

PROCLAMATION

First Judicial District Bar Association JANUARY 2012



2011-2012

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President's Column

Erin Hickey
President



"I resolve to....."

Happy New Year! Welcome back to the real world and the old grind. Hopefully, many of us were able to take at least a little time off over the holidays to celebrate and relax. As of now, though, I am guessing most of us are back in the office and trying to make up for lost time. With the beginning of the new year, as the tradition goes, comes resolutions....to quit smoking, to hit the gym, to eat better and lose weight, to cut back on the drinking...whatever it may be, we usually make an effort to better ourselves in some way. Many people vow to do more to help others, also.

Although there are so many ways to be of benefit to others, and so many charitable ways to spend your time or money, there are also many opportunities to do so within the legal community. There is no question that seeking legal advice or representation is often, if not always, pricey. It has to be....we as lawyers have many costs that go into practicing. But, there are ways to use our legal skills and knowledge to give back to the community and make the process more accessible for some. If one of your resolutions was to engage in more charity work or to try being of more assistance to others, perhaps one of these avenues might be interesting to you.

Pro Bono - This is likely the most popular way to give of your time as a lawyer. There are several ways to do this, from providing information to individuals, helping out with a case, or agreeing to take on full representation of a client in a case. There are several ways to get involved in a pro bono case as well - through the Court, through a colleague, through someone randomly calling your office, or through a bar association. The Colorado Bar Association has several options available and provides details for doing so on their webpage. Check out <http://www.cobar.org/index.cfm/ID/3235> if you are interested. Another really great thing about doing pro bono work is that, if you meet the requirements, you can receive CLE credit for your work! Those who provide many hours of pro bono service throughout the year are also recognized within the legal community for their accomplishments and dedicated service. The First Judicial District Bar Association will be having our Second Annual Pro Bono Recognition Ceremony on April 20, 2012. For more information on our event, please visit <http://app.streamsend.com/private/10wC/u6I/NG6lsfU/browse/15410175> . Please submit your name or the names of others who meet the requirement so that you, or they, may be properly thanked!

Metro Volunteer Lawyers - This organization is a great way to get involved in helping others. The First Judicial District Bar Association sponsors this Denver based program annually, which allows members of our community to benefit from their services. MVL is a great program that allows lawyers to provide pro bono assistance to low income individuals at varying levels, all while receiving some guidance from MVL. If you are interested in learning more about this program, check out their site at <http://209.240.137.109/volunteer-with-mvl/> . Many attorneys over the years have found volunteering with MVL to be greatly rewarding, myself included, and even more individuals have found the invaluable legal assistance they have needed, but can not afford.

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Mentoring - To mentor an attorney in need of some guidance is also a great way to help within the legal community. The First Judicial District Bar Association created our very own mentoring program last year. If you are interested in helping out a fellow attorney who is looking to learn the ins and outs of a new practice area, is just starting out, or just needs some advice, get involved! Also, if you are a licensed and insured member of our Bar Association and you feel you could benefit from having a mentor, get in touch and we will set you up with one of our mentor volunteers! To become a mentor or a Mentee, contact send an email to vicki_malara@comcast.net for an application.

Dress for Success - This is another great way to give in an effort to help others. There are several similar organizations out there in the Denver area, and although many of them focus on women, there are at least two that assist men as well. I believe the CBA even has a drive once a year on the Capitol steps to assist one of these organizations. As with almost any charity, you can make cash donations, or here, you can donate gently used business attire to assist people in looking professional for job interviews and in new careers. It is an easy way to clean out your closet and also help someone with an opportunity for a new job, which can sometimes even mean a whole new life. The website for Dress for Success is here <http://www.dressforsuccess.org/affiliate.aspx?sisid=117&pageid=1>, but like I said, there are several other similar organizations you can find online as well.

Moot Court - Another, and different, way to volunteer your time to help others is through a Moot Court program. The First Judicial District Bar Association members participate in Moot Court often and we are always seeking volunteers. This is a great opportunity to help our High School students get interested in the law and learn about our legal system and it is a fun experience, I have heard, from anyone that has previously participated. If you would like to get involved and volunteer, or receive more information about the program, contact Amanda Cruser at abcruser@vfblaw.com.

