P.C. while serving on the Executive Council for the Family Law Section of the CBA and is the 2020-21 Chair for MVL's Board.

As a result of COVID-19, we are also trying our absolute best at MVL to be prepared for what is to come and to learn from this pandemic the best that we can.

# METRO VOLUNTEER LAWYERS MAKE A DIFFERENCE

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

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*The Art Assignment* is a PBS Digital Studios webseries that debuted in February 2014. Hosted by Sarah Urist Green, former curator of contemporary art for the Indianapolis Museum of Art, *The Art Assignment* confronts our assumptions on what is and, sometimes more importantly, what is not “art.” Urist Green examines works, trends, and genres throughout art history shedding light on often misunderstood movements and artists. The show also tackles complex topics and current events in the art world such as the billions of dollars’ worth of fine art currently owned by corporations for tax write offs, the artificially inflated art market, and the monopoly held by auction houses Sotheby’s and Christy’s.

Think abstract art is silly? Consider video art just a gimmick? Maybe you’ve decided that Andy Warhol was a hack? Sarah Urist Green argues some pretty persuasive cases that may not change your mind, but they’ll definitely give you something to ruminate on.

Watch *The Art Assignment* for free on their YouTube channel or [pbs.org](https://www.pbs.org).

**Q:** Two are art and one is a prank. Can you guess which one?

**A real banana, duct taped to a wall**

**An upside-down urinal put on a pedestal**

**A pair of glasses placed on a gallery floor** (See the answer below)

**“The purpose of art is to lay bare the questions that have been concealed by the answers.”**

James Baldwin *The Creative Process*

**ANSWER:** A pair of glasses placed on a gallery floor. *The Comedian* by Maurizio Cattelan is a banana fastened to a blank wall with duct tape which recently sold for \$150,000. *Fountain* by Marcel Duchamp is a sculpture consisting of a porcelain urinal turned upside down and placed on a pedestal. Though a prank, the glasses placed on the floor of the San Francisco Museum of Art caused quite a stir with many snapping photos as they admired the spectacles believing that they were part of the installation.

*The*  
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# ARTS & LITERATURE CONTEST

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

**ART&LITERATUREPHOTOGRAPHY**



**TITLE:** WASH PARK    **ARTIST:** BRIAN LANDY

## ART & LITERATURE POETRY

# Leaving and Arriving

POET: MORGAN LIPHART

### Part I: Leaving

The wrinkled map I keep in my trunk  
is set and smoothed on the dashboard with shaking palms.  
My sister may worry. Missed calls,  
spare apartment keys turning to find empty.  
My finger traces Colorado. I move west through blank cornfield roads,  
then mountains and forest. Stiff limbs locked up, silent,  
living out of my jeep with the rims bent in.  
When I wake each morning, fog clouds the  
windshield like a memory I push to the edge  
of myself, details melting away. I speed  
through smoky towns, past every dirty gas station  
across the state line — the line between me  
and my inherited sadness, as if I could cross that border  
in myself too. I leave behind the silent defeats of my mother  
and her mother and her mother before her,  
raising children in a farmhouse, youth crumbling  
like soil in the field. It's enough just to try  
to run. My toes push the pedal down  
while my cell chokes in mud on the bottom of the Rock River.  
I used to hold on with white knuckle fists, now  
the ashes of my life are light on the wind  
and my palms empty. West. I drive west,  
watching yellow blinking lines on the pavement  
blur together, like a hum of prayers  
for second chances. And hope combusts  
in my fuel tank,  
the most powerful force that exists.

### Part II: Arriving

I am standing in a field in Breckenridge, wondering  
if a soulmate can be a place, instead of a person.  
My hair blurs into the gold, wild grasses of fall  
until there is no separating me from the land,  
the land from me. This is how it was always  
meant to be. I can roll my ear to the earth  
and hear her welcome me home. I'm just sorry  
it took me so long.



# The Longest Walk Around the Block

AUTHOR: LAURA L. FISCHER

*Oh no. No, no, no! This will not do.* This simply will not do! Angus's thick fingers clumsily work at a knot in the leash. He tries to calm his breathing, he tries to inhale deeply into his stomach, he tries to exhale slowly. (Mother used to bark at him to count to ten before descending into a meltdown. But what does Mother know about avoiding a meltdown? He cannot recall a single time she'd counted to ten to spare him a front-row seat to her screaming, ranting attacks.) Getting into a panic now will only cause further delay. Angus sternly reminds himself to keep to schedule.

Oh, but it is already 6:24 a.m.! The two stand at the door, Rufus's eyes rolling up at Angus dopily from his squat position. He can smell Angus's anxiety — a pungent sweat. Rufus doesn't mind the smell and isn't in a hurry.

Angus declares victory over the knot, wipes his brow with the back of his shirt-sleeve, careful to avoid direct contact with his skin, and loops the green and white roped leash around Rufus's thick neck. The two set out to take on the first 2,100 feet of absolutely no vertical and very little undulation. They will circle the block three times, as they do each morning — 6:25 a.m. until 6:58 a.m. — starting and ending at the modest, austere multi-family building on the corner, where Angus and Rufus share a modest, austere studio apartment.

As it is every morning, this is a slow, intentional walk — a walk that would take most people half the time. *Heel toe, heel toe*, Angus steps exactly within the pavement squares, careful to avoid the cracks — no small feat considering each square has four such cracks. One at the top, one at the bottom, one on either side. *Step on a crack, break your mother's back.* Mother has enough troubles, laid up in her assisted living apartment with oxygen tubes trailing from her nose, onto her lap and over her cold, skin-stretched, skeletal hands. No, Mother could not

tolerate a broken back. Even Ana (the greatest possible nurse!) could not save Mother from a broken back. Ana, with her poppycolored hair and a smattering of light freckles across her wide, flat nose...

