

The Docket

PROUDLY PUBLISHED BY THE DENVER BAR ASSOCIATION | SUMMER 2021

AROUND DENVER

The Denver
Cigar Tour

FEATURE

An Attack on One,
an Attack on All

EDITORIAL

E Pluribus Unum

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Bridges

The theme for this month's issue is Bridges, and I had hoped to be writing about the bridge to post-pandemic life. However, as I sit down to write this letter, our community is once again staring down a path of uncertainty. COVID-19 cases are surging, and hospitalizations are up across our state. Masks are being reinstated, and employers are mandating vaccinations. Just weeks ago, it seemed like there was a clear and straight bridge to normalcy. But now, a fog has descended onto that bridge, and the future is less certain. Who knows where we will be when this letter is published? Will things have gotten worse? Hopefully, they will have improved.

As I wrestle with these questions, I find myself reflecting on our recent DBA Awards Ceremony. It was one of the first in-person events held at our office since the pandemic and we honored several distinguished members of the Bar who had given back and supported not only our profession but the community at large. There were lawyers in attendance from different generations, practice areas, and backgrounds — all there to honor the commitments and achievements of our colleagues. I had attended past award ceremonies, but this one felt different. True, we were back in person and that was different, but I think it was the fact that I was in the presence of leaders in our community who I had worked so closely with over the last year-and-a-half in what felt like a relentless onslaught of challenges and crises. These leaders not only helped our organization, profession, and community meet these challenges head-on, but they moved us forward, making us stronger and more connected. So, while it was great to celebrate, it was also uplifting to be in the presence of the very folks in that room who were ready and capable of rallying to face the future. The hopefulness that I felt during the Awards Ceremony reminded me of some of the incredible bridges we built over the course of the last few years.



We have built bridges in our own organizations. DBA/CBA/CLE, over the past couple of leadership cycles, have endeavored to implement a joint management structure. This has required bylaw changes, restructuring, hiring of staff, and changes in organizational culture. It has been these structural changes championed by my predecessor Kevin McReynolds, that have allowed our Executive Director, Amy Larson, Deputy Executive Director, Dan Sweetser, and our wonderful staff, to better engage our volunteers and membership. It truly feels like one Bar where we all strive to work collaboratively and laterally across the organization.

We have built bridges to our partner-bar associations. The onset of the pandemic had the potential to divide and isolate our legal community. We, however, did the opposite and came together. We all built bridges not to merely preserve our organizations but to move our issues and agenda's forward and thrive. These bridges allowed us to collaborate on CLE's, programming, and events. These bridges gave us the fortitude, through the President's Diversity Council, to push for meaningful change through the CLE EDI rule requirement. These bridges

have enabled us to step up and support each other in the face of tragedies and injustices so that no one stands alone.

We have built bridges to the community. Our communities were and still are in crisis. As lawyers and leaders, we have a responsibility to show up where we practice and live. We must build bridges between our profession and the people who desperately need our expertise. DBA's Metro Volunteer Lawyers (MVL) has not missed a beat in continuing to engage the community. With the help of our Bar and community partners, MVL has made sure we are getting the necessary resources to those in need through innovative and meaningful ways. Also impressive is the commitment by our DBA staff and volunteers to support MVL. The DBA Young Lawyers division has, and continues to, put on fundraisers and recruiting events, which have helped to keep a steady influx of resources, both personal and financial, to sustain MVL's efforts. And then there is the Barristers Benefit Ball. Since going virtual, the BBB has exceeded fundraising goals due to the commitments of our membership, but also largely due to the DBA staff's support as this year's highest contributing BBB fundraising team.

So, while I am not writing the "bridges" letter I had originally set out to, when I reflect on the incredible work the DBA, CBA, CLE, and our other Bar Partners have done, the bridges we have built, and the impact we have made in the face of last year's, and this year's, turbulence, I am assured that whatever impending challenges are coming we can navigate.

And speaking of challenges, I would like to congratulate all those who took the Bar exam this past July. Quite the impressive feat and we look forward to welcoming you to the profession. 🍷

A. Tyrone Glover

A. Tyrone Glover, DBA President

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

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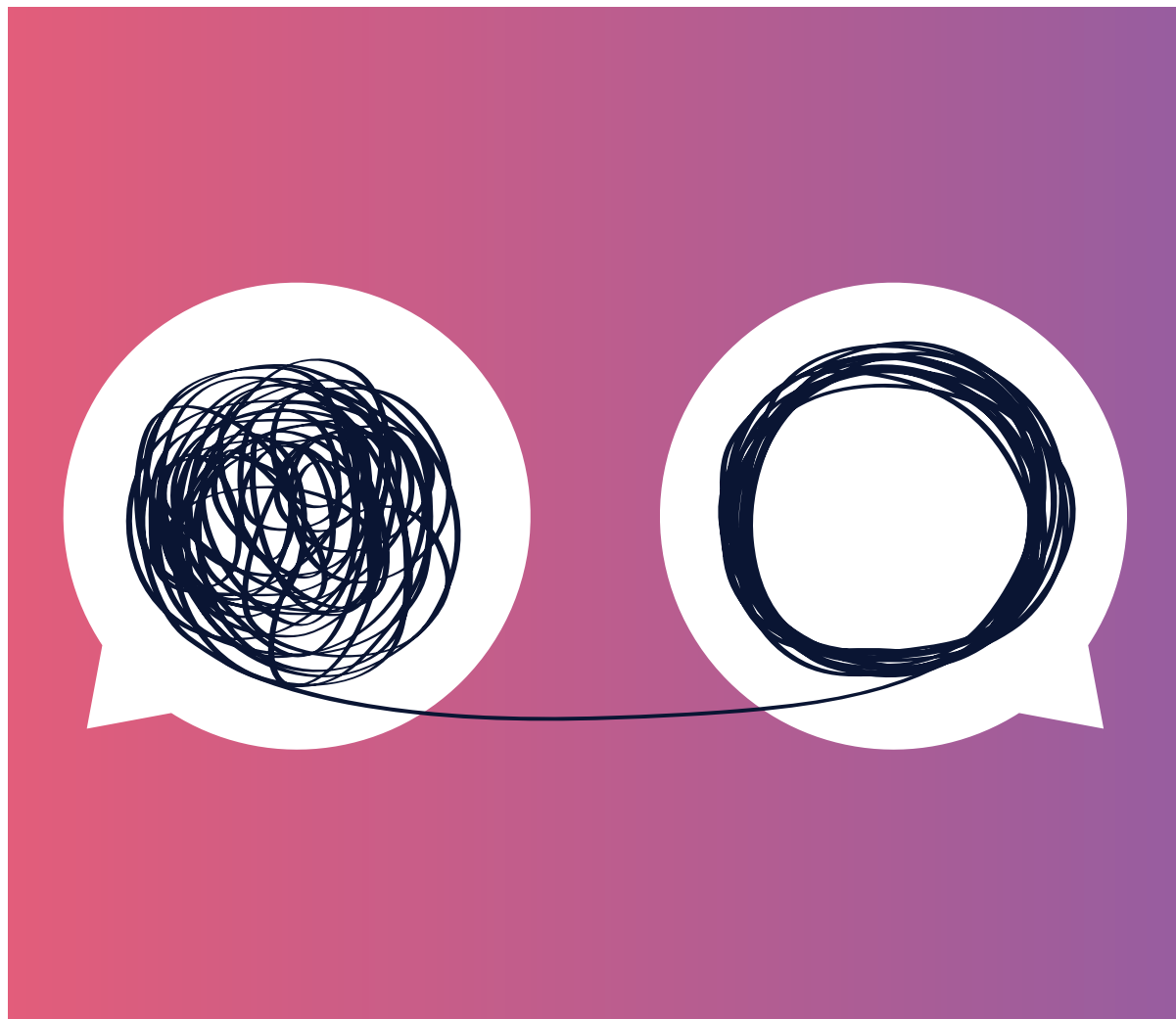
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Choosing the Right Therapist



Therapy. If this word triggers an image of a couch, a clipboard, and a doctor scribbling mysterious notes while seated behind a reclined and rambling patient, then you are not alone. *Counseling, therapy, psychology, and mental health* are just some of the terms that have been associated with this Freudian version of psychotherapy, known as psychoanalysis, for more than a century. Modern forms of mental health counseling are varied, more person-centered, and address mental and emotional issues from diverse perspectives. What was once a treatment shrouded in mystery, psychotherapy has

developed into a process that is predicated on both the quality of the relationship between the client and counselor and the theoretical framework or style of therapy used to best address the client's needs and circumstances.

The key components of the therapist-patient relationship, not entirely unlike the attorney-client relationship, are trust, honesty, and boundaries. When these elements are in place, the therapeutic relationship creates a safe arena where the client knows that they can discuss concerns most relevant to their well-being with the knowledge that their therapist will

hear them, see them, and support them without judgement. In turn, the therapist is better able to identify patterns, help elicit ideas for change, bear witness and help process any trauma, and identify examples of the client's inner resiliency.

