

PROCLAMATION First Judicial District Bar Association



2023-2024 1ST JD BAR ASSOCIATION

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President Jennifer Kilpatrick

October is Pro Bono month and there are many organizations and events where your legal knowledge can be put to great use. In 2020, I took on a pro bono prisoner rights matter in federal court with a former colleague. The case was a tremendous learning experience and a great service to the litigant and the court. Pro bono work can be challenging and take away from billable hours, responsibilities to our organizations, sometimes even our families. But the work is important and necessary.

Here are a few of my favorite pro bono legal organizations to provide you with some inspiration.

- Metro Volunteer Lawyers offers pro bono services for individuals working through family law issues. <https://denbar.org/mvl>
- Expunge Colorado assists previously convicted individuals with the opportunity for a clean slate through sealing and expungement clinics. expungecolorado.org
- LYRIC teaches young people across Colorado about their constitutional rights. <https://lyriccommunity.org/>
- Colorado Federal Pro Se Assistance Project assists unrepresented litigants in the U.S. District Court navigate the court system. <https://www.cobar.org/fpsc>

CONTACT ME:

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UPCOMING EVENTS AND CLE'S

CLE-December 10 Family Law

CLE- January 9 CBA Presidents Briefing and CLE

ANNOUNCEMENTS



is pleased to announce the expansion of its practice.

Mediation: Andy Hart is an experienced attorney who has practiced exclusively in family law, both at the District Court and Appellate Court level, for the past 16 years. Andy is able to use his expertise to guide parties to settlement through creative solutions. Having honed his craft mediating disputes between his two children, Andy now is ready to turn his attention to the relatively easier task of helping resolve family law cases. His mediation rate is \$250 per hour, however, he will match ODR rates if the parties qualify. Both Zoom and in person mediation is available.

Arbitration: Chris Radeff has practiced exclusively in family law for the past 28 years. Chris is a natural to serve as an arbiter as she really likes to tell people what to do. More importantly, utilizing alternative forms of resolution in an already crowded judicial system helps parties move forward at their pace. Her hourly rate for arbitration is \$300, with consideration for a reduced rate where needed. Arbitration is conducted in person either at Radeff & Hart, P.C., or counsel's office. Offices located in the metro area will not be charged for Chris' travel time.

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Legal aid has the power to transform the lives of individuals and families, and the **Justice and Mercy Legal Aid Center (JAMLAC)** is proud to be a catalyst for positive change in the metro Denver area. Whether it's assisting a survivor of domestic abuse in pursuing divorce and gaining custody of their children or aiding an immigrant in completing vital paperwork for legal status or a work permit, JAMLAC's work may seem like routine tasks, but they open up a world of possibilities for clients and their families.

One of JAMLAC's dedicated staff members beautifully encapsulated this sentiment when they shared, 'In these cases, it's not just about paperwork; it's about unlocking the door to a brighter future and fresh opportunities. Serving as a bridge between our clients and legal status is both a blessing and an incredibly fulfilling role because we witness them daring to dream bigger and reaching for new horizons. It's inspiring to us, but for our clients, it's nothing short of life-changing.'



Marlene Bedoya
Communications
Director
& Development
Officer

2023 LEGAL SERVICES DIRECTORY FOR PRO SE PARTIES WITH LOW OR MODERATE INCOME

The 1st Judicial District Access to Justice Committee, in conjunction with the First Judicial District Bar Association, has assembled a Legal Directory of attorneys willing to assist pro se parties and parties with low or modest means who need legal services. These attorneys will consider a person's financial situation when they assess legal fees for a particular service case. This list is updated on a quarterly basis. The purpose of this Directory is to provide attorney names to potential clients who have low or moderate means or who have chosen to self-represent, yet are in need of limited legal counsel.

We are looking for additional attorneys who are interested in adding their names to this list. Please email to admin@1stjd.org with all the pertinent information if you are interested.

See the current list at the link below.

https://www.courts.state.co.us/userfiles/file/Court_Probation/01st_Judicial_District/Jefferson/Court%20Business%20Resources/Legal%20Help/2023%20Attorney%20list.pdf

NEWS FROM THE COURT

MOCK TRIAL 2024

February 23, 2024 & February 24, 2024

Jefferson County Courthouse

Morning rounds start at 9 am with a 8:30 check in

Afternoon rounds start at 1pm with a 12:30 check in

Volunteers that are interested please contact:

kristan.wheeler@judicial.state.co.us

graham.peper@judicial.state.co.us

jennifer.melton@judicial.state.co.us

MEMBER SPOTLIGHT

LUIS MONROY



I like to think that I started my legal career in 7th grade when I participated in a two-week long seminar on the legal profession. We took practice bar exam questions, observed an immigration hearing, and participated in a mock trial at the end of the seminar. I knew at that point that I never wanted to be a lawyer. Fast forward to my graduation from CU Boulder at the start of the Great Recession and a bachelor's degree in Sociology, and I was in law school a year later.