For three years now, since adopting Rufus — for that is how he thinks of his life now, *since Rufus* — Angus has not missed a morning walk, weather permitting. Before Rufus — for that is how he recalls his earlier life, *before Rufus* — Angus split his extra thirty-three minutes each morning equitably among a modest stretching routine, a brief national news update, and a luxurious 20-minute shower, using the time to self-loathe under the steady beat of hot water. Ana once told him that she calculates the prior day's calorie-consumption during her morning shower because it is the best time to reflect on her "bad" behavior. Angus doesn't believe Ana has any bad behaviors and finds his skin alight with electricity at thinking of her in the shower... washing her long, thick curls.

Since Rufus, Angus has willingly swapped *his* morning stretch for *their* morning walk. He has traded his daily news reports for eavesdropping on fellow commuters lamenting the most sensationalized current events — scraps of filtered, subjective reports on his bus ride into work.

His *since-Rufus*-shower has been reduced to nine minutes. Just enough time to flirt with suicidal thoughts but not quite enough to strategize the means. That will have to wait until he takes his morning coffee. Black. One cup. White mug. Sipped while standing next to the small kitchen island, images of permanent self-harm with every swallow. The mug washed, rinsed, dried, and returned to its shelf in the kitchen cupboard almost as soon as it is emptied.

As the two complete the first circle of the block, Angus is surprised (but not really) at how his thoughts have once again managed to commandeer the walk,

his panic over the time giving way to his panic over his thoughts. He vows to be more "present" on the second circle.

*Heel, toe, heel, toe.* Angus feels his legs moving, his feet striking the ground in even intervals, and enjoys it — the rubber soles of his thick white walking shoes sparing his feet from the cement and providing support along the base of his foot. Yes, walking feels good. (He hardly minded when Mother told him the thick white walking shoes made him look "fruity"! He so hardly minded that he bought three pairs!) Ana had commented on his "slick kicks" during one of Angus's Sunday suppers with Mother. Had that been a compliment or an insult? No matter which. Ana had noticed him. The promise of seeing Ana as she prepared an extra bowl of vegetable soup with oyster crackers, passed by to sweep up the crumbs, and wipe Mother's permanent scowl of a face made the weekly visits almost tolerable.

*Front right paw, back left paw, front left paw, back right paw.* Rufus never relieves himself outdoors. He does not mark his territory — *what a disgusting instinct indeed.* He does not lift a leg, or spread his hind quarters, but patiently waits until they return home where he will squeeze and crouch behind the lone tree in the postage-stamp yard. He walks slowly alongside Angus, neither pulling ahead, nor lagging behind. Rufus is a nearly perfect companion. He does his best to be a good boy for Angus. Though he *does* step on the cracks in the pavement. Perhaps one day, seeing no harm comes from the missteps, Angus will find the courage to do the same.

*Heel toe, heel toe.* Angus avoids glancing down at Rufus, careful not to notice the transgression of a chunky white paw on a pavement crack. He once consulted a trainer but felt ashamed at explaining Rufus's singular "naughty" behavior. The trainer had declined the work, confused by the consultation.



The vet had suggested at least 30 minutes of movement a day; Angus proudly aims for 33! Rufus, being a senior bulldog, low to the ground and in fair health given his advanced age, needs a light amount of exercise to maximize the quality of his life. His smashed face boasting folds of skin requires daily wiping. Angus does not mind and is happy to keep the sweet boy's face clean. (He certainly could not say the same for Mother, who would leave a young Angus unbathed for weeks at a time! Angus's chest squeezes in pain as he recalls, again, a memory from primary school. He was too young to read the teacher's note himself, but he delivered it to Mother as instructed and came to understand it contained an admonishment about his personal hygiene. He cannot recall having ever received a more scalding hot bath or vigorous skin-tearing scrub. Surely, a mother's washing of her child wasn't meant to hurt so badly.) Walks keep Rufus moving, ideally delaying the inevitable a bit longer. Angus has not yet run the calculation — though it is on his calendar to do so later this afternoon — but he is certain the extra three minutes of daily walking will translate into another few weeks of life — for the both of them. Angus's suicidal thoughts *since Rufus* now involve contemplations of killing himself only after Rufus dies. The only downside being that Mother, at 84-years-old and practically

immobile, could actually outlive him under this plan. (The old bag would eat that right up!) Perhaps that's not the *only* downside. If Angus should decide to outlive Mother, well, Ana wouldn't be Mother's nurse forever...

Angus checks his digital watch as they pass the apartment and begin the third circle: 6:47a.m. Right on time! Though he cannot actually recall the first or second circles around the block, his watch rewards him nonetheless, Angus having now timed their slow, intentional walk so perfectly that cracks are not stepped upon (Rufus notwithstanding) and the circles are completed in the exact 11-minute increments as intended.

Mother had made fun of his watch, called it cheap and feminine. Mother is an idiot! He bought his watch at a very fancy kiosk in the mall, after some metrosexual looking boy in his early 20s accosted him with a "complimentary" spritz of unisex cologne. What does Mother know about fashion, anyway? She gave him some new-fangled heart rate monitor disguised as a watch last Christmas to track his steps, his sleep, probably his bowel movements. Angus still refuses to wear the thing.

Technology is not to be trusted. Email hackings, lithium ion batteries bursting into flames, data breaches... never mind the fact that Siri and Alexa record and report everything they hear. To whom, Angus does not know, but he knows enough not to trust. And his brain is more than capable

of keeping track of his steps, thank you very much, Mother! Of course, Mother couldn't have really purchased the monitor-watch in her condition. Certainly, it was purchased with her money, but Ana must have chosen it. Angus ponders this. Perhaps he'll hang onto the monitor-watch after all.

At the atypical tug on the leash, Angus is distracted from his perfectly timed walk and frenetic internal dialogue. He turns his attention down to Rufus, who never pulls on the leash, and who now appears stuck and awkward. The slack in the leash (there was never any slack in the leash!) has worked its way under Rufus's low-hanging, tight, round belly, and is caught between his back paws.

His breath quickening rapidly, Angus grows panicked. What to do now? He frantically considers his options, consulting his watch for guidance — less than three minutes to complete the walk! Angus is mid-step, his left foot planted to the ground, his toe just below one crack in the pavement, his instep just inside another. His right foot, precariously airborne, is ready to make contact at the heel to relieve lefty. His options are numbered and none without loss of precious time to complete the walk — seconds have already passed! Rufus has stopped short, just behind Angus, tangled in his leash and looking only moderately concerned. Or skeptical. Or not concerned or skeptical, but rather, just looking.