So, regardless of what your New Year's Resolution was, hopefully you can find some time in 2012 to participate in one of the above activities. If you have any questions about becoming more involved, feel free to contact me at any time. I hope you are all having a wonderful start to the New Year and that this year brings much health, prosperity, and happiness to all of our members!

Please take a moment to check your contact information

- ✓ Log into the CBA website. Follow the link on the lower right side of the page to update your CBA information.
- ✓ Also follow the link on this page to update your "**Find A Lawyer**" information.
- ✓ Continue to send your new contact information to vicki_malara@comcast.net

“I think it’s going to be okay” - The Value of Continually Encouraging Your Client

By Justin Ross

We are all familiar with the proverbial “bed-side manner,” or lack thereof, associated with physicians. However, rarely do we hear of the same for attorneys. Most times, our clients are relying on us to guide them through the most difficult time in their lives, and most clients have no idea what to make of the situation. Simply acquiring a good result may not be the most important task with which we are assigned.

Although it seems elementary, I think we, as legal professionals, forget that we are obligated, as counselors at law, to re-assure our clients. In the words of Ted Borrillo, my mentor’s mentor, it is very important to tell your client, up front and often, “It’s going to be okay.”

Having pondered this concept, I would suggest the following should occur with every single client:

1. Re-assure your client. Most clients have never gone through a divorce, custody battle, criminal charges, personal injury, etc. They need to be re-assured that the process is (or should be) designed to provide justice and fairness, and that, except for those very unusual cases, a breakdown of the system will not mean that their life is over. Clients need to be told this from the beginning of your representation. Do not patronize your client. Be honest about the risks and repercussions. However, do not forget to tell your client that there is “a light at the end of tunnel.”

2. Share a professional, or personal, experience. Think of a case that you have handled, or a personal situation that you have gone through, that could be of benefit to your client. Without divulging confidence, share that story with your client. This is a moment when your experience as an attorney uniquely equips you to counsel your client.

3. Repeat step 1 and, if necessary, step 2. Most every case is a marathon. Clients will experience emotional ups and downs throughout. Merely encouraging your client at the beginning of the case likely will not suffice for the entirety of the case. Make a mental note to be encouraging to your client every single time you have contact with them. If you do not have frequent contact, consider placing a call or e-mail to your client solely for the purpose of encouraging your client.

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Jason practices domestic relations, dependency & neglect, criminal defense, and personal injury. Justin is also chair of the 1st JD Bar Membership Committee.

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If you have an interest in writing an article for the monthly Proclamation, we would love to hear from you. We are looking for articles on any subject that would interest your fellow members. Articles must be 400 words or less.

Contact Vicki at vicki_malara@comcast.net if you are interested. Deadline for the February issue is February 4th.

REMINDER--IT IS NOT TOO EARLY
Remember to nominate A qualified member of the bench or bar for
one of the 2012 awards

For a Nomination form –go to
http://1stjd.org/uploads/Award_nomination_form_2012.doc

To see a list of previous award winners go to
http://1stjd.org/uploads/Award_historytest.pdf

Award of Merit – Awarded to the attorney member of the First Judicial District Bar Association who primarily practices in this District, and has provided distinguished service to the Bar and the community deserving of our Association’s highest recognition.

George Holley Young Lawyer Award – This is given to an attorney under the age of 37 or in practice for less than 5 years who is a member of the First J.D. Bar and is deserving of recognition for her or his activities with the Bar, the community and in the practice of law. The recipient should be someone who reflects a strong commitment to the legal profession and to community service.

Linda T. Palmieri Award For Outstanding Service to Children – This is given in recognition of an individual’s demonstration of a superior degree of professionalism and commitment to children, and who has worked actively to advance the welfare of children. The individual need not be an attorney, but shall have made significant contribution to the children of the First Judicial District, and the legal system as a whole.