Like many of your colleagues right now, you may be thinking about talking to someone about feelings of stress, anxiety, depression, anger, turbulence, or trauma. You may also be uncertain about what therapy looks like or how it works. Some of the most frequent questions I get while speaking with attorneys who are interested in finding someone to talk to about their

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OUR MISSION

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

EDITOR

Charles McGarvey, cmcgarvey@cobar.org

GRAPHIC DESIGN

Kate Schuster, kschuster@cobar.org

ADVERTISING

Jessica Espinoza, advertising@cobar.org

DOCKET COMMITTEE

Kali Backer, Brendan Baker, Nicole Black, Ainsley Bochniak, Marion Brewer, Becky Bye, Martin Champagne, Klaralee Charlton, Jessica Cordero, Craig Eley, Joshua Fitch, Laurinda Frederick, James Garts, Otto Hilbert, Ryan Jardine, Maha Kamal, Ezra Kramer, Karl Kumli, Dalia Labrador, Richard Lionberger, Colleen McCoy, Douglas McQuiston, Corinne Miller, Jennifer O'Connell, Gurney Pearsall, Ryann Peyton, Liz Pope, Gregory Rawlings, Jonathan Shamis, Dana Showalter, Marshall Snider, Elizabeth Tharakan, Dianne Van Voorhees, William Wenzel, Rachel Young

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

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DENVER BAR
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concerns relate to how counseling works, what happens in the sessions, and what kind of therapy they should choose. The answer is: it depends! Therapy is a highly individuated process and there are now many types of theoretical orientations counselors can utilize to help their clients gain a greater understanding of themselves.

Let's take a look at a few of the most common theoretical frameworks for therapy.

Acceptance and Commitment Therapy (ACT)

ACT is a form of talk therapy focused on helping people increase their psychological flexibility, the ability to contact the present moment more fully as a conscious human being, and to change or persist in behavior when doing so serves the individual's values. It is based on modern behavioral psychology that applies mindfulness and acceptance processes, and commitment and behavior change processes. ACT principles are effective in both individual and group therapy settings.

Cognitive Behavioral Therapy (CBT)

CBT is based on the idea that habitual and unhelpful thoughts learned through life experiences can lead to problematic behaviors and maladaptive emotional reactions. This is particularly effective with the perfectionistic tendencies that members of the legal profession often struggle with. Emotional reactions color how a person experiences and labels future events or interactions. Typical manifestations of this process are seen when there is a habit of jumping to conclusions, minimizing successes and focusing on the negative, and holding too tightly to ideas about what oneself or others should or shouldn't be like. Exercises are taught in therapy sessions and practiced

as homework between sessions. It is used in both group and individual therapy settings. CBT focuses on a person's current life and moving forward with healthier coping strategies.

Dialectical Behavioral Therapy (DBT)

DBT was initially developed to expand the principles of CBT while integrating mindfulness techniques and increasing somatic awareness (how emotions manifest in the body) to better treat underlying trauma and attachment issues. It is also proven to be helpful in addressing distress tolerance, emotional regulation, and interpersonal relationships. For example, during the pandemic many people have been overwhelmed and stressed, resulting in both feelings and outbursts of anxiety and irritability that have affected family, friends, and colleagues. Like CBT, DBT helps identify patterns and assumptions that are unhelpful. But DBT also validates underlying emotions and teaches skills that help put them into context.

Emotionally Focused Therapy (EFT)

EFT is an attachment-focused orientation concerned with how personality and relationships are influenced by early-life interactions and how the expression and regulation of emotions can help build more secure bonds with family, friends, and intimate partners. EFT is widely used in couples, family, and individual therapy.

Eye Movement Desensitization and Reprocessing (EMDR)

EMDR is a type of therapy that enables people to heal from trauma symptoms and emotional distress that are the result of disturbing life experiences. It does not require talking about the events or homework. The client listens to music, sounds on headphones, or holds a de-

vice in each hand that gently buzzes in an alternating way. As the eyes move from side to side to track the location of the sound or sensation, neurological changes in the brain take place that lessen the symptoms of trauma by organically “resetting” the client’s response to painful memories. EMDR is most commonly used in individual therapy sessions. Research indicates that EMDR can expedite the body’s natural healing process, shortening the duration of therapy needed.

Narrative Therapy

Narrative therapy is based on the idea that that you develop a story (or stories) about who you are and what you are worth that is carried with you throughout your life. The meaning attached to life experiences, both good and bad, color how you see yourself, your context in society, and the world in general. Examples of what stories we use to explain ourselves can vary from those related to relationships, self-esteem, or abilities. Your personal narrative(s), if held too tightly or maintained too rigidly can negatively influence decision making, relationships, and can prevent other, more positive, versions of one’s life from being accepted. Attorneys, for example, often internalize problems and client issues, either taking on stress that is not their own or feeling responsible for solving problems outside the scope of their representation. A narrative therapist can help guide their client through the process of deconstructing messages from internal and external sources, allowing a person to view themselves from a more neutral perspective.

Psychoanalytical

While not an overly-structured model, the psychoanalytical approach allows clients to free-associate and just talk out

loud to someone who is willing to look for patterns and themes in the topics you discuss and the way you discuss them. This form of therapy can be long-term, depending on the issue(s) presented.

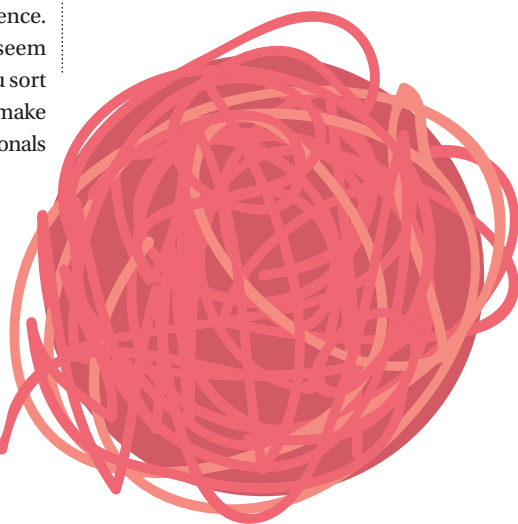
Solutions-Focused Brief Therapy (SFBT)

SFBT is a goal-focused type of counseling that focuses on workable, goal-oriented solutions, rather than lengthy explorations of past issues. The timeline for sessions can be as short as eight weeks. The process involves identifying what works for the client in the context of their concerns and finding ways to do more of it while also analyzing what coping mechanisms have not worked well and implementing ways of doing less of those.

It is important to note that this list is not comprehensive. It does, however, provide an overview of many of the most common and/or research-supported interventions for improving mental health. The most important aspect of therapy, however, is not the technique used. Research shows that the most important factor in determining the efficacy of talk therapy is the quality of the relationship between the client and the therapist. Any of the above-mentioned theoretical approaches can provide a framework for understanding ourselves. But ultimately it is the trust and safety felt with your therapist that makes the most difference. While looking for a therapist may seem daunting, COLAP staff can help you sort out what you are going through and make recommendations for vetted professionals who meet your specific needs.

For more information on how to find a therapist who will be a good fit for you, please contact COLAP at our confidential number or email address: (303)-986-3345; info@coloradolap.org.

CARRIE BOWERS is a Colorado certified addiction specialist. Bowers is currently pursuing a master’s degree in counseling for clinical mental health at the University of Colorado-Denver, where she also earned her bachelor’s degree. She has ten years of experience as a paralegal at firms specializing in criminal defense, civil rights matters, and consumer bankruptcy and six years’ experience supporting Colorado’s legal community by educating new lawyers about COLAP services, providing individual consultations to lawyers and law students, and monitoring voluntary participants for sobriety. Bowers has been with COLAP since 2014 with a current focus on assisting bar applicants with character and fitness concerns. **SARAH MYERS**, executive director of the Colorado Lawyer Assistance Program, is the coordinating editor of this wellness series. Contact COLAP for free and confidential assistance at 303-986-3345 and info@coloradolap.org.



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The Value to the Solo Practitioner of Performing Pro Bono

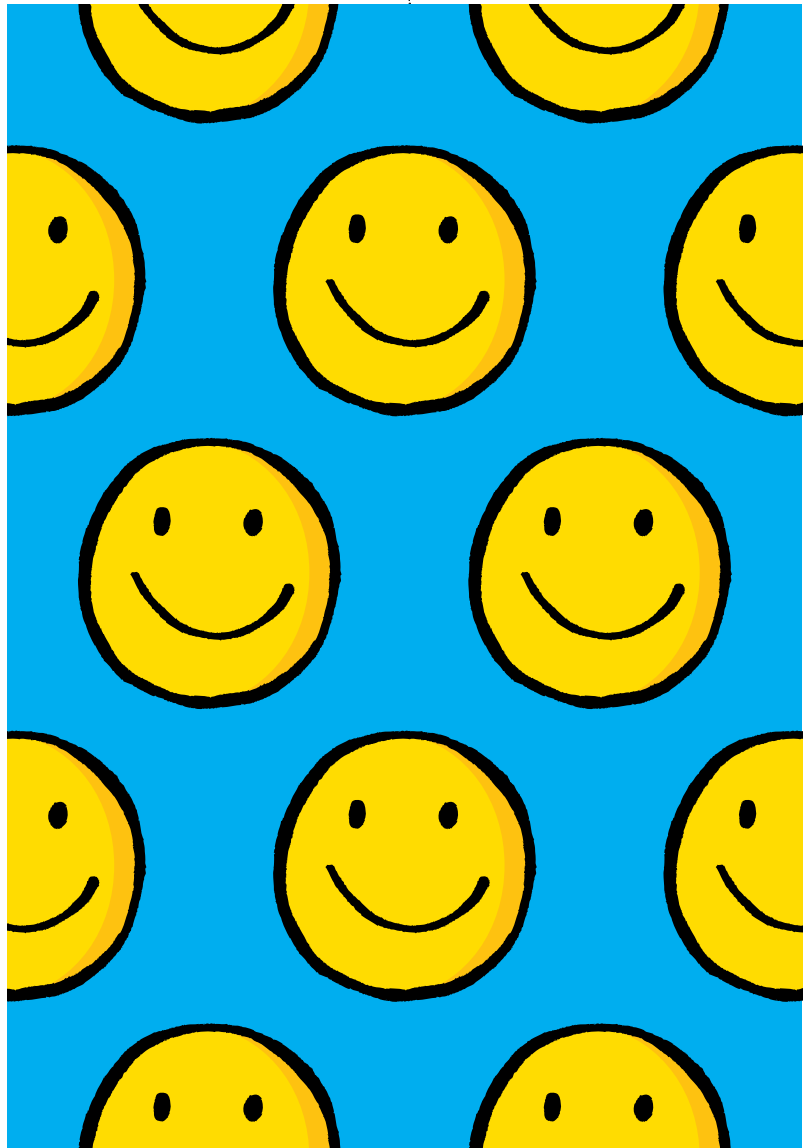
What litigator can say their job is easy or feel confident as they pronounce, “my gosh, I had no idea I would have this much free time.” Not many. Still fewer lawyers probably say they are so very successful and love their vocation so much that they want to do more of it for free.