If Angus steps backward, without a clear view of the pavement, his chance of stepping on a crack is great. If he simply bends over and reaches his hand under Rufus to untangle the leash, he is certain to become unbalanced, lose his footing, misstep, and make contact with a crack in the pavement. *Step on a crack, break your mother's back.* Mother could not tolerate a broken back...

Angus eyes his thick, white, "fruity" walking shoe with admiration as he slowly, intentionally steps his right foot onto the crack in the pavement.

As he rescues Rufus from the leash, Angus sucks in his breath, holding it tightly so he can listen closely to hear what he imagines to be the cracking of Mother's old, nasty, pathetic spine. 🐾



## ART&LITERATUREDRAWING



**TITLE:** VIEW FROM MY OLD OFFICE    **ARTIST:** ADAM FOSTER

## ART&LITERATUREMIXED MEDIA



**TITLE:** LIGHT & GLASS    **ARTIST:** RACHEL GEIMAN

## ART&LITERATUREPAINTING



**TITLE:** ESSENCE OF COLORADO    **ARTIST:** BRETT GODFREY

# On Identity.

AUTHOR: MAHA KAMAL

There is a relatively unknown story of Muhammad Ali Jinnah, the founder of Pakistan, and his daughter, Dina. I tell it to everyone who asks me about my disownment.

Before the India-Pakistan partition of 1947, Dina went to Jinnah, asking to marry a Parsi. Her father flat out refused.

Reminding her father that his wife (her mother, Rattanbai), had also been a non-Muslim and a Parsi coincidentally, the young lady replied: "Father, there were millions of Muslim girls in India. Why did you not marry one of them?"

And he replied that, "She became a Muslim."

And so Dina left for India. She married into the Wadia family, one of the largest families in the country at the time. She only twice returned to Pakistan after that: for her father's funeral and later a 2004 Pakistani-Indian cricket match. (Coincidentally, I was disowned the Fall of 2003/early 2004). She died in New York City in 2017.

I can relate to Dina in many ways. And my awareness of her story complicates the relationship I have with my Pakistani identity. Can I truly embrace a country whose founder disowned his daughter, much like my father did me? (Dina, in their later years, did reconcile with her father and after she separated from her husband, Neville Wadia). The short answer is yes, I can and do embrace my Pakistani heritage. But I am most comfortable at the border between these feuding political families.

More importantly, while my parents may have disowned me, I didn't in turn disown my factioned roots. If anything, I've embraced them much more than I think most first generation children of South Asian parents ever do. There's a survival instinct that kicks in when you're slated the black sheep of the family. It's an instinct to preserve not only your physical

self, but all of the layers and adornments of a culture you've known since birth.

I've finally had extended time to reflect on just how hard I've fought in the past 16 years to keep my identity intact. An identity that was, in many ways, violently ripped from me at age 18. (For example, one of the more unconventional ways that I've retained a lot of my Urdu/Hindi is by exclusively speaking to my cat in them every day since I was disowned nearly two decades ago. Her name is Mikail, but she responds to billi, meaning cat.)

India assured me that my efforts to keep my identity haven't been in vain, that I am still South Asian, Indian, Pakistani.

I am all of these things.

But I am also uniquely me. In my time here in India, I've enjoyed the endless smiles (and many giggles) from locals who loved my crazy afro hair, or were taken aback when I spoke to them in Hindi because they thought I was Spanish. I don't quite belong in these spaces either, and that's okay because I am all of these other things that make me, me. I also get to have a lot more fun at the border: I can fully embrace the beauty of yoga and prana; I can enjoy the local wines and liquors without guilt; I can date without regard for religion or caste. More importantly, I can step into a dualistic role of the Desi and the American woman in situations that for so long pressured me to stay in a traditional gender role.

This trip also highlighted how much food serves more than just our basic needs. It serves as a powerful social connector. I've eaten so many memory-triggering dishes this past week: homecooked *daal* with *makhan* (butter), *purris* with *channa*, lamb *gosht* with rice, *aloo parathas*. I tasted *sevaya kheer* for the first time in over a decade on Sunday. I fought back tears as I put my spoon back in the bowl, because in tasting that long-forgotten sweet there was a linger-

ing sorrow. In that milky perfection of pistachios, vermicelli, cardamom, and almonds, there was also a mother's love lost. There was a sliver of a grandmother's, my grandmother's, death.

All in a single cup. Food can do that to a person.

My personal tragedy also mirrors the political divide between these countries. I'm not sure how, or when, it will ever heal. Both sides have their stories and their justifications. Both sides have their quiet allies and also their peacemakers, who recognize the faults and strengths of each side. But at their cores, these parties, families, are one and the same. They share the same blood, language, food, culture. "Desi," a term used to define those from the South Asian subcontinent, literally means "of the homeland." A Westphalian division can't erase something that ubiquitous.

So as much as they may try, my parents can never fully disown me. We may live in the same state, between city borders. But there's no denying we're one and the same. And maybe it will take a tragedy, a funeral, for us to ever speak again. But India reminded me in these past ten days that my identity is not just that of my parents, but of *Desh*, our homeland. And I sincerely hope that one day we can once again share our similarities and set aside our differences. But even if that doesn't happen, my identity transcends a single family unit. It's part of a greater community, as rich and diverse in its culture as I am in my own right.

And after all of this reflection, I understand now too why Dina left for India and never came back.