Lisa Harness Memorial Award- This person demonstrates a superior degree of professionalism, knowledge and dedication to the position of a Clerk of the Court and has worked in the judicial system for a least one year. Persons who have consistently demonstrated their commitment to going above and beyond to assure that the judicial system and the public are served with an exceptional degree of service are appropriate nominees.

Liberty Bell Award – This award is given to a non-lawyer who has furthered the interaction of the community and the legal system and provided an uncommon contribution to the system or government as a whole.



**Recruiting for the February/
March 2012 Training Class**

CASA (Court Appointed Special Advocates) of Jefferson and Gilpin Counties is recruiting community members to become trained court advocates for children involved in child abuse and neglect cases. ***CASA volunteers are ordinary citizens who have a passion for protecting children.*** Volunteers are appointed by a judge to cases of child abuse and neglect to represent the best interests of the children involved. Many CASA’s have full-time jobs and/or families, yet they have made time to become a child’s voice in court. Your time of 15-20 hours a month will give the abused and neglected children in our community a more hopeful future.

Right now there’s a child in your community who needs your help! You can be the difference, become a CASA Volunteer. Volunteers must be over 21 and complete 40 hours of training. We will be offering morning and evening trainings starting on February 21st, 2012! For more information, call (303) 271-6539 or visit our website at www.casajeffcogilpin.com!!!

**UNBUNDLING LEGAL SERVICES – NEW RULE RE:
LIMITED REPRESENTATION & FREE CLE**

*By Scott Baroway, Esq.
Mediation Partners*

Written on Behalf of the 1st Judicial District Access to Justice Committee

Colorado Rules of Professional Conduct 1.2(c) has always authorized limited scope of representation by attorneys. However, without clear guidelines to follow, in the past an attorney who entered their appearance on a case often became the attorney of record for all legal matters related to the proceedings. Some judges allowed limited appearances for a single hearing. However, one could never be sure and the majority did actively endorse or encourage such practice.

However, the recent change to C.R.C.P. 121 local rule 1-1 now provides long sought after guidelines that protect attorneys who desire to enter into limited representation of clients. The simple rules, if followed by counsel, authorize the limited in & out entry/withdrawal without the permission of the court. In other words, your withdrawal is automatic and not subject to any individual judge's discretion.

Section 1-1(5) (effective Oct. 20, 2011) specifically authorizes limited representation of a party, with the permission of the party. Obviously, the client must be made aware of limited scope of the attorney's representation. This would best be defined by a written fee agreement so there are no misunderstandings, which are certain to occur without one.

With the client's consent, an attorney may file limited entry of appearance for the purpose of one or more specified proceedings. Then, at the conclusion of the proceeding, with the filing of an additional single pleading, the attorney's representation automatically terminates without leave of the court.

In order for this protection to apply, 2 steps must occur. 1) The attorney MUST SIMULTANEOUSLY file with the court a Notice of Limited Entry of Appearance, and 2) at the conclusion of limited appearance, the attorney MUST file a Notice of Completion of Limited Appearance. Step 1 presumably means that the Limited Entry pleading must be filed with the first pleading the attorney files on the case. Step 2 is clear.

One of the primary purposes of the rule is to encourage lawyers to provide additional pro bono services. Given Rule of Professional Responsibility 6.1 states an attorney should aspire to perform at least 50 hours per year of pro bono public legal services, this rule should allow more lawyers to meet this obligation assisting those in need without the fear of being forced to handle the complete case or be stuck on the file for years to come. AND the Supreme Court offers up to 9 hours per year of CLE credits for handling pro bono cases. With the new Rule 121 1-1, how can you now help out?

The form for CLE credit for pro bono representation is available at <http://www.coloradosupremecourt.com/pdfs/CLE/Form8.pdf>.