Yet, that is exactly what a lawyer is asked to do as litigators with a Colorado license to practice law. Pro Bono service is not mandatory, but the Colorado Rules of Professional Conduct 6.1 provides that lawyers should aspire to a meet the goal of providing at least 50-hours of voluntary Pro Bono Publico service to the community per year. Qualifying recipients include persons of limited means or otherwise charitable, religious, civic, community, governmental or educational organizations designed primarily to address the needs of persons with limited means.

So, why do we do it?

1. because a close friend or relative needs help.
2. because the case involves a cause we support from a moral perspective.
3. because our employer asked us to.
4. because we want to be recognized in our community.
5. because we want to develop the social trust lawyers need to maintain the rule of law.
6. because doing so provides valuable experience to develop and maintain our legal skills.

Each one of these six rationales for providing pro bono service is on its own a sufficient reason to participate in pro bono activities. If by reading the list you are motivated to engage in pro bono services then the goal is satisfied and you can stop here if you like. If you’re not so sure yet or if social studies was a middle-school course of interest to you, keep reading.



To further simplify things, one might conclude that each of the above listed rationales falls into one or another category, either of which any lawyer should find sufficiently compelling to make pro bono practice through MVL programs one of their many priorities in their practice.

1. Selfless Altruism; or
2. Selfish Personal Gain.

Altruism

Some might argue that altruistic goals are a theoretical impossibility because any selfless act typically will result in some personal gratification for the actor. Others eschew this rather negative perspective and suggest that promoting altruism through socially conscious organizations like Metropolitan Volunteer Lawyers is

the only way to maintain a productive society.

Sociologists and their studies are often focused on how to build a good social structure, free from abuse and dishonesty among its members and supportive of the physical health, psychological wellness and ultimately the happiness of its constituents. As I have a bachelor's degree in sociology, I feel I can tell you that these things are true. I can also tell you that from my own research that the availability of highly compensated roles as a sociologist are few and far between. So much so that one might conclude that a career in sociology might actually be one of service to the community. On the other hand, law practice is so often defined by the general public as a manipulative way to earn money from the misfortune of others, even to the point of calling it a dishonest profession.

Do you want to help repair the misperception of lawyering as a dishonest profession? Are you the kind of person who loves to see joy in their world? Are you the kind of person who truly just wants their neighbors to feel happy? Then you might be just the sort of person who will engage in an MVL program for altruistic reasons. If so, please direct your internet browser to denbar.org/Metro-Volunteer-Lawyers and click the link to MVL Programs. There you will find a myriad of programs that could fit your availability, interests, and skills to provide free legal services while obtaining or maintaining your desired quality of life, both moral and spiritual.

Personal Gain

Depending on the stability of your personal financial situation, or perception of your personal success through influence, the concept of providing free services for personal gain might actually be the more compelling category of reasons to engage in Pro Bono legal service.

Can we all agree again that if our clients and potential clients do not trust the system of rules that we live under, then there can be no rule of law in our society


and hence our power as lawyers to assist in the development and enforcement of the laws is diminished. If we allow the public trust in our system of rules to diminish, then all that hard work in law school, our careers and potentially even our personal safety is doomed to loss. This is certainly a reason that falls under the category of personal gain. However, if performing Pro Bono work to support the Rule of Law still feels overly dramatic or "high-minded" to really own, then maybe you just resolve to do it for the research, experience, skills repetition and the *referrals*. Gosh, maybe you do it just for the no-fee continuing education credits that may be available to volunteers under certain programs.

If so, please direct your internet browser to www.denbar.org/Metro-Volunteer-Lawyers and click the link to MVL Programs. There you'll find a myriad of programs that could fit your availability, interests and skills to provide free legal services while obtaining or maintaining your desired quality of life, both material and influential.

The Sociologist's Gray Area

The field of sociology is generally divided into two fields social theory and then statistical surveys. In my studies during college, I always felt that the categories created in social theory were forced upon us while each one of us should be recognized as a special and incomparable individual of our own. The social statistics classes produced data using calculus that seemed to better recognize that no one is the same but that through aggregating the behaviors of populations, we can best describe human action in shades of grey. No matter how difficult that statistical calculus was for me, I always felt shorted when we started talking about specific categories of behavior or motivation. Yet, here I am offering you some categories as examples to motivate participation in Pro Bono activity. As a professor once told me, categories can be incomplete or insufficiently specific to any individual,

but describing social interaction is "just simpler that way."

Suffice, I've thought about this a whole lot. I've concluded that I want people to be happy, that I derive certain pleasure when a Pro Bono client sends me a thank you note and a photo of their smiling family as thanks for helping. I must also admit that I also feel joy when I swoop-in like a hero, create and implement a strategy to end or at least curtail abusive behavior. Then again, I also love it when I ask a paying client where from whom they were referred only to find it was a non-paying client who appreciated my services enough to provide a positive review or a direct referral of me to a paying client. There are also those free CLE programs and the valuable social engagement that comes from Bar Association membership made only more deep and meaningful by working hand in hand with the association's beneficial organization Metropolitan Volunteer Lawyers. 

Prepared for Metropolitan Volunteer Lawyers — a program of the Denver Bar Association with co-sponsorship by the Adams/Broomfield Bar Association, Arapahoe Bar Association, Douglas/Elbert Bar Association and the First Judicial District Bar Association

JAMES R. GARTS, III is a family law attorney and mediator based in Denver. He was first licensed to practice law in Tennessee in 2002 and has more than 19-years of experience. James furthers his interest in seeking justice and equity through voluntary dispute resolution and vigorous litigation when necessary.

DENVER ISN'T EXACTLY KNOWN FOR its rushing rivers or bodies of water, but that hasn't stopped us from building some beautiful bridges in this city.



On the cover:

The Millennium Bridge

Connecting Denver's lower downtown (LoDo) with Riverfront Park and the Highlands beyond, The Millennium Bridge is the world's first cable-stayed bridge using post-tensioned structural construction. It's 200-foot white tapered steel mast can be seen rising above the skyline all the way down the 16th Street Mall. Began in 1999, this iconic pedestrian bridge was completed in 2002. Just in time for the new millennium. Maybe that's where the name comes from?



Platte River Bridge

The Platte River Bridge is the second of three bridges that form a pedestrian and bicycle gateway between the Highland neighborhood and downtown Denver. This area had been an industrial and railroad center from Denver's earliest days, but by the 1980s was largely disused. Now the area is a lush and manicured gathering spot thanks in large part to these three bridges.



Highland Arch Bridge

Built by Hamon Infrastructure and completed in 2006, the Highland Arch Bridge is a 323-foot-long single span pedestrian bridge that crosses over I-25 and also connects downtown Denver with the Highlands. The roll of the bridge's arch and 12 diagonal cables resembles a ship's sail or a dragon's back.



19th Street Bridge

Built in 1888 to replace an earlier wooden bridge, the 19th Street Bridge carried automobile traffic until 1986. It is listed on the National Register of Historic Places and is the oldest wrought iron bridge in Colorado. Since 2011 it has been the site of the Gala on the Bridge, an event that benefits The Greenway Foundation and their mission to revitalize the Platte River.

Remembering Teri Roberts

Teri Roberts, CBA/DBA Membership Services Coordinator, passed away unexpectedly on July 22, 2021 in her home with her dog Spanki by her side. To say Teri was loved is an understatement. All who were fortunate enough to know her felt her warmth and her love. To say she was a bright light in the CBA doesn't do her justice. We will forever miss her smile and her laugh. Thank you for your continued support of our CBA/DBA/CBA-CLE staff team, especially as we grieve the loss of our dear friend and colleague.



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- 1 3 5 Teri and her daughter Stephani.
- 2 CBA, DBA and CBA-CLE staff pay tribute at Teri's desk.
- 4 The Communications and Marketing team.



E Pluribus Unum

By Doug McQuiston

The image above is from our dollar bill. As we all emerge from our lockdowns, it may have been a while since you have handled paper money, so you might want to take some out and have a look. The part you see here is the Great Seal of the United States. Note the motto: *E pluribus unum*.

Out of many, one.

Sure, it is an aspirational motto, one to which we have not always lived up. But as a founding principle, it ain't bad. Maybe it's time we give it another try?

But can we? We seem more divided than ever before with forces on all sides trying to pull us even further apart. The 2020 elections and their tawdry aftermath, the national unrest, the ongoing political discord — we couldn't even agree on how to combat a global pandemic, for crying out loud! It's easy to lose hope of ever

making our increasingly divergent many into anything approaching one.

Is it too late? Is it time to shrug our shoulders and say, "oh, well — it was a good run?" Is it over for us?

Not me, by God. In the immortal words of John Blutarsky, "Was it over when the Germans bombed Pearl Harbor?"

Nope. Not me. I am not ready to wave the white flag. Sure, it may be true that we don't agree on much of anything these days, whether politically or culturally, or even on ice cream flavors, but here is the secret the Founders understood (and that we need to rediscover) about the beauty and durability of *e pluribus unum*:

We don't have to agree on everything to be able to get along with each other.