Even the black sheep eventually finds a bigger flock in the valley. 🐏

*Originally published April 8, 2019 during a trip to Satkhol Village and Delhi, India.*

HONORABLEMENTIONPOETRY

# A Rain Drop Melody

POET: BILL SENTER

Gentle drops of summertime rain, adorning flushed cheeks  
Uplifted, smiling faces, with eyes closed  
Remembering youthful, care free days, with blithesome dreams  
Lost amidst times cherished, and free  
A rain drop melody  
Nourishing our spiritual souls  
Pitter-patter, with sweet sounds of our mothers  
Untethering memories, aloft as butterflies  
Tender summer rain, freshening flowers, and free  
A rain drop melody  
Pitter-patter, pitter-patter, scented rainy air, cleansing our vistas  
Calmness, a robin tugs a worm, swaying chimes, soft fragrant air  
All beneath a watchful sky with amusing sighs  
Giggling children splashing new puddles, and free  
A rain drop melody  
Pitter-patter, pitter-patter, pitter-patter  
Lazy clouds float, Life's beat resonates  
Rhythmic rain glistens petals, we Listen, Listen  
Soothing our senses, and free  
A rain drop melody

HONORABLEMENTION  
PHOTOGRAPHY



TITLE: MAYAN NOIR  
ARTIST: BRENT JOHNSON

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# VOODOO ZOMBIES

By Jessica Espinoza

**T**hey are not men, sir ... they are dead bodies, they are zombies! Zombies are evil and will try to eat you if you don't shoot them in the head fast enough, they will bite you and poison you to become one of them ... Well, what if I told you zombies exist, but they will not kill you, they are not evil, they are not bloody or scary looking, they are regular people that have come back from the dead. Hollywood took this idea of zombification and made into a mainstream media scandal where we see zombies so frequently whether it is in films, comic books, zombie events, and even in music videos such as Michael Jackson's famous *Thriller*. Hollywood has portrayed zombies into evil, scary, bloody, flesh-eating creatures but in the Voodoo religion a living death is considered honorable.

The root of zombies goes back to when the Voodoo religion began in West Africa, and the beliefs and practices spread to the island of Haiti where Voodoo was established. The word zombie came from *zumbi* which meant "fetish" and *nzambi* meaning "God" (originally referring to a particular snake god). The word transformed to "reanimated corpse," *zombie*. With the African slave trade millions of Africans were brought to the New World and a chunk of culture, ethnic identity and language was lost. However, many Voodoo ritual were kept alive, and were freely practiced after the Haitian revolution. One of the rituals that was kept alive was the zombification process. This is the process for someone to become a *bokor*, which is similar to a priest in Catholicism. A *bokor* is a person who one can go to and connect to the higher spirits through a human. However, the process of zombification is a little different from becoming a priest. It is a little out of this world.

The zombification process begins when someone decides they would like to become a *bokor* (Voodoo priest). The

process begins with inserting poison in the person's shoes. The poison will stop the nervous system from working and therefore the person dies. The body is then put in a room with a live chicken for three days with no food and no water. After three days the body is then carried out by the villagers from the room to the village, carried out feet first to signal passage from the world of the dead to the world of the spirit. The villagers then carry the body around the village and have a ceremony where they call the Great Spirit to revive the person. They add on oils to the body and rub a live chicken over it, which signifies purification of the body, preparing it for rebirth. If the person wakes up from the "dead" they are now honorable bokors and they now have the ability to heal, connect to the higher spirits, and conduct black magic. However, if the person does not wake up, then the spirit did not want them to become a bokor and sadly they will pass away. This process was the beginning of a mainstream zombie era.

The modern understanding of zombies started when the idea was introduced to the mainstream western culture in 1929, when W.B. Seabrook wrote *The Magic Island*, detailing his observations in Haiti, including the practice of Voodoo and the zombification process of becoming a bokor. The release of the book feared many Americans and the idea of zombies in the western culture began. The book inspired a movie in the burgeoning film industry, *White Zombie* (1932). *White Zombie* was made during a time of extreme racism against African Americans in the United States. Many people believe that Hollywood movies usually portray people's viewpoints from the time period that they are made. Writers believed that the film *White Zombie* represented the fear of the loss of white control over a wild world. The screenplay by Garnett Werson tells the story of a young woman's transformation into a

zombie at the hands of an evil Voodoo master. This movie shows how negatively and evilly Voodoo is perceived in the U.S. All the "zombies" in the film were Black Americans and the Voodoo master was a Black man playing with evil magic that turned an innocent White woman into a zombie. After the release of *White Zombie*, many more zombie movies were made, only this time the movies were far worse, the myths changed in every movie. Sometimes zombies were people with spells, other times zombies were the living dead with strange diseases. The writer of *Magic Islands*, W.B. Seabrook, did not depict zombies as evil; he just simply wrote of his observation in Haiti, and Hollywood overdid the idea of zombification and made films, comic books, music videos for profit. Voodoo zombie practices have been misrepresented and sensationalized, particularly in Hollywood films, according to which its followers practice bizarre rituals involving voodoo dolls and cannibalism. Voodoo is not, and cannot, be practiced everywhere since the mainstream media has portrayed the religion as evil.

There have now been 639 zombie movies released since 1930 and that number will likely keep on growing throughout the years. The zombie concept in the mainstream media has grown so much that people believe one day there will be thousands of living dead bodies going out in the streets to kill us. Well, it is also 2020 and at this point anything and everything can happen. But knowing the origin of zombies and understanding that Hollywood over-exaggerated a lot of the zombie concepts that we know now, I think I am pretty comfortable to say that we will be okay and there will not be a zombie apocalypse anytime soon. Now, when you see a new zombie movie and see the zombie eating flesh, do not fear, and make sure to remember it is fake. The real "zombies" are honorable, helping their fellow villagers heal and connecting them with the higher spirits. ●



# Strangely enough, the pandemic has been good for me.

By Dana Showalter

**First of a series of short stories on personal wins during the pandemic.**

In February, nobody really knew what to expect with COVID-19 nor how significant of an impact it would have on our lives. At this point, I think I can safely say it has made a significant impact on everybody in some way, shape or form. I am fully aware everyone has a story: we often hear about the health impacts and the job losses and even whether masks help or hinder. If you are like me, you are also pondering the longer-term impacts such as vaccines and immunity as well as long-term economic challenges that may stem from our short-term responses. I want to remind you that every cloud has a silver lining — but you may have to look for it. These are meant to be happy stories, but to get there, I have to share some of the challenges of the last few years.

