

PROCLAMATION

First Judicial District Bar Association

JANUARY 2020



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2019-2020

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PRESIDENT'S COLUMN

RYAN HUTTON

Happy New Year from the First JD

To bring in the New Year with a little jingle and cheer, I have asked Chris Radeff to help me write a First JD rhyme. We collaborated on this by each emailing back and forth two lines at a time (I did the first four and then two and two after) and this is how it came out. I hope you all enjoy and Happy New Year!

*With a familiar friend Chris
To bring in a new year
I asked her help with rhyming
So please lend us your ear*

*It's rather easy to do
This thing known as rhyming
To put in a story though
Is all about timing*

*Twenty-Twenty has arrived
With Bar events galore
Twenty-Fourth of September
To putt, drink and yell fore!*

*Each month earn some CLE's
Hot lunch or brown bag it
Judges' luncheon in August
Which is always a hit*

*Want to write an article
For the Proclamation?
Perhaps a legal topic
Or home renovation?*

*Save the date for Banquet time
October 17
At the Lakewood Country Club
Great place to all convene*

*Ryan my willing Student
Has become the Master
Chris I would not go that far
Maybe no disaster*

*So Happy New Year to all
With good health and good cheer
Keep in mind the great events
With the Bar this leap year*

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1st JD BAR ASSOCIATION CLE LUNCHEON
Tuesday, February 11, 2020

What You Didn't Know That You Need To
Know

*Presented by
Jessica E. Yates
Attorney Regulation Counsel*

12:00-1:00 p.m.
Jeffco Courthouse, Lookout Mtn. Room
CLE & Lunch: Members \$20
CLE & Lunch: Non Members \$25
No Lunch \$10

Register at:

[https://1stjd.org/events/#!event/2020/2/11/
what-you-didn-apos-t-know-that-you-need-
to-knowjessica-e-yates-oarc](https://1stjd.org/events/#!event/2020/2/11/what-you-didn-apos-t-know-that-you-need-to-knowjessica-e-yates-oarc)

or
admin@1stjd.org

CLE credit including ethics pending

1ST JD BAR ASSOCIATION GRANTS

The bar association is taking applications for non-profit grants. Applications are due February 10, 2020 and will be disbursed by April 30, 2020.

You may access the grant application on the website at 1stjd.org under Grant Information at the bottom of the page.

Note: If you have previously submitted a grant application, you need to provide only the current Annual Certificate of Good Standing and a summary of your request instead of the full form.

SAVE THE DATE

Court Support Jeffco
Breakfast Fundraiser
Wednesday May 6, 2020
7:30 a.m.
Holy Shepherd Lutheran Church
920 Kipling Street, Lakewood

We Want You



To judge The First Judicial District Mock Trial Competition. **February 28, 2020 (Friday) & 29 (Saturday)** at the Jefferson County Courthouse. **2 sessions a day 8:30-11 a.m. and 12:30-3 p.m.**

Take a picture of this poster & Contact:
Jennifer.Melton@judicial.state.co.us

A Hook To Hang A Hat From Alan Hendrix

Hello esteemed colleagues, potential future opposing counsel and learned members with the robes.

First off thank you for allowing me to see a little further than I otherwise could by stretching my full 5'8" up, standing on this electronic soapbox. Okay; okay 5'7".

I enjoyed the Board of Trustee's Holiday Party at Lakewood Country Club with my wife Michelle and wondered what we were celebrating. Veterans Day or perhaps the new Full Moon or Election Day. It was a nice convivial time and I am enjoying my participation at long last in our First Judicial District Board of Trustees.

Standing at the bar that night, re-introducing my wife and myself to one of our Judges and a Board of Trustee member, I made the mistake of saying that I had been pretty busy trying a case in District Court. His or Her Honor, I prefer not to say, said "*Oh yeah, I know about that trial.*" That probably is not a good sign which ultimately was born out in the verdict. We can say there is no joy in Mudville.

But this brings me finally, I'm sure you are saying that, to my point and that is we all have certain biases that do not allow us to see sometimes, the forest for the tree. Or as I tried to make the analogy at trial, the other side will show you a single Cheeto and try to make you believe that the entirety is a bag of Cheetos. Apparently the jury liked cheesy snacks better than I thought.

I had my own tree or two to look at, but the jury didn't like my tree and saw a different forest than I did. This is sometimes referred to as **confirmation bias**. We all have it big-time. Try watching a political show with a younger Nephew and an older Uncle and Aunt simultaneously and see what you come away with.