There. I said it.

If you've read to this point, thanks. But I know what you're thinking. "How

do you expect me to get along with my Trump-loving/Bernie Bro/pistachio ice cream-loving idiot brother-in-law/neighbor/guy in the next office?"

Well, if this is indeed what you're thinking (or worse), then you're exactly who I'm talking to here. Yes, you. Go back and read what I just said — you don't have to agree to get along.

Here's an example. I have a "friend" on social media. I've never met him in real life, much as I might like to someday. But we correspond online on a wide array of topics. He makes a good example of the principle I am describing, because we are really just talking about a fellow citizen of the Republic here, not a longtime friend.

We could not be more different politically. On a linear political spectrum, he sits way to my left. I'm way to his right. He is from the East. I'm from the West. He

is an onion farmer and political activist in upstate New York. I am a lawyer and mediator in Colorado whose "farm" consists of a 4x6 raised bed in the backyard.

Online, we have spirited debates. We agree on almost nothing when it comes to politics, government, or what to do about the problems our modern republic faces. And I don't even know his favorite ice cream flavor.

But we have also discovered that if we take ourselves off of that line on which our politics are measured, put ourselves instead into more of a 3D Venn diagram, and then load onto that matrix all of the other aspects of our lives (along with the politics), something curious and a bit magical becomes apparent: it turns out we have a lot of overlap.

We are both Americans. We both love our country. We are both often frustrated by our politicians and how they go about things. We both work very hard to support families that we love intensely, and we both try to thrive in our respective fields. We both wake up every morning looking for new ways to build our businesses and expand our horizons. We both read a lot of non-fiction and history. We both like to laugh at ourselves, at life, and at funny gags. We do not take ourselves too seriously.

And, perhaps most importantly, while we disagree vehemently, we do not allow disagreement, even intense, unreconciled disagreement, to get in the way of getting along. It takes a bit of discipline but if, in the course of those vigorous disagreements, we find ourselves on the verge of tipping over that edge into actual vituperation or disrespect, we instinctively dial it back a notch. We respect each others' perspectives on things, even if we don't agree with them. We don't label each other or call each other stupid names. And we manage this even though we don't know each other all that well.

It is as simple as that. But, as Ronald Reagan once observed, just because it is simple doesn't mean it's easy. Nor does it work universally with everyone at the macro level or in every case. It requires

reciprocity. One-sided efforts to respect those we disagree with never work. The respect has to be mutual. It requires some baseline of cooperation, a bit of self-restraint, and a common purpose — to try to keep the Republic alive. If you're the type that just wants to burn it down, or find it impossible to listen to people who don't think like you do, this won't work for you.

Fortunately, there are not many of the burn-it-down types out there, and what few there are seem to mostly occupy the cable news talk shows and the more lunatic fringes of Twitter. The rest of us reside here in the head-scratching center, away from the bright lights and shouting. It is a broad middle, whose linear boundaries are just shy of the extremes in either direction. This does not mean we don't have strong feelings about things, of course. But it does mean we can still see the things we have in common.

The concept of getting along without agreeing will work for most of us out here. If you don't believe me, try my 3D Venn diagram experiment on someone you know, with whom you have pronounced and unreconciled disagreements on civic or cultural issues. Then, look at the other non-political, non-cultural aspects of your lives and fit them into your Venn model. It may surprise you.

Just think how things might improve in our country if more of us approached each other this way. If we spent just a bit more effort listening to each other before formulating our next snarky attack. If we demanded that our politicians do the same rather than posturing uselessly before rushing to the cameras to denounce the other side.

And no, I am not talking about any "Kumbaya," hand-holding on Capitol Hill. I find that sort of thing nauseating. I appreciate conflict in the interpersonal world and the political. And I am not talking about agreeing to disagree. Vigorous debate and persuasion remain good goals.

But what *e pluribus unum* does require is a willingness to take the long view. Bad

ideas are still worthy of opposition and defeat. Good ideas are still worthy of vigorous, unrelenting advocacy. There will remain pronounced differences among us on how best to keep the country moving together in a more durable direction. We will still disagree, vehemently.

We don't all have to want to take long walks on the beach together to achieve *e pluribus unum*. We don't even need to like each other all that much. All we need to do is accept that when it comes to politics and culture, sometimes our ideas will prevail, sometimes they won't. Sometimes our candidate will win and sometimes they won't. Sometimes bad ideas will even get enacted into law. But through it all, the Republic endures, if we want it to. As Abe Lincoln warned way back in 1838: "At what point then is the approach of danger to be expected? I answer, if it ever reach us, it must spring up amongst us. It cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a nation of freemen, we must live through all time, or die by suicide."

If we decide that we need to get along even when we disagree — maybe especially when we disagree — we'll have a fighting chance. Even after our spirited disagreements, we still have to live in the same country together. If we all try this? Maybe, just maybe, we can manage another couple hundred years in our grand experiment in self-government.

Who's with me? 🍷

DOUG MCQUISTON is a Denver metro area mediator. He previously practiced as a trial lawyer in Colorado for thirty-seven years, so he's seen some things.

Liz Hutchinson, The Denver Bar Association's Young Lawyers Division Chair

While many of us spent the pandemic emptying our Netflix queues, attorney Liz Hutchinson and her husband John experienced the birth of their first child with all the complications and precautions mandated by the pandemic. "Giving birth in the pandemic was both beautiful and isolating," Hutchinson says. "John and I have been with Caleb every moment of close to the first year of his life. We would never have had this time together as a new family of three in non-pandemic times – we were always on the go. It forced us to slow down and just enjoy the gift of presence."

Gift as it was, in many ways presence was its own challenge. "To be candid, it has been really hard balancing our careers with full-time parent duties. Because of the pandemic, we did not have child care for Caleb for the first 10 months of his life."

Hutchinson met her husband when they were both high school teachers volunteering during their faculty day of service. Hutchinson had just returned from backpacking through Australia, New Zealand, and Fiji, and John had spent time doing tropical reforestation work in Australia. They hit it off right away and were married about three years later.

Hutchinson taught social justice at Presentation High School in San Jose, CA, her alma mater. "I think one can only teach about injustice for so long until they are ready to do something about it." For Hutchinson at age 25, that meant law school. "I always had a legal career in the back of my mind as an option given my interest in politics and addressing inequity, but I was not certain that I was going to study law. However, after teaching social justice for three years, I knew education was not my vocation or role in



the justice movement – I wanted to take a more active role. There was no better training on how to meaningfully effect change, in my view, than going to law school. Whether you choose to practice law in the traditional sense or not, law school gives you the tools to work in any industry and with any group of people. You learn how laws are actually written, why and how words matter, and the impact that laws can have, intentional or not. It also teaches you how to think, write, and communicate better than any training I have ever had."

And Hutchinson really took advantage of her time in law school. "After teaching, it was wonderful to be back in the student's seat. I soaked it all in – the classes, the student organizations, the externships, and the service opportunities. At the time, I was focused on environmental and natural resources law, so I externed with the US Department of Justice in environmental enforcement and defense, with the EPA in the Office of Enforcement and Compliance Assurance, and with the US Department of the Interior Office of

the Solicitor – Rocky Mountain Region. I also spent my 1L summer in Alaska with the Native American Rights Fund focusing on indigenous rights. In addition, I externed for Senior Judge John Kane of the US District Court for the District of Colorado and Judge Elizabeth Weishaupl of the 18th Judicial District, as well as then-State Senator Mike Johnston. I am grateful for each one of those experiences, as they each taught me something very different about the practice of law. I also gained experience in each of the three branches of government, and gleaned insight into how each of them works. I was also president of the Natural Resources and Environmental Law Society and traveled to Navajo Nation as part of DU's Alternative Spring Break Program."

After graduation, Hutchinson first clerked for now-retired Judge John Webb of the Colorado Court of Appeals, then spent a year with Justice Will Hood of the Colorado Supreme Court, and then a year with Judge Greg Phillips of the US Court of Appeals for the Tenth Circuit. "When I graduated, I had no intention of taking on three clerkships, but you simply don't turn down the opportunity to serve the Colorado Supreme Court or the Tenth Circuit. Each clerkship offered such tremendous learning opportunities, as well as life-long mentors. Through these clerkships, I learned how to think like a judge and, practically speaking, preserve issues as a trial lawyer for appeal and tee-up motions for future appellate briefs. I also learned the importance of professionalism and collegiality. The Colorado Supreme Court in particular prides itself on being a collegial court. I learned so much from watching how the justices thoughtfully, and respectfully,

disagreed with one another. While we may have intellectual quarrels, lawyers should always rise above and maintain a level of professional decorum and respect for the opposing party. I have not always lived up to this standard, but I do my best to do so every day. Sometimes that means walking away and taking a deep breath before responding or engaging with opposing counsel. Whatever it takes, I try to remember my integrity is always more important than my ego.”

In addition, between clerking and private practice, Hutchinson took a couple years to give back as a Staff Attorney and Pro Bono Coordinator at Equal Justice Wyoming. “I knew I had my whole life to build a career in private practice, so I was not in a rush to make that transition. Accordingly, I wanted to take time to address access-to-justice issues and grow a statewide pro bono program in Wyoming. It deepened my personal commitment to service work, even today in private practice. My philosophy is that, at any given time, every attorney should have at least one active pro bono case. It’s part of our professional responsibility to the rule of law, and to our marginalized community members. Since joining Shook, I have focused my pro bono practice on asylum work for those fleeing gender- and political-based violence. It has been rewarding for me, and impactful for my clients. It’s also a tremendous learning opportunity for young lawyers in private practice – pro bono work may get you into a courtroom faster than any of your corporate clients! Whatever your passion may be, find it and dedicate time to it. It will remind you why you went to law school in the first place, as well as the incredible impact that you can have on your community.”