## Part 1: Finding Me

Quarantine. Stay at home. Your new community is now defined as whom-ever is under your roof, augmented by

the internet. Well ... for some of us that community is quite small. My community was smaller than the town in Wyoming with two people — my community of one. To be honest, I also had my (then) seventeen-year-old daughter around — while I know she loves me, she wasn't really interested in being in my community. Truth be told — she wasn't interested in *me* being in *her* community (more on this in part 2 of this series).

So I was left with a lot of “me” time. And, looking back, that was not a bad thing.

Let's be clear from the start: I am NOT an introvert. In fact, I am an extreme extrovert by Myers-Briggs standards — meaning I get my energy from being around other people, and being alone is draining.

But yet I have found peace during this pandemic.

For this story to make sense, I feel I need to share a few things about myself. I moved to Colorado in 2015 to go to law school. But it wasn't that simple. I uprooted my

daughter at age 13 and then got sucked into the life that is law school (which was not nearly as fun as getting my MBA!). I fought cancer during law school and struggled with chemo brain as I took the bar exam. I had no money and no time and no fun for several years. But by the time 2019 rolled around, I was in good health, a member of the Colorado bar, a fellow at the Attorney General's office and, in theory, on my way to being ME again. Time to say YES — to having fun, to going to dinner, to exploring nature, to helping the community. Or so I thought.

But 2019 wasn't any better. I lost my mother — the person I talked to every single day (remember, the only physical person in my daily life was a teenager who sometimes didn't talk at all). I lost my father — who I called when Mom wasn't available. My parents always listened, whether it was to my tears (and there were lots) or whether I just needed to boast a bit about an achievement. I also lost one of my dearest friends (who was

my age) to a heart attack and a stepsister suddenly to diabetes. During this time, my daughter was fighting for her mental health and her will to live.

So it is now 2020 and we are back to the start of the story: Quarantine. Stay at home. Your new community is whomever is under your roof ... **sigh** ...

As an extrovert, this pandemic was looking to be the bane of my existence. It cut my snowboarding season short. It closed my gym and stopped my favorite activities, including playing volleyball. It diverted the social life I was (somewhat pathetically) trying to build — according to the ads, even Facebook thought I was at least interested in dating. The pandemic kept me from the office and CBA/DBA events — blocking networking opportunities with my new colleagues and preventing volunteering with the MVL.

So I stayed home. I filled my time by working — it seemed every minute was filled with conference calls, virtual meetings and virtual happy hours. Then I filled the rest of my time reading cases and preparing filings. I managed pretty well the first few weeks. Then my daughter turned 18 and moved out. I found myself alone. Solo. Just me and the computer. And the dog. I tried to socialize but — but really didn't feel connected to anyone, not even myself.

So I sat down. I did nothing for a moment or two. I binge-watched the Tiger King. I took time to think about what I wanted and needed. I took time to breathe. Then I set forth to find myself. No better time than when I am my only companion, right?

Like so many others in this pandemic, I began by walking the dog regularly and for much longer walks than he and his short legs really wanted (we have walked so much, I have worn out two pairs of shoes already). I found that the times walking the dog became my times of peace — away from work and away from responsibility and away from that silly computer. This gave me time to reflect on what was different now from the times I was carefree and happy. And time to digest why I wasn't "magically" returning to that place.

Exercise has always been a place of

happiness for me — so it seemed to be a great place to start for my health and sanity. But *how* was I going to do this alone, when my fitness favorites required friends? I looked to the internet to find a virtual way to attend BodyCombat by Les Mills. This class has jump kicks in about 75% of the sessions, and I love, love, love jump kicks (crazy, right?). And there, on the internet, I found an on-demand version of all Les Mills classes — yippee! It took me about 30 seconds to join this international program. I also joined social groups of like-minded enthusiasts and we share love/hate relationships of the workouts and the instructors. Although I don't know anyone personally, I feel like I belong.

Then I had to figure out *where* to work out. I lived on the third floor of a condo, and, remember, I love, love, love jump kicks. I really didn't want my downstairs neighbors to hate me. I then remembered that my kiddo moved out — I could take over her room in the upstairs loft; then, the only downstairs neighbor to be concerned with was me. Logically, I can't be upstairs and downstairs at the same time in my community of one, so this was perfect! So I shoved her stuff — er, remaining possessions — in a dresser and had a brand new — and empty — fitness studio.

So, of course, enter Amazon Prime. And an aerobic step, an exercise barbell/weight set and a computer monitor; I now work out exclusively from my new home fitness studio (formerly known as "kiddo's room"). I love the challenges provided by these classes and use them to help eliminate angst and add structure to my day. If I feel like I am spinning my wheels, I just take a break, do some jump kicks or a dance class. Along with fitness, I also am entertained because I am NOT graceful. So I laugh at myself a bit, then get back to the task at hand. Oh, I also feel like the FedEx delivery driver hates me — apparently they do not really appreciate the obligation to deliver weights to a third-floor condo.

It wasn't long, however, until I needed to get outdoors. Colorado is so beautiful and so ... crowded (at least where I live). Everyone was in the parks and on the trails — the Front Range was packed

with hikers wearing flipflops and blasting music. Social distancing seemed impossible. So I decided to go to the water. Back to the internet and free delivery for an inflatable paddleboard. (Note — after manual inflation a few times, I also went back to the internet for an electric pump — lesson learned!) I found that when Quincy Reservoir isn't fighting algae blooms, it is a beautiful place to paddle and chill, watching the pelicans and other birds lead their lives. I went to multiple reservoirs and lakes, watching nature and the people interacting with it.

Enjoying nature didn't stop there — enter friends with 4x4s and remote lake hikes. A few more purchases (thank goodness I still had a job!) from Amazon and REI, and I was on my first backpacking trip. Now I am hooked on my own independence — I can paddle peacefully or I can put everything I need to survive (perhaps only for a night or two) onto my back and wander away for a while — with or without others. Again, social media is providing the network that provides ideas, opportunities and energy to get me going and keep me connected. Plus I usually run into enough people to satisfy my extrovert needs — to swap tales about the conditions ahead and to share in the camaraderie of enjoying nature in our own ways.

So now I have found peace, fitness and laughter — just by being me. I have taken time to cry, to dance, to sing, to paddle, to explore, to lead, to follow, to live.

