ANNUAL CLE:
PRACTICAL ASPECTS OF PRACTICE &
HOT TOPICS IN THE LAW

November 16, 2012
9:00 a.m. to 4:05 p.m.
University of Denver – Sturm College of Law

AGENDA

Welcome  9:00-9:05

Duck and Cover: Best Practices for New Lawyers  9:05-9:40
Anna Martinez, Esq., Ogborn Mihm LLP
Clayton Wire, Esq., Ogborn Mihm LLP

Campaign Finance/Election Law  9:40-10:10
Jessica Peck, Esq.

Principles of Legal Drafting and Modern Day Alchemy -
A Guide for Young Transactional Lawyers  10:10-10:40
Ryan T. Jardine, Esq., Kutak Rock LLP

Break  10:40-10:50

Dos and Don'ts of Courtroom Etiquette - Panel  10:50-11:35
Timothy Garvey, Esq., Danielle Lee, Esq., Emily Hanna, Esq. and
Nelson Waneka, Esq.

Trial Matters and Appellate Basics  11:35-12:20
Lance Phillip Timbreza, Esq., Traylor, Tompkins & Black, P.C.
Jaclyn Casey, Esq., Rothgerber Johnson & Loyns, LLP

LUNCH - Profiles in Legal Courage  12:20-1:05
Mark Lyda, Esq. Wheeler Trigg O’Donnell

Break  1:05-1:15

COLAP  1:15-2:05
Barbara Ezyk, Esq., COLAP
Navigating Client Communication 2:05-2:30
Loren M. Brown, Esq. Donelson Ciancio & Grant

Writing Workshop: Tips We Need to Remember... But Tend to Forget 2:30-3:00
Ashley Calhoun, Esq., Forman Perry Watkins Krutz & Tardy LLP

Break 3:00-3:10

Deferred Action for Childhood Arrivals-
A New Avenue of Immigration Relief for Undocumented "Dreamers" 3:10-3:35
Winter Torres, Esq., Padres y Unidos, a nonprofit
Abbie Johnson, Esq., Rocky Mountain Immigrant Advocacy Network (RMIAN)

Young Lawyer Bloopers: The (Mis) Trials and Tribulations of Young Lawyers 3:35-4:05
Kate M. Lewis Esq., Donelson Ciancio & Grant, P.C
Duck and Cover: Best Practices for New Lawyers

Anna Martinez, Esq. and Clayton Wire, Esq.
Ogborn Mihm LLP

Anna N. Martinez is a trial lawyer at Ogborn Mihm LLP. Her practice areas include legal malpractice, personal injury, and insurance bad faith. Anna’s trial experience includes litigation at the county and district court level, as well as appeals before the Court of Appeals and Colorado Supreme Court. In addition to her trial practice, Anna is a supplemental author for the CLE in Colorado, Inc., publication entitled “Lawyers’ Professional Liability in Colorado: Preventing Legal Malpractice and Disciplinary Actions.” She has also published an article entitled “Discovery and Disclosure of Immigration Status: Ethical and Practical Considerations for Evaluating and Litigating a Case Involving Immigrant Clients, Witnesses or Opposing Parties” in the Colorado Trial Lawyers Association publication Trial Talk. Before joining Ogborn Mihm, Anna clerked for the Honorable Chief Justice Mary Mullarkey of the Colorado Supreme Court. She earned her J.D. from the University of New Mexico School of Law with a Certificate in Federal Indian Law, and her B.A. from Columbia University. Anna is actively involved in the Colorado Trial Lawyers Association as Co-Chair of the New Lawyers Committee, and the Colorado Women’s Bar Association as Co-Chair of the Judicial Committee, which is responsible for conducting due diligence on judicial candidates nominated in Colorado.

Clayton E. Wire is a trial lawyer at Ogborn Mihm LLP. His practice areas include legal malpractice, employment law, and civil rights. Clay has appeared before state and federal trial courts and has represented clients in the Tenth Circuit Court of Appeals. Clay has authored and co-authored several articles on legal malpractice and employment law issues. Before joining Ogborn Mihm, Clay clerked for the Honorable Judge Nancy Lichtenstein of the Colorado Court of Appeals. He earned his J.D. from the University of Denver Sturm College of Law, where he was the Editor-In-Chief of the Denver Journal of International Law and Policy, and his B.A. from Colorado State University.
10 tips for avoiding common legal malpractice and ethical pitfalls

1. Figure out WHO your client is
   • Colorado Ethics Op. 91 and Colo. RPC 1.13

2. Run a CONFLICTS check on each new case and avoid representing MULTIPLE PARTIES in litigation or in a transaction
   • Colorado Ethics Op. 57 and Colorado Ethics Op. 68