**MAKE A GREAT NEW YEAR'S RESOLUTION-
GIVE SOMEONE A PIECE OF YOUR MIND...
FOR LESS!**

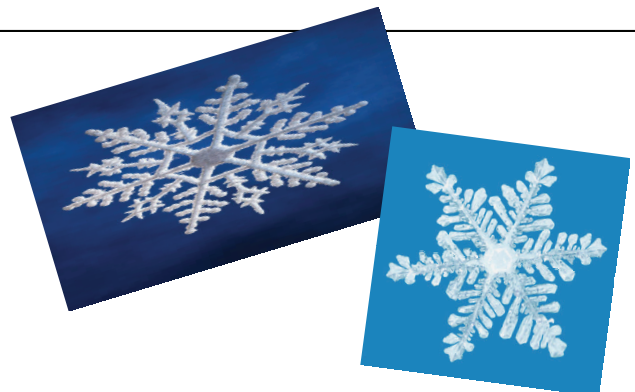
*By Robyn E. McDonald
McDonald Mediation Group, LLC*

The 1st JD Access to Justice Committee, in conjunction with the First Judicial District Bar Association, has developed a list of attorneys willing to offer discounted fees for their legal services. These attorneys will consider a person's financial situation when they assess legal fees for a particular service case. This list is distributed to the various First Judicial District Courts, (Jefferson and Gilpin Counties), and a variety of other venues that assist the residents of the First Judicial District (Jefferson County), who may not meet the requirements for "indigent" classification, but who still need a financial break when it comes to legal matters.

Though no attorney is obligated to take on a particular case, he or she agrees to discuss the matter, and determine whether it is something they are willing to take on. Neither the 1st JD Access to Justice Committee, nor the 1st JD Bar Association specifically endorse any attorney on this list, and we recommend any potential client visit the Colorado Supreme Court website to review the available information for any individual attorney.

For attorneys who are interested in offering discounted fee legal services in their particular field, please contact 1st JD Access to Committee Member Robyn McDonald (robyn@mmsgadr.com) and provide her with your relevant information (name, phone number, email address, web site, Bar number, and areas of expertise willing to discount).

If you have any questions, please contact Robyn at the email address above. On behalf of the First Judicial District Access to Justice Committee, we thank all the attorneys who are willing to give back to the residents of the 1st Judicial District.



Pro Bono Recognition Ceremony



Save the Date!

Greetings First Judicial District Attorneys,

This year on April 20, 2012, at 4:00 p.m. at the Jefferson County Court Jury Assembly Room, the Colorado Supreme Court, in collaboration with the First Judicial District Bar Association and the First Judicial District Access to Justice Committee, will again honor the attorneys who provided pro bono legal services to members of our community while advancing the reputation of lawyers and fulfilling the admonitions of [Colorado Rule of Professional Responsibility 6.1](#) in the calendar year 2011.

The foremost objective of this event has been to recognize contributing attorneys, enhance the public image of the legal profession and improve the coordination of *pro bono* delivery efforts. The CBA Access to Justice Department will be preparing a printed program announcing those who have fulfilled their 2011 pledge. The First JD will provide its own list of local attorneys who have fulfilled their 2011 pledge to commit 50 hours of pro bono time, which will be included in the CBA printed program. **To be included in the CBA printed program, those firms, solos, and in-house counsel who have fulfilled their 2011 pledge must provide this information to Justice Hobbs (Gregory.hobbs@judicial.state.co.us) by no later than February 15, 2012.**

For those individual attorneys who fulfilled their 50 hours of pro bono services in the 2011 calendar year, please submit your name, address and phone number to ATJ Committee Member Robyn McDonald at robyn@mmgadr.com, or at 720-242-8887 so the First Judicial District may recognize you.

We also invite you to nominate attorneys you know (whose offices are located in Jefferson or Gilpin County and who provided 50 hours of pro bono legal services in 2011), as well as attorneys whose offices are not located in Jefferson or Gilpin County but who provided 50 hours of pro bono legal services to residents of Jefferson or Gilpin County. You nominate them and we will recognize them!

For further information regarding the general requirements for pro bono commitment, please go to the [Supreme Court Judicial Invitation](#). **The deadline to apply for recognition is February 15, 2012.**

Attorneys are also invited to attend a free CLE on April 20th, at 3:00 P.M. (before the awards ceremony), presented by Justice Hobbs. This is a free 1 hour ethics credit. To register for the CLE, please contact Vicki Malara at 303-279-5568 or email her at vicki_malara@comcast.net.