Don't get me wrong: I am all for a socially-distanced patio dinner or walk with friends. I am still an extrovert. And I won't give up my family — I am in Tennessee visiting my stepdad as I write this. But the best part of this pandemic is that, for the first time in five years, I am comfortable with *ME*. 🍷

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**DANA SHOWALTER** works for the Colorado Attorney General representing the Office of Consumer Counsel before the Public Utilities Commission of Colorado. She is a 2018 graduate of DU Law, the mother of an awesome baby adult (she's 18) and, for those familiar with Myers-Briggs, an ENFP (it probably shows in this article).



# In Search of a Statesman

The Lessons of Gerald Ford and Richard Nixon

By Randall Peterson

*“My fellow Americans, our long national nightmare is over.”*

So declared Gerald Ford upon taking the oath of office as president, August 9, 1974, only 30 minutes after Richard Nixon resigned. The national nightmare was a corrupt and criminal presidency.

And those words have never mattered more than now. Thus, how did it end, and what are the lessons?

## The Pardon

Less than a month later, Ford codified the official end of the Nixon Era and committed the defining act of what would be his two-and-a-half-year presidency — the pardoning of Richard Nixon. Relying on his powers under Article II, Section 2 of the Constitution, Ford issued “a full, free, and absolute pardon...for all offenses

against the United States” that Nixon “committed or may have committed.”

On that September evening, 1974, Ford announced the pardon to the American people. Despite some fawning expressions of sympathy for the disgraced former president, Ford reasoned that it was not Nixon’s fate that concerned him, but, “My concern is the immediate future of this great country...My conscious tells me it is my duty, not merely to proclaim domestic tranquility but to use every means I have to ensure it.”

Thus, the exclamation point at the end of Ford’s long national nightmare declaration.

Pardoning Nixon, while shocking on the surface and seemingly denying justice to those who chanted “jail to the chief” for potential defendant Richard Nixon, a larger constituency of potential plaintiffs

was best served, the American people. Reasonable people disagreed then and now of allowing Nixon a pass for his constitutional crimes. Nor does this suggest that a pardon is a preferred or only way to start anew from bad actors. But in 1974, the pardon was not about forgiveness but finality.

Ford knew this act would cost him votes, and it did, losing a close election to Jimmy Carter in 1976. But in pardoning Nixon, Ford began the process of healing a country that desperately needed healing. In essence, Gerald Ford’s controversial pardon did more to salvage the presidency, an office he alone in the annals of history was never elected to, than he could have ever known or arguably could have even accomplished in a full or second term.

## In Hindsight

If not at the time, Ford’s act was recognized a generation later when he received the John F. Kennedy Profile in Courage Award in 2001. In presenting the award, Senator Edward Kennedy said, “America was fortunate that it was Gerald Ford who took the helm of the storm-tossed ship of state.” Kennedy acknowledged the opposition of most Americans, including his own at the time, saying, “I was one of those who spoke out against his action then. But time has a way of clarifying past events, and now we see that President Ford was right. His courage and dedication to our country made it possible for us to begin the process of healing and put the tragedy of Watergate behind us.”

Ford may have been an accidental and unelected president, but there are lessons there for any statesman who may yet stand for the public good despite the consequence.

## The Acceptance

Nixon, too, showed but a glimpse of the realization that the awesome power of the presidency extends beyond the private use of its individual occupant, albeit on his very last day in office. In his farewell address to White House staff, the American people witnessed something never seen before by Nixon.

Nixon spoke first of loss. “We think sometimes when things happen that don’t

go the right way, we think that when you don't pass the bar exam the first time... we think that when we suffer a defeat that all has ended." He went on,

"Because the greatness comes not when things go always good for you, but the greatness comes and you're really tested, when you take some knocks, some disappointments, when sadness comes. Because only if you've been in the deepest valley can you ever know how magnificent it is to be on the highest mountain. Never get discouraged. Never be petty. Always remember others may hate you but those who hate you don't win unless you hate them. And then you destroy yourself."

I have struggled for many years to fully comprehend the gravity of those final words. Maybe they were a self-serving reputational rebuild having no one left to lie to? Or maybe they were a genuine expression of humility and humanity with the deep sense of remorse that becomes visible only at the rock bottom of the abyss? Regardless, it was ultimately the vanquished accepting his fate that was required for the country to move on.

In other words, even Nixon knew when to go.

Ironically, I happened upon this speech and was reading these words only days before my own bar results were announced. I found it foreboding and an ill-omen. Yet, if that were to happen, which it did for me, I also took preemptive comfort in the words, "only if you have been in the deepest valley, can you ever know how magnificent it is to be on the highest mountain," which I was able to experience the second time around.

There are lessons to be learned from the Nixon of that speech, August 9, 1974. The Nixon that at least, acted as a statesman.

### Moving Forward

The connection between Nixon and Ford goes far beyond both the presidency and the pardon into a realm of ignominious firsts. Ford, the only president never to win the office on his own accord; and Nixon, the only president to lose it by his own choosing. And yet, in their own way and on their own terms, they both discovered what it means to be a president statesman by what they did as well as what they did not do.

Both Ford and Nixon offered acts of fitting closure rather than purposeful chaos.


There were no preemptive and baseless challenges of an election outcome, no preliminary appeal for Supreme Court intervention, and certainly no calls for armed militias to stand back and be ready.

Franklin Roosevelt stated in his first inaugural in 1933, at the height of the Great Depression that, "only a foolish optimist can deny the dark realities of the moment." Similarly, in the waning days of 2020, there is no doubt a great pall weighs heavy upon the country. Let us hope for a peaceful transition of power, if warranted by the election, and let us further hope that however late, somewhere, somehow, a statesman emerges who realizes the finality of occupants and offices, with the only permanence belonging to the Republic itself.

Only then, through words or actions, can we again say in collective chorus what is so very needed: that our long national nightmare is over. 🇺🇸

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**RANDALL PETERSON** is an instructor of Business Law at Front Range Community College and a licensed attorney. Mr. Peterson serves as a City Councilman for Northglenn, Colorado.