These experiences, including a service-learning trip to the US/Mexico border helped focus the area to which she would dedicate her pro bono practice: to those fleeing gender- and political-based violence. “My heart will always be with justice work,” says Hutchinson. “But I needed an emotional break from it. What people don’t often talk about is

the secondary trauma that attorneys and social workers (and others) face when working with people in trauma and people experiencing poverty. It hit a point where I knew I just couldn’t keep it up. I had private practice in the back of my mind for years because I was drawn to the challenge of sophisticated clients and high-stakes litigation.”

Given her upbringing in Silicon Valley, business litigation at a large, national litigation firm like Shook, Hardy and Bacon was the perfect fit. “I have been able to work on cases ranging from biometric privacy to medical-device product liability, as well as traditional commercial litigation and trade secret cases. It has been wonderfully challenging and engaging. But I’m also with a firm that encourages civic and political involvement, as well as diversity, equity, and inclusion work, so my desire to maintain a solid pro bono practice and stay involved in the local bar has only been met with positive reinforcement, encouragement, and billable credit. Private practice allows you to move through work that touches on all three branches of government, as well as the private sector. It can be wonderfully fulfilling, all things considered.”

Moving into private practice also afforded Hutchinson a bit more flexibility in terms of networking than judicial-bar relationships, which she used to take advantage of the opportunities that the DBA-YLD offered. And, on the recommendation of good friend and then chair-elect of the DBA-YLD, Matt Broderick, she applied to be on the DBA-YLD Executive Council. “I couldn’t turn him down – it was an opportunity for me to give back, to continue my work in the pro bono space, and to rebuild friendships and professional relationships that I had not given enough attention to while spending time in the courts. After even just a few months being in private practice and a part of the Executive Council, I fell in love with the energy of the team and the potential to serve so many young and new-to-practice attorneys in the Denver Metro Area. I wanted to run for chair to



see that mission through – particularly after COVID, this is a time to step into leadership and rebuild community. I can’t wait for all that we can accomplish together over the 2021-22 year.”

As chair, Hutchinson sees the year ahead as an opportunity to reinvent bar membership and how members view the DBA-YLD. “I want to create and foster an inclusive community of young and new-to-practice attorneys where we can build professional relationships, bounce ideas off one another, support one another’s professional development, and cultivate friendships. As part of this, our members can expect in person and virtual networking opportunities, small group dinner discussions, CLEs focused on professional development of young lawyers, and opportunities to give back. My call to action for all young lawyers is to step into leadership and to get involved. The DBA-YLD membership is what you make it, and we can’t wait to get to know you.” 🍷

The Denver Cigar Tour

By Randall Peterson



It's springtime in Denver. Imagine a walk through the neighborhoods of downtown, through the haunts and hollows of her streets and alleyways. There you catch the aroma of something old, inviting, and eternal. The scent halts you in your tracks. The cigar smoke from somewhere nearby triggers something visceral and instinctual, a memory forgotten or one yet to be made. In scent and spirit, they are the memories of our fathers and grandfathers. The smell of history beckons you in to pursue your own pleasures and there, amongst the

barons and bricklayers who built the Mile High City, share in the stories of all that is rich and good and timeless. It is the turn of the century. It is today.

Thus, take a walk on your own self-guided Denver cigar tour and taste a different flavor of Denver. Savor its past memories, relish its present glories, and create the future stories yet to be written.

Cigars on 6th — Where Everybody Knows Your Name

Walking into Cigars on 6th you are immediately transported to the world of the

quintessential cigar shop. It feels like the perfect neighborhood bar, one that you don't want to leave.

The ambiance is visually stimulating. Dark red hues, black wood, and handsome cabinetry set the mood and excite the palate. The walls are richly adorned with an engaging mix of cigar art, vintage photos of old cigar rollers, antique tobacco advertisements, and, adding to the neighborhood flair, photos of regular patrons and local celebrities who frequent the shop. A deer head is displayed with a cigar in its mouth — a



stag with a stogie. Included in the mix is an incredible collection of cigar label art — that’s right, pictures made from varying cigar labels. And they are not just any pictures: Avalanche hockey, The Last Supper, a Spanish bullfight, the Constitutional Convention, and that timeless classic Dogs Playing Poker.

Its two intimate circular seating areas boast a combination of antique leather chairs and wrought-iron seating, invoking a Scottish royal antechamber. Collectively, the environment is both Victorian and masculine at the same time, perfectly suit-



ed to enjoy the perfect cigar, of which the patron will have no trouble finding. Cigars on 6th boasts up to 700 different facings (types of cigars) including boutique, specialty, and hard-to-get cigars, so the customer can truly get almost anything they want from the two separate walk-in humidors.

Its selection and service, both exemplary in every way, will have you coming back for years to come. Cigars on 6th makes it easy to be at home in your own neighborhood cigar lounge.

Capitol Cigars — The Oasis in the City

If you are in the Capitol Hill neighborhood or find yourself doing business under the golden dome, the aptly named Capitol Cigars is only a short walk up Colfax but feels miles away from it all. Like an oasis in the desert, this inviting shop provides an ideal getaway when seeking a good smoke and the solitude that comes with it.

Capitol provides a fantastic array of cigar selections in its well-stocked humidor and provides a wonderful space in which to enjoy them. There is an open and spacious seating area where you can browse cigar and tobacco trade magazines. Hardwood floors and high palm leaf ceiling fans give it an old-world feel of Latin American simplicity, authentic and honest.

And like any oasis, there are beverages to imbibe. In the spirit of Colfax’s continual evolution, providing something for everyone, Capitol has added a casual bar for beer and cocktails. This quiet haunt by day awakens at night as a destination for those taking in a show at the Ogden Theater next door or wanting to experience the nightlife on Colfax, cigars allowed. “Smoke em’ if you got em’” rings true at Capitol Cigars.

It’s a perfect spot for a cigar over a long lunch, a sit-down break from exploring Colfax, or a happy hour and cigar after work. Whatever time of day, numerous happy hours can be spent at Capitol Cigars.

Palma Cigars — The Artist’s Studio

Lodo has had its share of cigar bars, especially during the cigar boom of the mid-1990s when Lodo and cigars both collectively rose in prominence. Today, Lodo’s go-to cigar shop is Palma’s Cigars and Bar. The quirky, eccentric atmosphere is akin to a Boulder/California vibe. Its full bar serves an impressive selection of Colorado wines and specializes in the classic cocktail. With multi-colored glass lamps descending from the ceiling at different heights and a minimalist simplicity similar to a 1960s bungalow, this is not your grandfather’s smoke shop.

The red brick dwelling on Larimer is not unlike so many of the studios, bars, and galleries in the area, but the novelty of Palma is that it is a working art studio and its product is cigars.

Clay Carlton is the master *torcedor* (Spanish for cigar roller), who apprenticed himself to the art in an effort to preserve the timeless magic of hand rolling cigars. Carlton personally crafts all of the cigars for sale at Palma. With seven different tobacco blends produced in all the standard cigar sizes, a custom-made cigar awaits patrons at the Palma. Carleton can be found at the front of the store most days rolling, cutting, stripping, and binding tobacco as it magically evolves from stem to smoke. Patrons can watch

the artist at work in his studio, educate themselves on the cigar making process, and then taste the fruits of his exquisite labor. While smoking cigars is an art form of its own, the growing and production of cigars is of course even more refined, taking years to transform from seed to shelf. The process is as sublime as the product and at Palma, cigar aficionados can visit the artist in residence.

Grab a Palma cigar on your way to a summer ballgame and walk the storied streets of Lodo. There, you can almost hear the workers of the old warehouse district who eked out a living by the sweat of their brow and the skill of their hands, echoing the adage of Woodrow Wilson's vice-president Thomas Marshall in saying "What this country needs is a good five-cent cigar." Many of which were undoubtedly smoked in those long-since defunct, cavernous spaces of another era.

The Churchill Bar at the Brown Palace — Dancing with the Grand Dame of Denver

If classical elegance is your desire, then punch your dance card with the Churchill Bar at the Brown Palace. While the Brown is an icon in Denver, the Churchill Bar is a smoking lounge that provides its own rich experience. It is a special place where cigar aficionados, new and old alike, come to make memories or commemorate traditions. Whether it be your virgin visit or a return as an old friend, to visit the Churchill is to create your own timeless piece of history.

And the setting is ripe for such moments. Wingback leather chairs, rich oak paneling, elegant carpeting, tufted leather chairs and sofas (for group socialization), and forest green and gilded wallpaper make the Churchill Bar the classic cigar club of elegance and sophistication.

Adding to the ambiance is a five-star staff of the highest quality. They quickly learn your name and the flavor of your cocktail, whatever that may be, including specialty and high-end bourbon, scotch, and wines that simply cannot be found elsewhere. They keep a variety of cigars



on hand in their humidor, although most come for the spirits and grandeur and bring their own cigars.

Most of the patrons, myself included, have a history here. It is where I called my friends and family, telling them about my first law job with a celebratory smoke of a classic Romeo y Julieta cigar. Like so many others, I relished the glorious anticipation of the not yet seen, reflected on how my life was about to change, and was humbled by the journey that allowed me to take my place and be part of the Churchill. It is a place where people want to belong, a place where every man can be a king. Or, even more apropos, a sultan.

While there are a few framed pictures of the bar's namesake, the irascible prime minister who saved England from the Nazis then lost his next election, the marquee piece at the Churchill is the painting "The Sultan's Delight." It was commissioned for the hotel at its opening in 1892. The grand painting shows a bearded Ottoman, one of wealth and power, sailing through the Bosphorus. He is immediately surrounded by four women while others near the stern float ethereal into the Turkish sky with Istanbul's mosques and minarets framing the background.