3. Always calculate and document the STATUTE OF LIMITATIONS for each case and maintain a CALENDAR of deadlines

4. Keep your client INFORMED and advise your client to KEEP YOU INFORMED

5. If you believe you’ve committed malpractice, consult with the supervising attorney about DISCLOSURE to the client
   • Colorado Ethics Op. 113

6. Don’t Disclose CONFIDENTIAL INFORMATION
   • Colo. RPC 1.6, 1.9(c), and 1.18

7. Don’t Dabble in Complex Areas, Make Sure You Are “COMPETENT” to Handle a Matter
   • Colo. RPC 1.1

8. Always INVESTIGATE Your Cases Before Filing a Pleading
   • C.R.C.P. 11 and Colo. RPC 3.1

9. Clearly Delineate Your ROLE AND RESPONSIBILITIES
   • Colo. RPC 1.2

10. DO NOT SLEEP WITH YOUR CLIENT!
    • Colo. RPC 1.8(j) and Colo. RPC 1.7 cmt. 12

Presented by Anna N. Martinez and Clayton E. Wire of Ogborn Mihm, LLP
1700 Broadway, Ste. 1900, Denver, Colorado #:303-861-7472
Campaign Finance / Election Law

Jessica Peck, Esq.

Materials to be provided at the CLE.
Principles of Legal Drafting and Modern Day Alchemy-A Guide for Young Transactional Lawyers

Ryan T. Jardine, Esq.
Kutak Rock LLP

Ryan T. Jardine is an associate in Kutak Rock LLP's Denver office. He engages in a broad spectrum of finance-related transactions including transportation-related financing, student loan securitizations, health care financings, and financings for public and private higher education institutions, nonprofit and charitable entities, municipalities, and independent secondary schools. Mr. Jardine’s experience includes serving as bond counsel, disclosure counsel and underwriter's counsel. Mr. Jardine received his B.A. from Brigham Young University in 2004 and his J.D. from the University of Wyoming College of Law in 2009, with honors.

Materials to be provided at the CLE.
Dos and Don'ts of Courtroom Etiquette
Panel

Timothy Garvey, Esq. Moderator
Danielle Lee, Esq.; Emily Hanna, Esq.; and Nelson Waneka, Esq.

Timothy M. Garvey is an associate attorney with the Denver law firm of ROBERTS LEVIN ROSENBERG, P.C. specializing in the areas of insurance bad faith, personal injury, and insurance coverage. Tim is a 2010 graduate of the University of Denver Sturm College of Law, where he served as a Student Attorney in the civil litigation clinic, he worked as a research assistant for three professors, and completed a number of prestigious internships including one with the Office of Legal Counsel of Governor Bill Ritter, Jr., and another with Judge Ed Bronfin of the Denver District Court. Upon graduation, he clerked for Judge A. Bruce Jones of the Denver District Court, serving on both civil and domestic relations dockets. Tim is actively involved in the legal community and serves as a Council Member for the Colorado Bar Association Young Lawyers Division, as Vice President of the Colorado Lawyer Chapter of the American Constitution Society, and is a member of the Colorado Bar Association Civil Rights Committee. Additionally, the Colorado Bar Association Leadership Training program accepted Tim into its 2013 class.

Nelson A. Waneka is an associate in the Denver law firm of ROBERTS LEVIN ROSENBERG PC specializing in the areas of insurance bad faith, personal injury, and insurance coverage. Mr. Waneka is a 2010 graduate of the University of Denver Sturm College of Law, where he served as Articles Editor of the Denver University Law Review. While attending law school, Mr. Waneka worked as a paralegal and a law clerk at ROBERTS LEVIN ROSENBERG PC. After law school, he served as an appellate law clerk to the Honorable Diana M. Terry of the Colorado Court of Appeals.
Danielle Lee is the law clerk for Chief Judge Hyatt of the Denver District Court, and currently serves on a civil docket. Danielle grew up just outside of Pittsburgh, PA. She received her undergraduate degree (BA) in psychology from Loyola University in Maryland (a long time ago). Thereafter, she moved to Vermont where she was employed as a social worker – assisting adults with severe and chronic mental illness. Later, she decided law was a better fit for her and attended Vermont Law School, graduating in 2007. She moved to Colorado in 2008 and have worked for Judge Hyatt since that time in a domestic courtroom, a general civil courtroom and now the chief judge civil courtroom.

Emily Hanna is the law clerk for Judge Robbins of the Denver District Court, and currently serves on a domestic docket.
Dos and Don’ts of Courtroom Etiquette
Panel

1. Interaction with courtroom staff: be respectful, not expectable the staff works for the court, not for you.

2. Courtroom decorum: be comfortable, not casual
   regardless of how rearless you are, you still need to act like a professional

3. Trial considerations: differences between bench and jury trials
   know your audience, you're unlikely to sway a judge by using adjectives.

4. Oral argument: trial v. appeal
   assume the court has read your brief

5. Pleadings
   Mostly likely, there's a rule for that . . . .
Lance Phillip Timbreza, Esq.
Traylor, Tompkins & Black, P.C.