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## Good Things



1 Moye White LLP is pleased to announce **Danielle M. Kane** has joined the firm as an associate in the Real Estate Section.



2 Attorney **Betty Arkell** has joined Robinson Waters & O’Dorisio, P.C. (RWO) as an Equity Shareholder. Arkell leverages extensive corporate finance and M&A transactional experience to guide companies through the entire corporate lifecycle, from formation through growth and planned exit. Her clients include established and emerging growth companies as well as venture capital and other private equity funds.

▸ Davis Graham & Stubbs LLP is pleased to announce that **Adam L. Hirsch** has joined the firm as a partner in the Finance & Acquisitions Department. His practice will continue to have an emphasis on all aspects of bankruptcy, business restructuring, and related transactions.

▸ **Nixon Shefrin Ogburn Drew, P.C.** is pleased to announce their new name as of Aug. 1.

▸ Moye White LLP is pleased to announce that it’s joining the inaugural class of midsize law firms seeking Mansfield Rule certification, which aims to boost the representation of women and diverse lawyers in law firm leadership

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# Changes

Global employment and labor law firm Littler Mendelson announced Tuesday that shareholder **Erin Webber** will become president and managing director of the firm, for an eight-year term.

Denver City Attorney Kristin M. Bronson will serve as Interim General Counsel for Denver following the recent retirement of longtime General Counsel Xavier S.L. DuRán whose career in the City Attorney's Office spanned 30 years.

The Colorado Supreme Court announced that Chief Justice Nathan B. Coats will retire in January 2021, when he reaches the Colorado Constitution's mandatory retirement age of 72. The Court will issue a formal vacancy announcement with a request for applications later this year. He served as an appellate attorney in the Colorado Attorney General's Office for eight years and as Chief Appellate Deputy District Attorney for the Second Judicial District for 14 years. Governor Bill Owens appointed Chief Justice Coats to the Colorado Supreme Court in 2000. He was selected by the Court to be the Chief Justice in 2018.

The law firm Lewis Bess Williams & Weese has changed its name to Williams Weese Pepple & Ferguson, the firm announced Aug. 3. The new name reflects its current makeup of lawyers, according to a press release, but, it said, the firm's mission remains focused on client relationships and applying its expertise to solve problems and deliver superior results.

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](mailto:jespinoza@cobar.org). Announcements will be placed on a first-come, first-served basis.**

# In Memoriam

**Brian A. Snow**  
February 5, 1941 – August 29, 2020



Brian A. Snow, General Counsel Emeritus of the Colorado State University System and former member of the CSU System's Board of Governors, died peacefully on August 29, 2020, in the arms of his beloved wife, Crissie. He was 79. Brian Armit Snow was born on February 5, 1941 in Jasper, Arkansas, the son of Mayme Cordelia House Snow and Claude E. Snow. He married Eugenie "Crissie" (Sontag) Snow in Denver on May 10, 1986. At the University of Arkansas, Brian earned a bachelor's of science in business administration, with a minor in journalism, as well as a master's in political science. He went on to graduate from the Duke University School of Law, where he served on the editorial board of the Duke Law Journal. He later took courses toward an additional masters of religion at the Iliff School of Theology in Denver.

After graduation from college, he worked as a staff reporter for the Wall Street Journal before entering law school. He later served as Assistant Dean and Associate Professor of Law at the University of Arkansas School of Law and engaged in the private practice of law in Denver for a number of years. Brian was appointed by Colorado Governor Roy Romer to serve as a voting member of the Board of Governors of the CSU System in 1987 - a role he resigned a year later to accept the position of General Counsel for the Board and System. He served from 1988 to 2003 as the chief counsel for the governing board of the Colorado State University System and its constituent institutions, Colorado State University and Colorado State University-Pueblo, supervising all attorneys and support staff for the System. He worked closely as a trusted adviser to President and Chancellor Albert C. Yates throughout Yates' 13-year tenure leading CSU.

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# Q&A with Incoming Chief Justice Brian Boatright



**F**or those of you who may have missed the news, Colorado Chief Justice Nathan Coats recently announced his retirement, and a change in policy to rotate the role of Chief among members of the Court. As a result, after Chief Justice Coats retires in January he will be succeeded by Justice Brian Boatright, who will in turn hand over the Chief role to Justice Monica Márquez.

I sat down (via Zoom) to talk with incoming Chief Justice Boatright about his new role.

**Tell us a bit about yourself and what led you to law school?**

My dad was an attorney here in Colorado and I decided I was going to be one too when I was five years old. I went to an adoption hearing with my dad and saw that he made these people so happy that I thought he was like Santa Claus. After that, I never really considered any other profession.

**You started your career in the 1st JD District Attorney's Office, what led you towards judicial service?**

In law school, I'd planned to do tax law, but then I interned with a judge and got glued to the courtroom. I worked for Judge Villano in Jefferson County, who I think was one of the best trial judges the state's ever seen. My plan had been to be a DA for a few years for trial experience and then go to work at my dad's firm. That didn't happen.

In addition to loving trial work I also had the experience of having a judge treat me intemperately one time. It got me thinking that there was a better way of doing things, especially with the potential impact a judge can have on people's lives. It ultimately led me to join the bench myself.

**How did you approach issues of ethics and professionalism as a practicing attorney and how has that informed your later career on the bench?**

We all have a sense of right and wrong. What your conscience tells you. I try to always listen to that voice. At the end of the day, I center on wanting to be proud of who I am and what I do and use my dad as a model — thinking "What would my dad do?" I find that I'm guided by that inner moral compass. There can obviously be more complex issues, but you always want to err on the side of justice.

**Based on the advice you give your own clerks, what would you say to law students or attorneys who are interested in public service or even becoming a judge one day?**

I love working with my clerks. It reminds me of my own experience working with Judge Villano. As a judge, I've had a joy of getting to perform the wedding for several of my former clerks.