The irony is easily lost among the opulence. The keen student of history may observe that the most dominating feature in the Churchill Bar is the glorification of the Ottoman Empire, responsible for

Churchill's greatest military defeat while he was First Lord of the Admiralty, the 1915 battle of Gallipoli in World War I. In other words, at the Churchill Bar just as in 1915, Churchill remains secondary to the sultans.

Yet, for the classic smoking club, the Churchill Bar is second to none.

The Denver Cigar Tour

The writer and female cigar smoker George Sand wrote in 1867, "The cigar numbs sorrow and fills the solitary hours with a million gracious images." As we emerge from the darkest of winters and awaken into a springtime of a new era as COVID subsides, Sand's words ring especially true. We can smoke for what we have been through — endurance and loss. We can smoke for a better future, for aspiration and accomplishment. In the cigar bars of Denver, there are a thousand stories that rest in the humidors and are told by their carriers in leather chairs, their secrets ascending to the heavens in curls of blue smoke. As Colorado reopens, there are a thousand more tales waiting to be created, adding to the tapestry of all that makes Denver what it is: past memories, present glories, and future stories yet to be written. 🍷



RANDALL PETERSON is an attorney, educator, professor of business law, and Northglenn City Councilman. randallleepeterson@gmail.com

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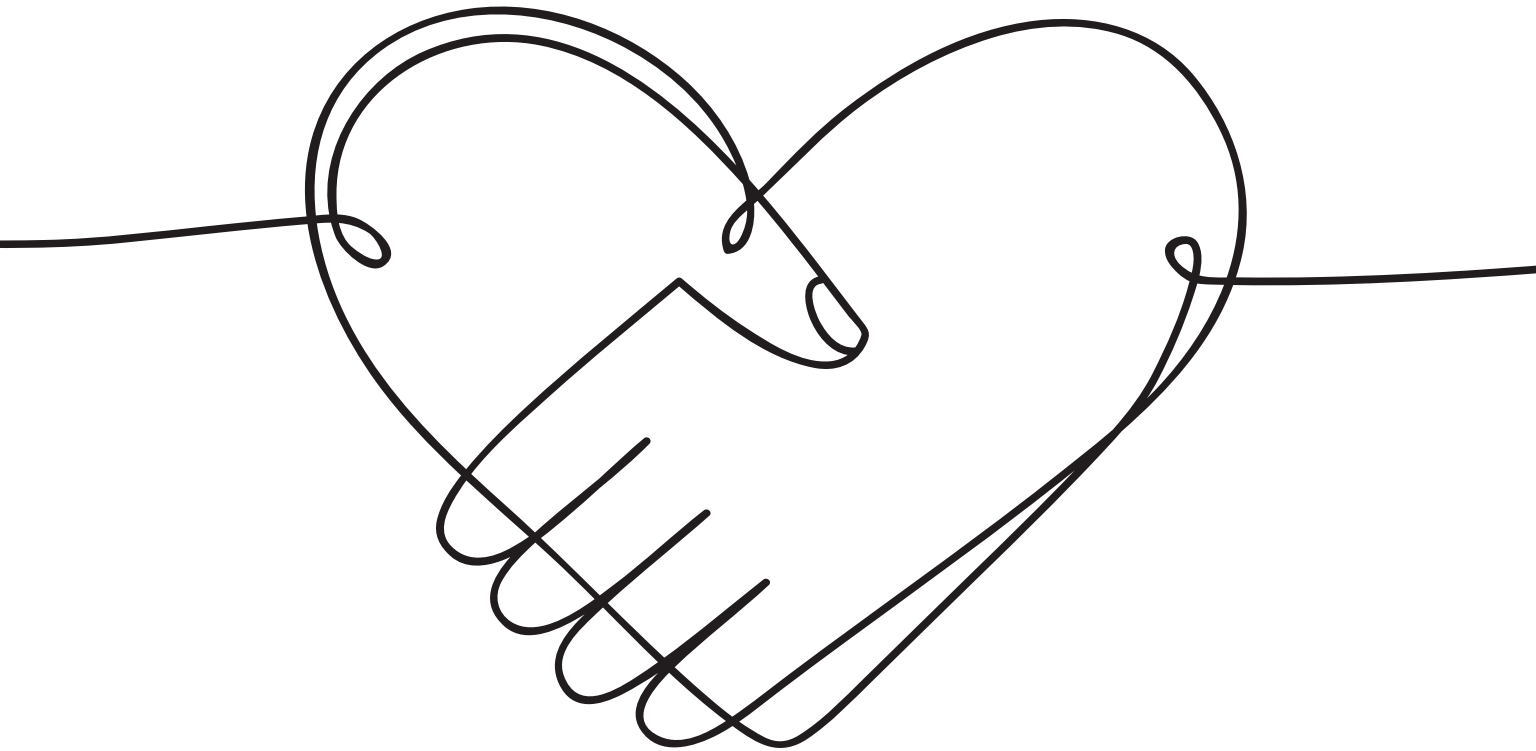


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‘An Attack on One, an Attack on All’:

The Denver Legal
Community’s Duty to
Stop Asian-American Hate

By April D. Jones



I “The news coverage of the March 16 shootings targeting Asian Americans in Atlanta, Georgia, put on display something that is all too familiar to those of us in the African-American community: the shock, the flash of white-hot grief, the hollow ache of despair from those who survived and know that their race, ethnicity or gender made them a target.

As a Black woman, I feel a sense of urgency to speak out in solidarity for the Asian-American community in Denver, the state of Colorado, and throughout the United States as they face increasing hate-fueled violence. But the entire Denver legal community has not just an obligation but a duty to speak up and act. Some of us have been bystanders before but can change that in 2021. If you haven’t developed your Upstander strategy, now is the time. An Upstander recognizes that something is wrong or off in a situation but rather than passively watching, they do something to help. Upstanders intervene in some way which makes them different from a bystander. Upstanders call the police or provide a distraction that interrupts the bullying. Their response will be unique to them but what they have in common is their bravery through personal intervention in a situation that others would ignore or walk away from.

Lawyers should be Upstanders. We must stand in solidarity with our Asian-American brothers and sisters here and throughout this country. Through allyship and a refusal to stay silent or turn an eye in the shadow of hate, we can rise to this occasion to support the Asian-American community in Denver.

Violence Against Asian Americans Is on the Rise

The horrific events in Atlanta gave us a bloody window through which to view a problem that has become systemic. Violence against Asian Americans and Pacific Islanders (AAPI) is on the rise and shows no sign of slowing down.

While reported hate crimes against all groups dropped by 6 percent in the United States’ largest cities in 2020, hate crimes against Asian Americans spiked by 145 percent during the same year. Denver was not immune to this surge — we had no reported hate crimes against Asian Americans in 2019. But in 2020, three separate acts of violence against Asian Americans were reported.

It’s important to understand that these spikes in violence against Asian Americans are only symptoms of a larger issue. A 2017 report from the U.S. Department of Justice estimated that

If you haven't developed your Upstander strategy, now is the time. An Upstander recognizes that something is wrong or off in a situation but rather than passively watching, they do something to help.

up to 54 percent of hate crimes go unreported. That means the issue both in Denver and the U.S. at large is likely much bigger than even these shocking statistics suggest.

Race-Based Violence Must Stop


The issue of race-based violence and exclusion in the U.S. is neither new nor limited to one group. African Americans have faced violence, racism, and violations of their basic human rights in this country since well before its very founding.

The earliest Asian immigrants to this nation faced similar issues. Chinese laborers were wholesale blocked from entering the U.S. through the Chinese Exclusion Act of 1882. And more than 120,000 Japanese Americans were forced into internment camps during World War II. These are only two of dozens of examples.

Race-based violence must stop. And stopping it is everyone's responsibility — not just the job of police, attorneys, Asian Americans, or other marginalized groups. In a statement about the Atlanta shootings, NAACP President and CEO Derrick Johnson summed up the core of why all groups in the U.S. have to help put a stop to race-based violence: "An attack on one is an attack on all!"

Addressing a National Issue in Denver

How can the Denver legal community help with this issue locally? First, we must ensure that our voices do not grow louder than the voices of those who are facing this violence. Instead,



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we should add our voices to the growing chorus calling for change. That means we can and should support local and national Asian-American groups dedicated to ending violence against Asian Americans.

Here are some actionable steps to take to support Asian-American communities in Denver and the U.S.:

- o **Report hate crimes.** If you see or hear of a hate crime against an Asian American, report it. The Denver police offer a hotline to report crimes that are motivated by bias.
- o **Learn bystander intervention.** Learn how to intervene in hate crimes as a bystander. Groups like Hollaback! and Asian Americans Advancing Justice (AAAJ) offer free resources on bystander intervention and de-escalation.
- o **Connect victims with legal resources.** The National Asian Pacific American Bar Association has launched a Hate Crimes Task Force that accepts requests for pro bono legal action here. And if it is relevant to your firm and/or practice, consider taking on pro bono work in the interest of justice for marginalized groups.
- o **Donate to Asian-American groups.** Groups like the AAJ and Community Organizing for Radical Empathy are working to advance equitable treatment for all and end hate-based violence. Show them some financial support, or donate to some established funds to support endangered communities.
- o **Volunteer your time.** Countless groups, organizations, and nonprofits in Denver need your help. You can browse

volunteer opportunities here, or reach out directly to the many groups founded or led by Asian Americans to volunteer your time.

o **Support AAPI-owned businesses.** All restaurants and many other businesses have suffered during the pandemic, but AAPI-owned businesses have felt even more strain due to unfounded fears surrounding the virus and Asian Americans. Stop in at any of Denver's world-class AAPI-owned restaurants and enjoy a meal, offer a kind word and positive review, and leave a great tip.