It seemed like common sense to specialize primarily in family law. My parents divorced when I was 4 and it was likely the best thing that could have happened to my family. My father is a retired professor of history at The Colorado College and my mother is a retired psychotherapist. They met while working in the anti-war movements of the late 1960's and apparently, that was all that they had in common. After their divorce, we formed the new All-American Family with my father remarrying my second mother, who gave birth to my brother 16 years my junior, and my biological mother creating a life-long partnership with my third mother (Mother's Day is always busy). It's through my blended family that I am able to show our clients the light at the end of the tunnel. While a family breaking up is often tragic, a new unique and loving family can develop as a result.

Unsurprisingly, my immediate family is much smaller. My wife does more to help families than I could ever hope to in her role as a clinical supervisor with Jefferson Center. Years ago, we made the decision to not have children which is admittedly peculiar for a family law attorney and a Licensed Clinical Social Worker whose entire career has been focused on kids and families. Friends and colleagues are often curious about our reasoning for this decision, and expect a diatribe on the environmental impact or how we've witnessed first-hand the various life stressors and challenges kids can go through. However, we have a fairly boring response in that children are simply never something we wanted. We would rather our focus be put towards each other, our careers, public service, traveling, and spending time with friends and family. And also our dog Pancho, who provides more than enough love, joy, and strain on our finances.

It's a goal of mine to create meaningful connections with my colleagues and I share my story with the 1st JD in furtherance of that goal. So much of our lives as attorneys is spent competing in the office or the courtroom, but it's always important to form connections with one another when possible. If anyone sees me at a CLE, in the hallway of the courthouse, or at a brewery, feel free to say hi and we can remember why we started down this career path in the first place.

Luis Monroy, Esq.
Smith & Cook, LLC

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1ST JD BAR ASSOCIATION GOLF EVENT TO BENEFIT CASA



1ST JD BAR ASSOCIATION GOLF EVENT TO BENEFIT CASA



Thank you to:

- ♦ The Golf Committee for presenting another outstanding event
- ♦ The great golfers who showed up and participated at the event
- ♦ The auction winner for their donation
- ♦ The volunteers who assisted with all manner of things
- ♦ And a special thanks to the generous sponsors who helped make the donation of the net proceeds to CASA possible. Please see the names of those sponsors on pages 7 & 8 of this newsletter.

CASA will receive a
check for \$3,271.

See you next year.

JOB POSTINGS

The Denver County Court is accepting applications from qualified attorneys to fill a newly created full-time magistrate position.

Experience in an arraignment court is preferred. Please detail this experience in Question #14 of the application. The salary is \$160,032.00/year with benefits. Applicants are not required to be qualified electors of the City and County of Denver.

For information on benefits, please click here: [2023 Benefits Guide](#)

The application can be found at <https://www.denvercountycourt.org/magistrate-applications/> or by clicking here directly for the application: [Magistrate Application](#)

To apply, please complete the application form as directed and email it along with all letters of recommendation to DCCjudicialapplications@denvercountycourt.org. Individuals in support of your application may send letters of recommendation to this email address as well.

Applications must be received no later than 5:00 PM on Friday, November 3rd, 2023 to be considered.

Jon Sarché (he/him/his) Deputy Public Information Officer Colorado Judicial Department
Tel. 720-625-5811 Cell 303-210-6682 Twitter: @cocourts

Seeking additional Relief Judges for the City of Arvada Municipal Court.

Close Date November 3

All applicants must be a resident of the City of Arvada.

[https://www.governmentjobs.com/careers/arvada/jobs/4249473/municipal-court-relief-judge?pagetype=jobOpportunitiesJobs \[governmentjobs.com\]](https://www.governmentjobs.com/careers/arvada/jobs/4249473/municipal-court-relief-judge?pagetype=jobOpportunitiesJobs [governmentjobs.com])

The U.S. District Court, District of Colorado, is now accepting applications for a **Law Clerk** in the chambers of U.S. District Judge Charlotte N. Sweeney. This position is expected to commence on or after November 6, 2023, and will start as a term of two years, with potential to extend up to the term limit, or convert to a career position. All applications must be submitted through <https://oscar.uscourts.gov/> for consideration.

As always, please contact our office with any questions!

Sayre Deane | Human Resources Specialist

[US District Court, District of Colorado](#)

(303) 335-2491

Donating Clothing to Goodwill and the Salvation Army

As the year comes to a close, many taxpayers consider making clothing and household item donations both to give back and to optimize their tax deductions. Recent cases, like the one involving Duncan Bass, underscore the significance of understanding and adhering to IRS regulations related to these contributions.