For advice, the biggest piece I always give to my clerks is to always aim about one notch below where you have a right to be. I learned that as a prosecutor. Some-



one once pulled me aside and said when you're arguing and the alibi witness is a Defendant's mom — don't argue she is untruthful, but rather say "she's in a tough spot." If I encounter a lawyer or someone who is being not so polite — I tell myself, they must be having a rough day. Instead of thinking, this is a bad person. It's a good way to get along with a wide range of people. I also tell them to always be unfailingly honest with people in your dealings. Say why you can or can't do something rather than making excuses.

For those who want to go into public service, I really recommend that. There is no greater reward than giving back. And being able to serve the public good.

For people who are interested in becoming a judge, make sure that you spend significant time in the courtroom. Wanting to be a judge can be very different from wanting to do the work of a judge. Make sure you know what you're getting yourself into before you make that final decision.

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

Quite a bit. When I was out in Jeff Co, I was active on the education committee and also served as the secretary-treasurer, and president and just generally stayed involved in the 1<sup>st</sup> JD Bar Association. Whenever I get the opportunity to go out to Jeff Co for bar functions, it's a bit like going home. I get to see a lot of friendly faces. It's shaped a lot about professionalism for me.

#### Coming from the district court, what was your first impression of the Supreme Court?

Interestingly, I had only watched one morning of oral arguments before I was appointed. I did something I would advise people not to do — I went and watched the arguments on one of my cases. It was hard to sit there and listen to questions because I wanted to raise my hand and answer them when I was a district court judge.

I was surprised at how active the bench is in terms of asking questions. I spend 12

We all have a sense of right and wrong. What your conscience tells you. I try to always listen to that voice.

years as a district court judge and a thing I was taught is that "a closed mouth gathers no foot." This active participation that's expected of the appellate courts is a big change for me. It's something I am still working on because I want to listen to the argument and be polite, but I know that people expect the court to ask questions. I'm still warming up to that after nine years on the Court.

The other thing that surprised me is the staggering volume of the Supreme Court's work. I don't think most people have an appreciation for how much work goes into that little line of "cert. denied." There is a lot of hidden work — not just the opinions you're writing.

#### What are you looking forward to as you become Chief Justice next year?

The opportunity to work with the Chief Justice Council. That is a robust group of leaders and I'm looking forward to doing more with that group. In a perfect world, I would love to get out to the different districts and meet the people in the field. Obviously, right now, those kinds of visits are all going to be done remotely because of the pandemic.

#### You're taking over as Chief in unprecedented times with the dual issues of COVID-19 and the national movement for racial justice, could you talk about how those issues have impacted the Court and its role going forward?

Certainly the racial issues have caused us to reassess what we're doing and how we're doing something. It's reinforced some

things that the justices have been actively working on — diversity on the bench and addressing issues of implicit bias. The current environment is causing us to redouble our efforts because these are issues that are very important to the entire Court.

The COVID crisis and accompanying budget difficulties actually pushed me to put my name in to become Chief. Right now, we're trying to figure out how to do jury trials or run a courtroom in a pandemic. I hope that my time as a district judge will be helpful in being able to address those issues. I'm anxious to assist the courts around the state to the best of my ability. I've been through two budget downturns and I believe that I know how they impact the trial courts.

#### What do you wish other people knew about the Chief Justice's role?

It's an immense job. You are effectively the CEO of a company with 4,000 employees. Not only that, but you have to also consider the people coming to the courts and their rights and needs. It's a daunting job.

#### What might someone be surprised to learn about you?

I'm not a very interesting guy. I'm an avid reader of American history. Not surprisingly because the *Hamilton* play was made available for streaming, I'm reading a biography about Alexander Hamilton. I love history. I got that passion for learning about history from a high school teacher and have always made it a part of my life. ●



## Sam Jones-Rogers

Staff Attorney  
Colorado Association  
of School Boards

### EDITOR'S NOTE

Do you know a DBA member who should be featured?

Email nominations to Heather Folker at [hfolker@cobar.org](mailto:hfolker@cobar.org).

# 10 Questions with Sam Jones-Rogers

**1. Where did you go to law school and where are you currently working?** I attended the University of Texas School of Law (hook 'em!) and currently work for the Colorado Association of School Boards.

**2. Why did you become a lawyer?** I worked in college admissions during the time the Fisher v. University of Texas case made its way to the Supreme Court. I was inspired to become a lawyer and specialize in education/school law after getting a crash course in related precedent and other cases impacting education.

**3. What's the best advice you've ever been given?** Measure twice, cut once. I try to apply this to everything from preparing before I speak or write to attempting crafts or home projects. It also reminds me to take care, but trust my preparations—I have a tendency to overthink things at times.

**4. Where are your favorite places to travel?** I grew up abroad and spent some time living in Turkey; I still have family there and love to visit when I have the chance. I also took a trip to Iceland a few years ago and hope I'm able to return someday.

**5. Are you currently binge watching any shows?** Yes, I'm currently making my way through Poldark (I still miss Downton Abbey, but this show gives me similar vibes).

**6. How do you de-stress?** Yin yoga, getting outside as much as possible, and tapping into my inner artist. I used to love making art as a kid and have been re-learning how to draw and paint with watercolors.

**7. What has been one of the biggest challenges that you have had to overcome?** Overcoming imposter syndrome. Throughout my education and career I've encountered attitudes and comments that made me feel undeserving of being in certain spaces or positions, but have gained confidence in myself and my achievements.

**8. If you could have dinner with any historical figure, who would you pick and why?** Winston Churchill. I read *The Splendid and the Vile: A Saga of Churchill, Family, and Defiance During the Blitz* in March as everything was shutting down and found it oddly comforting. In addition to wanting to attend one of Churchill's legendary dinner parties, I like to think we'd bond over our mutual fondness for brief memos.

**9. What is your favorite game?** The first strategy game I played, Civilization II. I used to play it with my dad growing up and then, later, with one of my international relations professors in undergrad.

**10. Any favorite legal cases?** *Brown v. Board of Education* and *Loving v. Virginia*. I wouldn't be where I am, or who I am, without either case, and find hope in that both decisions were unanimous. 🌍



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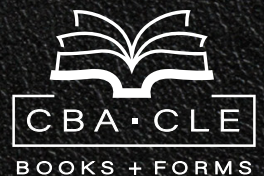
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