Solidarity, Not Silence

This is no time for silence. This is a time for solidarity with the Denver AAPI community. The Denver legal community has a duty to stand against injustice and offer allyship to groups who need our support. Let's show Asian Americans in Denver, throughout Colorado, and across the U.S. how far our love and support can really go.

I, for one, am ready to help put a stop to race-based hatred in all of its many forms. And supporting our communities is one of the best ways to do that. I know you all are ready to join me. 🇺🇸

APRIL D. JONES is a Colorado family law attorney, community leader, and businesswoman. She is the founder of the Jones Law Firm, PC, and is currently serving the Sam Cary Bar Association in a second term as President (2005 and 2021).



Character, Caricature, and the Role Creativity in L

By Kehinde Winful

of Law

“The lawyer is a user of words; but like all such people, he must use them in a world of unexpressed and inexpressible experience. The description of an event can go on forever and still be incomplete. What is said is only part of what happens.”

—James Boyde White, *Legal Imagination*

The precise and technical nature of legal writing can not only be seen as an attack on creativity, but also an attack on character, for certain people. At first glance, legal writing and the concept of creativity seem completely incompatible. After all, legal writing is particular, it is technical, and it is predicated on structure. In contrast, creativity is un-mechanical, emotion-full, and often an expression of vulnerability. There is a similar incompatibility between the way the law speaks about people and who people really are. That incompatibility becomes evident when comparing the two modes the law uses to both talk about and engage with people: character and caricature. In his book *Legal Imagination*, James Boyde White writes that “character is the successful rendition of the personality: believable, full, complex, living and breathing.” Caricature, on the other hand is, “a way of talking about people that reduces them to single exaggerated aspects, to labels, roles, moments from their lives. It is narrow, two-dimensional, unconvincing.” Through the lens of character and caricature, we see just how the law’s legal language hinders creativity.

Creativity is a form of character. The Oxford English Dictionary defines creativity as, the use of skill and imagination to produce something new or to produce art. One way creativity is showcased is through musical expression. This paper is predominantly concerned with the hip-hop (rap) genre, as it is a genre made up primarily of black artists. A google search of “most popular music genre in 2021” will show you that hip-hop (rap) music was the most popular genre in 2020. The ‘R&B/hip-hop’ category made up over a third of all plays according to Billboard. Despite being the most popular music genre in the world, it seems that the law does not always celebrate black

creativity in the form of musical expression in hip-hop, as it does other genres of music. White’s framing of character would allow us to view hip-hop, as a form of personal expression and thus a rendition of personality. With that in mind, we must ask ourselves why this form of expression, part of the character of such artists, often finds itself in tension with the law. This tension comes from a legal system that punishes black artists’ use of creative expression, because of the legal system’s known history of engaging with black people as caricatures instead of characters.

The law has an inherent inability to engage with rappers as multifaceted individuals, due to its refusal to engage with character over caricature. This is because legal writing in its attempt to convert life into a single story made up of the elements of the crime is used to tell us all we need to know about the person involved (that is, whether they did the crime or not) makes everything else, the things that make up a person’s character, irrelevant. In the case of rap as creative expression, and thus a display of character, the result is a policing of black creativity in the legal system.

Black people are disproportionately burdened by the legal system. This is true even in the intersection of the law and music. White’s notion of caricature helps to understand why. The caricature of a person is an accumulation of flat characteristics, namely stereotypes and stock stories, that don’t tell much about a person beyond a singular moment in time. These stereotypes, cognizant or not, inform how the legal system interacts with black people. To see the direct link between such stereotypes and the detriment to creative expression of black artists, one has to look no further than to Maryland.

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In Maryland, the state's highest court recently held that *rap* lyrics could be introduced as admissible evidence against a defendant in a criminal proceeding. Luckily for artists here in Colorado we have no such law on the books. There, the court held that "rap lyric evidence has heightened probative value, and is admissible as substantive evidence of a defendant's guilt, when the lyrics bear a close nexus to the details of an alleged crime." The court reasoned this was because such lyrics make it more probable that the defendant committed the alleged crime. Such a holding illustrates the dangers of people's experience, lived or imagined, being condensed to simple stock stories. To punish one genre and not others is to single out the experiences (an element of character) of black artists by labeling such experiences under a single story. The story being that, as rappers, their creative expression can be used against them in a criminal proceeding to prove the only thing the law is concerned about: that they are guilty of the accused crime.

The precision of legal language is a detriment to the creativity of a black rap artists, more so than their white counterparts in other genres. The precision of the word "rap" in the court's holding is telling of many things, one of them being that this law will disproportionately affect black people. The use of the word "rap" illustrates with the law tries to hide, that it does not engage with every person in an equal way. Here, the result is that some music, by the nature of the people creating the music is deemed to be evidence rather than a creative outlet. Other genres of music, specifically country and rock and roll, share similar themes of assault, drugs, and violence. The comparison is not to say that these themes should be "welcomed" by any means, but rather to show that if the courts want to use someone's creative work against them all music should be subject to admissibility and not just rap music. In punishing the rap genre alone, courts assume the truth of such lyrics (disregarding the fact that such lyrics might be entirely made up, despite their closeness to real live events— or not) and then punish the creative pursuits of black artists. That is to say that rap artists, like their counterparts, use a mixture of both their lived experience and their creativity to inform their music.

In punishing creativity, by holding rap lyrics as admissible evidence, the law punishes the character of black artists. This raises the question of whether legal institutions are ever interested in who people really are. The short answer is maybe. White writes about the possibility of evil that can come from the use of a precise language to express precise ideas. Here, the precision of language showcased by the use of the word "rap" in the court's holding may be one of those evils. For some people then, it seems that their creativity is incompatible with the technical nature of the legal language.

The truth is that holdings like the one in Maryland not only have creative implications for black rappers, but also disregard certain socio-economic truths. In Maryland people of color, and specifically black people, are overrepresented in prison and jails. In 2010, there were 1,437 black people incarcerated in Maryland for of every 100,000 people in that racial group. Brining these number and statistics closer to home, in the same year here in Colorado that number was almost triple at 3,651. These numbers are alarming, especially as it relates to Colorado as the most recent census showed that the racial composition of Colorado was only 4.6% Black or African American compared to 86.9% White. There is a parallel between the disproportionate number of incarcerated black people living in states like Maryland, and here, to the holding of the Maryland court that once again disproportionately affects black people. The parallel is that the law continues to have overwhelmingly adverse effects on black people.

In the end it seems that the law doesn't fully embrace the true character of people very well, because of the incompatibility of creativity and legal language. A conclusion that becomes more evident with the emergence of laws that directly impact a predominantly black musical category. Caricature is the main mode of accepted expression for people's identities, with the law showing little interest in any character's "roundness." 🍌

KEHINDE WINFUL is a third year law student at Colorado Law interested in litigation and appellate work. In her free time, Kehinde likes to walk, write, and listen to music.



DBA Award Winners

Award of Merit, Barbara Chamberlain



In a year that has seen the passing of several titans of the Colorado legal community, I am beyond humbled to receive the Denver Bar Association Award of Merit. I was a small cog in that community. I became a lawyer to help people. The DBA afforded me that opportunity, through its Legal Services Committee and the Thursday Night Bar/Metro Volunteer Lawyers programs. I got to help a lot of people, both directly and indirectly. I was also privileged to work with the good guys of the bench and bar, men and women who recognize the value of pro bono work and realize that it is good for clients, the courts, and themselves. My simple philosophy is that we are here on Earth to benefit the Earth and its denizens in some small way. I am so grateful to receive this award as an affirmation that I may have achieved that goal.

Volunteer Lawyer of the Year, Hannah Siegel Proff



It is a great honor to receive recognition from the Denver Bar Association for my volunteer work. Since graduating from law school 13 years ago, I have kept the words of one of my heroes, Toni Morrison, at the front of my mind. She said, "I tell my students, 'When you get these jobs that you have been so brilliantly trained for, just remember that your real job is that if you are free, you need to free somebody else. If you have some power, then your job is to empower somebody else. This is not just a grab-bag candy game.'"

It is an immense privilege to hold a law degree. Through my volunteer work, I have the opportunity to advocate for clients who do not have the means

to hire a lawyer and advance systemic policy changes in the Colorado General Assembly. My work would not be possible without the staff of the organizations I volunteer with. They deserve endless recognition for their dedication. This recognition from the DBA inspires me to do even more to support the people, causes, and organizations I believe in. Thank you to the DBA, and to the other lawyers and community members who work tirelessly alongside me.

Young Lawyers of the Year, Matt Broderick and Ruchi Kapoor



Broderick: I am honored and humbled to share this year's DBA Young Lawyer of the Year Award with Ruchi Kapoor. Ms. Kapoor is a true servant of the DBA and an outstanding young attorney. I am also very appreciative to the DBA for awarding me with this honor and I am so grateful to the many, many individuals who have encouraged and supported my involvement in the DBA, especially with the Young Lawyers Division. I also have had the honor and privilege of working alongside excellent young attorneys on the DBA YLD Executive Council over the last several years. The CLEs, networking events, fundraisers, business development programs, and many other activities planned and hosted by the DBA YLD would never have occurred without the countless hours and meaningful efforts of our DBA YLD Executive Council members. I truly believe all of those members could have been named Young Lawyer of the Year and I hope they view this year's award as shared with them all. Volunteering for a great organization like the DBA takes the support of family, and I never could have reached this goal without the love and support of my wife, Heather.



Kapoor: Thank you to the DBA for honoring me as Young Lawyer of the Year — it is humbling to be recognized by this amazing institution of colleagues and peers. This last year of working from home has reinforced how important my bar association friendships are, and how much I look forward to these face-to-face connections! I am grateful this year has given me the chance to spread my wings into private practice and I am grateful that I was still able to lean on many of the connections at the bar association as I did so. I look forward to the next year as we continue to build the bar into the place we'd all like it to be.