We all cherry pick, meaning that we will choose the proof or items that confirm where we want to end up. We think we are being completely logical. We think we are sifting through the facts. When in fact, what we are subconsciously looking for, is a hook to hang our hat.

We predetermine our decisions and the facts that we find persuasive are those that support that decision. My parents had a doo-dad, I think it was an ashtray (even though they quit before I was born) that said "*It is my opinion and it is very true.*"

Digressing here, didn't we learn in law school contracts and defamation 101, that opinions cannot be false and therefore cannot be the basis for defamation or fraud? For some great quotes on defamation, opinions and insults try *Henderson v. Times Mirror Co.*, 669 F.Supp. 356 (Colo. U.S. Dist. Ct. 1987)¹, which I will recap for you here.

"Americans have been hurling epithets at each other for generations.... Certainly such name calling ... does not always give rise to an action for libel."

"W.S. Gilbert once declared that *'[n]o one can have a higher opinion of him than I have—and I think he is a dirty little beast.'*"

Well now that I've worked up some outrage with my strong confirmation bias, I am ready to call opposing counsel and let loose with some really good insults. Or maybe I'll just try them out for size in the mirror.

Continued on page 7

A Hook To Hang A Hat By Alan Hendrix

A final point. (Quick question, to see if you were paying attention, what was my first point, if in fact I had one.) What we do can be very stressful. It is as if we're trying to send a rocket into space, while the other side is trying to crash it. Or if you prefer plumbers to rocket scientists, fix the leak while opposing takes an axe to our work.

We can choose to be happy at the end of the day or angry and sad. We can take home, the best of us or the worst of us. I think you know where I come down. (Yes, right next my doomed rocket.) But damn sometimes it's hard.

MUST TRY MEDITATION OR MEDIATION.
CONCENTRATE ON BREATHING.
IGNORE ALL ELSE.

ⁱAgent for professional football players brought action against football coach, news editor, and two newspaper companies whose papers published allegedly defamatory remarks. The District Court, Carrigan, J., held that: (1) football coach's statement that agent was "*sleaze-bag agent*" who "*slimed up from the bayou*" was expression of opinion entitled to First Amendment protection.

SAVE THE DATE

Golf Tournament
For the benefit of Court Support Jeffco
September 24, 2020
Hiwan Golf Club
12:30

Judges & Awards Banquet
October 17, 2020
Lakewood Country Club

Good News from the Golf Tournament

The GOLF TOURNAMENT in 2019 was a great success. Net funds from the tournament were donated to Jeffco Court Support in the amount of \$2,570.04

Would you like to serve on the 1st JD Bar Association Board of Directors

We are looking for interested people to get more involved in the organization! Being involved in the bar association is a great way to meet other lawyers, expand your practice and your mind, and serve your local community.

Please consider that serving on the board involves a small but very important time commitment which includes a monthly board meeting on the 3rd Tuesday of each month from 5:30 to 6:30 at the Courthouse. A regular term on the board is two years.

The nominating committee meets in April to consider appointments. If you are interested in a position, or would like to nominate someone, please send a **letter outlining your interest along with a resume** to: admin@1stjd.org

Deadline April 1, 2020

IT'S NOT TOO EARLY TO THINK ABOUT MAKING A NOMINATION FOR THE UPCOMING 2020 JUDGES & AWARDS BANQUET

Nomination is quick, easy and ONLINE
<https://1stjd.org/awards/#!event-list>

2019 AWARD WINNERS

Award of Merit DAVE THOMAS
Frederick J. Myers Professionalism Award CHRISTOPHER O'DELL
Linda T. Palmieri Award For Outstanding Service to Children DORIS WATERS
Lisa Harness Memorial Award JOE CREMONS
George Holley Young Lawyer Award HANNAH WESTMONT
Claudia D. Miller Liberty Bell Award MARK McINTOSH

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.

FREDERICK J. MYERS PROFESSIONALISM AWARD

This award is to be bestowed upon a member of the First JD Bar Association to honor that attorney who is a model of civility and respect in the legal profession. This is an award to an attorney who demonstrates outstanding professionalism, which is defined as dedication to service to clients in a civil, respectful manner. This award is intended to honor lawyers who demonstrate exemplary ethical conduct, civility and respect, toward all Parties, Counsel, and the Court. Professionalism and civility foster respect and trust between lawyers, the judiciary, and the public. Professionalism serves the best interests of clients, promotes the efficient resolution of disputes, and improves the administration of justice. The attorney honored with this award does not need to be a litigator and his/her area of practice is irrelevant.

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.

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.

CLAUDIA D. MILLER 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.