Mr. Bass made an astonishing 172 trips to Goodwill and the Salvation Army, strategically ensuring that each donation receipt remained below the \$250 threshold. Unfortunately, he didn't account for the rules on (a) aggregation of similar items and (b) appraisals. But before delving into aggregation and appraisal, let's clarify the \$250 rule. If you make a single charitable contribution of \$250 or more, you must obtain written acknowledgment from the charitable organization to validate your deduction. This is often referred to as a "contemporaneous written acknowledgment."

- It confirms the amount of cash or describes any property you contributed.
- It must indicate whether the charity provided you with any goods or services in return for the gift. If so, it must furnish a description and a good faith estimate of the value of those goods or services.
- If applicable, it must specify that the only benefit you received was an intangible religious benefit.

If you make multiple smaller gifts to the same charity throughout the year, you'll need acknowledgment only if any single gift is \$250 or more. Determining fair market value can be the most challenging aspect. The fair market value is not what you originally paid for an item; rather, it's what it's worth presently. Numerous reputable resources, such as The Salvation Army and Goodwill, offer donation value guides.

If you claim a deduction of over \$5,000 for a non-cash charitable contribution of one item or a group of similar items, you must obtain a qualified appraisal for that item or group of items and attach it to your tax return.

Key point. A "group of similar items" can trigger the appraisal requirement. This is precisely what occurred in Mr. Bass's case. His 172 trips comprised clothing donations totaling \$13,852 and \$11,594 for the two years before the court—well surpassing the \$5,000 appraisal requirement for the group.

Deduct Travel by Car, Train, Plane, or Boat

Say you are going to travel from your home in Washington, D.C., to San Francisco. Will the tax law allow you to travel to San Francisco by car, train, plane, or boat, your choice? **Answer.** Yes. But special rules apply. You need to know these rules to guarantee your deductions.

Travel by Car

The tax code does not dictate the fastest or cheapest form of travel. Therefore, you can travel for business by automobile or other vehicle from Washington, D.C., to San Francisco.

When you travel by automobile, your direct route expenses for meals, lodging, and other costs of sustaining life on the road are deductible in addition to the vehicle expenses.

Side trips, say to the Grand Canyon, count as personal days and miles. You can combine business and pleasure, but you can deduct only the business part.

Business Day

You might ask: how many miles do I have to drive in my direct route to qualify the day as a business day? There's no guidance here. This is a facts and circumstances test. Here are some facts and circumstances. You need to prove that your days traveling in the direct route to San Francisco were business days. In general, this requires passing the primary purpose test, where time spent is an important factor.

Example. On day three of the trip, you spend one hour packing and unpacking and five hours driving 300 miles in a direct route from Washington, D.C., to San Francisco. Day three of this trip is a business day. Your miles are business miles. In addition, you deduct your meals, lodging, and other expenses of sustaining life for the day.

October 2023 Tax Saving Tips

Continued from page 12

What If You Bring Your Family?

When you travel by car, you spend nothing extra to have the family in the car. But family presence makes the trip smell more like a vacation than a business trip. This gives you another good reason to make sure your records are in good shape.

Example. You stop at a hotel and the single rate is \$209 a night and the two-person rate is \$229. You are limited to the \$209 rate—what it would have cost if you traveled alone. With meals, your business meals are deductible. Meals for your other family members are non-deductible personal meals.

Travel by Train

Your travel by train faces no special rules other than the reasonably direct route. You can deduct the cost of the tickets if you buy sleeping rooms or simply travel by first class or coach.

Example. You travel for business from Washington, D.C., to San Francisco by train. You buy a sleeping room on the train for the trip. Your Amtrak travel fare is \$3,000, and it is fully deductible.

Travel by Plane

By plane, you can travel in coach, in first class, by charter, or in your own aircraft. No special rules apply to commercial travel. You simply deduct the cost of getting to your business destination by a reasonably direct route.

Example. Say that on your trip from Washington, D.C., to San Francisco, you take a side trip to Kansas City. You figure your deduction based on the direct route airfare and deduct that. Say you spent \$900 on the trip that included Kansas City. If the direct route fare to San Francisco was \$500, you deduct \$500, and \$400 is the cost of your personal side trip.