Judicial Excellence, Judge Theresa Spahn



I have been a proud member of the CBA/DBA and/or Adams-Broomfield Bar Association since 1988. The DBA, or as I fondly call it, my bar association, has been instrumental in supporting me throughout my career. Membership has provided me the opportunity to develop treasured and long-standing friendships, learn how to be a compassionate and effective leader, and participate in numerous initiatives that positively impact communities in our state, advance justice, and protect the independence of our judiciary. Most importantly, it has brought me great joy to be a part of something that provides a true community to attorneys who practice in Colorado. The DBA creates an environment where we can step outside our attorney/advocacy roles and share common values and vision. It has never been so important to nurture this sense of community and foster these relationships. I'm truly honored and humbled to receive the 2021 Judicial Excellence

Award from an organization that I so deeply respect and has been a pillar for me the past 33 years.

Outstanding Program, MVL Family Law Unbundled Program



Toni-Anne Nuñez,
Director of MVL



Anthony Pereira,
Program
Coordinator

Metro Volunteer Lawyers is deeply honored for the Family Law Unbundled Program to be named the DBA's Outstanding Program of the Year. The Family Law Unbundled Program began in November 2019 thanks to a generous grant provided by Jerry Conover. Since its founding, over 50 different volunteer attorneys have helped or are helping over 300 families. While it started as a pilot program

in Denver and Jefferson counties, it quickly expanded to serving all the counties MVL serves (Adams, Broomfield, Douglas, Elbert, Denver, and Jefferson).

The Family Law Unbundled Program enhances MVL's mission to bridge the gap in access to justice by coordinating the provision of pro bono legal services by volunteer lawyers to families who could not otherwise afford legal services. In addition to serving families in need, MVL provides micro-volunteer opportunities to attorneys.

These pro bono opportunities include remote clinics, in-person programming, individually scheduled phone meetings, or pro bono mediation. Volunteers provide a one-time consultation, where they help draft motions, prepare for upcoming hearings, and give advice about next steps in a case. This program emphasizes and focuses on early resolution, including our expanded mediation program.

The program responded to COVID by changing from in-person meetings

to telephone consultations and remote Zoom clinics.

Family Law Unbundled is only as good as its volunteers. Please sign up to volunteer today. Check out our website for more information: denbar.org/mvl. Or watch this video for more information about the program: youtube.com/watch?v=s1_EgB4ZKZk

DAVIS AWARD

NOMINATIONS SOUGHT DEADLINE SEPT. 1

Nominations are invited for the 2021 Richard Marden Davis Award to honor attorneys under the age of 40 who have demonstrated excellence as a lawyer and leadership in Denver's civic, educational, and charitable activities. The award was established by Davis Graham & Stubbs, the family of Dick Davis, and the Denver Bar Foundation in 1992.

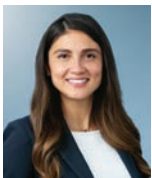
Visit bit.ly/3gzAiQk for more information about the award, a list of past recipients and to submit a nomination.



Q&A

with the new DBA Young Lawyers Division Leadership

Jessica Cordero



Please tell us a little about yourself, personally and professionally.

My name is Jessica Isabel Cordero, Esq.

I am a first-generation Hispanic college and legal graduate. After working in Big Law, I discovered my passion for building bridges between majority groups and underrepresented diverse communities. Therefore, I started a diversity, equity, and inclusion consulting firm at JCordero Consulting Solutions, LLC. At JCCS, I

partner with organizations and professionals as they navigate moral and ethical challenges, manage stress, and overcome communication barriers to build better and more sustainable practices.

I am also a board member at the Colorado Hispanic Bar Association Foundation and a mentorship, C-PTSD, and LGBTQ+ advocate.

What has been one of your most memorable DBA experiences?

As the first person in my family to enter the legal field, or any professional field for that matter, I was overwhelmed and fearful

of joining the legal community. During my first year of law school, I attended a DBA mixer to face these fears and break the ice. As soon as the DBA-YLD members struck up a conversation with me, all of my initial fears dissipated. It was the first time I thought that I could actually be a part of this community, that I could add value and belong somewhere. It was truly a memorable experience.

What is the best advice you've ever received?

"Win or lose, you only fail when you stop trying." As a recovering perfectionist, I

perceived any loss, critique, and criticism as a complete failure. However, this advice helped me see that any perceived loss was actually a lesson, which in turn, is a gain.

Josh Mangiagli



Please tell us a little about yourself, personally and professionally.

I grew up in Denver and graduated from Denver East High School before going to college at the University of Vermont where I studied political science. After college, I moved to New Orleans to teach middle school social studies, and met my wife, Hilary (who taught in the classroom next to mine). We have two kids — Theo and Lark.

In 2018, I graduated from the University of Denver Sturm College of Law. I am now an attorney at Alderman Bernstein where my practice focuses on eminent domain law, real estate litigation, and real estate transactions.

What has been one of your most memorable DBA experiences?

My most memorable DBA experience was participating in the 2020 Roll Out the Barrels campaign to help raise money for Metro Caring. It was incredible to see law firms across Denver come together to help end hunger in the Denver metro area. It was also my first experience volunteering as an attorney and helped me realize the many ways attorneys can have a positive impact in their community.

What is the best advice you've ever received?

Treat others the way you want to be treated.



Marika Rietsema Ball

Please tell us a little about yourself, personally and professionally.

I practice in corporate, securities, and business transactions, as well as trusts and estates law at Jones & Keller, P.C. I'm a 2018 graduate of the University of Denver Sturm College of Law. I also serve as the chair-elect of the Center for Legal Inclusiveness' YLD, co-treasurer of the Colorado Pledge to Diversity, and as a member of the planning committee for the Colorado Diverse Attorney Community Circle program. If I weren't a lawyer, I would be a lighthouse keeper. My favorite hobbies are hiking, knitting, and hanging out with my husband, Mike, and my dog, George.

What has been one of your most memorable DBA experiences?

Before becoming actively involved with the DBA, I was lucky enough to collaborate with the executive committee of the DBA YLD on a virtual event called the Jeffersonian Dinner. The executive committee members were extremely inclusive and wonderful to work with. It truly showed me the heart of the DBA YLD and their commitment to the Denver legal community. It made me want to be a part of their organization.

What is the best advice you've ever received?

Collect a board of directors — these are your professional mentors and peers who help guide you through your career decisions. My BOD has been the best thing to happen to my career and I attribute much of my success to their guidance.

Jessica Dowty



Please tell us a little about yourself, personally and professionally.

I am originally from Kansas City and come from a very large, blended family with 12 kids. I received my undergraduate degree in finance and marketing from NYU, and my J.D. and LL.M in taxation from the University of Missouri-Kansas City.

After working for an aviation law firm for a few years in KC, I joined Kutak Rock in the Tax Credits Group in Denver. I enjoy hiking with my husband and two dogs whenever we get the chance, travelling and exploring new places, and spending time with our family and friends.

What has been one of your most memorable DBA experiences?

As someone that moved to Denver in July 2019 as a lateral transfer to a new firm, I haven't had much opportunity at this point to be a part of the DBA, but that was one of the main reasons I wanted to join the YLD Executive Board. I love meeting new people, and I figured this would be a great way to get involved with the Denver legal community and make new connections.

What is the best advice you've ever received?

This is a hard one. I have had so many supportive mentors throughout my life, and I feel like I have gained valuable advice that has helped me shape my life and my goals from each and every one of them. I think some advice that I try to live by is to focus on the positives. Things are not always easy, but if you keep a positive mindset and look for the solution instead of focusing on the weight of the problem, then you can find a way to move forward. 🌟

Want to find out more about the DBA YLD? Visit DBAYounglawyers.com for details on how to get involved and upcoming events. You can also reach out to Elizabeth Akalin at eakalin@coabar.org.



Essence
Duncan
1L at CU Law

10 Questions with Essence Duncan

1. Where did you go to law school and where are you currently working?

I am a current 1L at CU Law. My current work involves volunteering with the Korey Wise Innocence Project.

2. Why did you become a lawyer?

I want to become a lawyer because I want to make a difference. There is a lot of work to be done in the justice system and I want to be a part of that work and future change.

3. Where are your favorite places to travel?

My favorite place to travel is anywhere tropical, I am a proud Floridian so I thrive in the sunshine and on the seashore.

4. Are you currently binge watching any shows?

I just started *Game of Thrones* and it is very interesting! Never knew there was so much drama in kingdoms.

5. How do you de-stress?

Yoga is my favorite way to de-stress; it truly helps me to connect to a peaceful place and be focused on relaxation in those moments.

6. What is your favorite book or movie?

My favorite movie is *Who Framed Roger Rabbit*.

7. If you could have dinner with any historical figure, who would you pick and why?

Ruby Bridges. While being the only Black girl in my elementary school class, she inspired me to keep my head held high and remember I am deserving of education despite the color of my skin.

8. What is one item from your bucket list?

To spend my honeymoon in Santorini, Greece — first I will have to find a potential spouse.

9. If you could instantly implement any law, what would it be?

I would impose a law that fully funds and requires therapy services at various stages of life. During early childhood, puberty, senior year of high school, four years post high school, and each decade after that. While that sounds extensive, until people take the chance to truly evaluate their lives and obstacles thus far it will be an uphill battle to self-love and content.

10. If you weren't a lawyer, you'd be...?

A therapist for a juvenile detention center. 🌐

EDITOR'S NOTE

Do you know a DBA member who should be featured?

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

Barristers'

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The untried may know the rules, but



26 Judges Achieving
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