Travel by Boat

Special rules apply to travel by boat. For this purpose, your boat is considered a cruise ship, and any vessel that sails is a cruise ship. If you travel by cruise ship from Washington, D.C., to San Francisco, you may not deduct more than the daily luxury boat limits, which for 2023 are as follows:

- \$1,128 a day from 1/1 to 3/31
- \$1,076 a day from 6/1 to 9/30
- \$1,128 a day from 12/1 to 12/31
- \$996 a day from 4/1 to 4/30
- \$776 a day from 10/1 to 10/31
- \$796 a day from 5/1 to 5/31
- \$734 a day from 11/1 to 11/30

Example. You travel from Washington, D.C., to San Francisco in November by cruise ship. It takes 10 days. The law limits your cruise ship deduction to a maximum of \$7,340 per business traveler (\$734 x 10).

Tax-Free Rental Income with the Augusta Rule

The Augusta rule gets its name from the Masters Golf Tournament, where some members and others who live in the area receive tax-free rent by renting their homes for a week or two. You don't have to live in Augusta to benefit from this rule. IRC Section 280A (g), also known as the Augusta rule, states: "Notwithstanding any other provision of this section or section 183, if a dwelling unit is used during the taxable year by the taxpayer as a residence and such dwelling unit is actually rented for less than 15 days during the taxable year, then—

- no deduction otherwise allowable under this chapter because of the rental use of such dwelling unit shall be allowed, and
- the income derived from such use for the taxable year shall not be included in the gross income of such taxpayer under section 61."

Here's an example: John rents his home at \$3,000 a day for 14 days. By applying the Augusta rule, he qualifies for no rental deductions. But, and this is the good news, he excludes the rent, \$42,000 (\$3,000 x 14) from his income.

Metro Volunteer Lawyers

Do you have a few hours of time to assist an individual or family in need of legal assistance? Volunteer with MVL to help bridge the gap in access to justice to those who could not otherwise afford legal services for their civil legal issues.

Family Law Court Program

Assist pro se parties with uncomplicated divorce or parental responsibilities cases. No experience necessary. Contact [Patrick Marzolino](#) to volunteer.

Friday, November 3

8:30 AM–Noon (Permanent Orders) | Jefferson County Courthouse

Friday, November 3

1:00–4:00 PM (Client Meetings) | Jefferson County Courthouse

Tuesday, November 7

1:00–4:00 PM (Client Meetings) | Denver City and County Building

Thursday, November 16

8:00 AM–Noon (Permanent Orders) | Adams County District Court

Thursday, November 16

1:30–4:30 PM (Client Meetings) | Adams County District Court

Friday, November 17

8:00 AM–Noon (Permanent Orders) | Arapahoe County District Court

Friday, November 17

1:00–4:00 PM (Client Meetings) | Arapahoe County District Court

Tuesday, November 28

8:00 AM–Noon (Permanent Orders) | Denver City and County Building

Family Law Advice & Guidance

Family law practitioners needed to provide a single consultation to pro se parties with pre- or post-decree divorce or parental responsibilities cases by focusing on early resolution and problem-solving. Only a 1-hour commitment. Contact [Liz Jones](#) or [Joe O'Leary](#) to volunteer.

Thursday, November 2

9:00 AM–1:00 PM | Adams County Courthouse—
Staffed by Volunteers from the Department of Law

Friday, November 3

1:00–4:00 PM | Arapahoe County Courthouse

Monday, November 6

9:00 AM–1:00 PM | Virtual

Tuesday, November 7

9:00 AM–1:00 PM | Denver Courthouse

Wednesday, November 8

9:00 AM–1:00 PM | Douglas County Courthouse

Friday, November 17

9:00 AM–1:00 PM | Jefferson County Courthouse

Power of Attorney Program

Assist seniors in completing various advance planning documents, including medical and financial powers of attorney and advance health care directives at low-income senior centers in the Denver Metro Area. No experience necessary. Contact [Anthony Pereira](#) to volunteer.

Thursday, November 16

1:00–4:00 PM | Canyon Gate, Golden

Continued on page 15

Metro Volunteer Lawyers

Power of Attorney Program Continued

Tuesday, November 20

9:00 AM–Noon | Highland West Community, Wheat Ridge

Legal Clinic at the Denver Indian Center

Provide legal resources and information to the local Native American community at MVL's monthly walk-in clinic. Contact [Ivonne Esparza](#) to volunteer.

Wednesday, November 1

6:00–8:00 PM | Denver Indian Center

Referral Program

Provide full pro bono representation for a variety of civil legal matters, including family law, probate, consumer/financial, and public benefits. Contact [Ivonne Esparza](#) to volunteer.

Mediation Program

Provide pro-bono mediation to applicants in one of MVL's other programs. Contact [Liz Jones](#) to volunteer.

If you know someone who needs legal assistance through MVL's programs, please contact Colorado Legal Services at 303-837-1313 or [online](#). The Legal Clinic at the Denver Indian Center is our only walk-in clinic.