Jaclyn Casey, Esq.
Rothgerber Johnson & Lyons, LLP

Lance P. Timbreza is a shareholder in the Grand Junction firm of Traylor, Tompkins & Black, P.C. Lance received his law degree from Gonzaga University School of Law magna cum laude. Lance clerked for the Hon. John Rossmeissl, United States Bankruptcy Court Judge for the Eastern District of Washington. He is a member of the Colorado Bar Association Young Lawyers Division Executive Council, the Mesa County Bar Association Executive Board and a member of the 2013 COBALT class. Lance’s practice is in the area of real property litigation, bankruptcy and commercial litigation. Lance has tried numerous adverse possession, easement and mineral rights cases throughout the Western slope and has successfully defended trial court judgments on appeal.

Jaclyn K. Casey is an associate with Rothgerber Johnson and Lyons LLP. Jaci received her law degree from the Washington University in St. Louis School of Law, Order of the Coif. Her areas of practice include complex litigation, construction law and litigation, eminent domain, insurance and real estate litigation. Jaci has tried a number of cases and participated in a number of appeals, including defending two appeals to the Colorado Court of Appeals, including handling oral argument; defending appeals to the Tenth Circuit Court of Appeals and the Supreme Court, as well as the Colorado Supreme Court. Jaci is a member of the Colorado Bar Association Young Lawyers Division Executive Council, a Fellow of the Colorado Bar Foundation, a member of the 2010 COBALT class, and a “Rising Star” recognized in Colorado Super Lawyers.
The Unexpected Appeal: 
Anticipating Issues at the Trial Court

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I. Introduction

Bittle v. CAM-Colorado, LLC, 2012 COA 93 (2012) was summarized by the Court of Appeals as follows:

In this adverse possession action, defendant, CAM-Colorado, LLC, appeals those parts of the judgment entered in favor of plaintiffs, Dale K. Bittle and Patricia L. Bittle, concluding that Mesa County is an indispensable party concerning CAM-Colorado’s claim that three roads are public roads and also denying CAM-Colorado an easement of necessity. The Bittles cross-appeal the district court’s order denying their post-trial C.R.C.P. 59(a) motion to amend the judgment to include a ruling pursuant to C.R.C.P. 15(b) as to whether the Bittles adversely possessed land referred to as parcel 4. We affirm the court’s judgment as to the indispensable party and easement of necessity issues, but reverse the court’s order denying the Bittles’ C.R.C.P. 59(a) motion and remand the case to the district court to amend the judgment to include a ruling on the parcel 4 issue.

Id. at ¶ 1. For the Bittles, the case was always an adverse possession case. To learn that it was a C.R.C.P. 59(a) case, a C.R.C.P. 15(b) case, a case involving an “indispensable party” or a case involving “easement of necessity” was a surprise to the Bittles. At the outset, the case was simple: the use of fenced in areas.

The original Complaint was 10 paragraphs and followed the “short plain statement” rule (maybe too literally). C.R.C.P. 8(a). The thrust of the adverse possession claim was in one paragraph: “Plaintiffs, and plaintiffs’ predecessors in title, fenced, farmed, grazed and with hostile character have visibly, openly, notoriously, continuously, exclusively and adversely possessed and used such property since 1949,
II. The Case

The case was filed June 27, 2008 four days before amendments to Colorado’s adverse possession statute took effect. See Beaver Creek Ranch, L.P. v. Gordman Leverich LLLP, 226 P.3d 1151 n. 2 (Colo. App. 2009). The matter was set for a trial for December 20-22, 2010 and that setting took place on January 21, 2010.

In August 2010, the Defendant, originally Tavistock Partners, LLC, sold all of its interest in the subject property to CAM-Colorado, LLC. On October 5, 2010, CAM filed a motion to amend its answer and counterclaim to assert counterclaims to have various non-existing “roadways” declared to be public roads or that they were rights-of-way by necessity. CAM’s predecessor had asserted a counterclaim of trespass. The Bittles resisted the amendment but the amendment was granted. The Bitles asserted that the amendment was the result of unreasonable delay, the amendment was prejudicial coming shortly before the discovery deadline, and that the amended claim involved necessary parties. In a one paragraph proposed order, the Court granted the motion to amend. In their reply to the counterclaim, the Bittles raised failure to join a necessary party as an affirmative defense.

The matter was tried to the Court and, after a two day trial, the trial court granted title by adverse possession to three parcels of property to the Bittles. The trial court determined that the county was a necessary party and declined to rule on the
nature of the alleged public roads. The trial court held that CAM had not prevailed on its claims for a right-of-way by necessity. The trial court, however, refused to consider ownership of a fourth parcel of property (parcel 4) because, according to the trial court, the “complaint seeks title by adverse possession only to land ‘the boundary of which is delineated by existing fences’ (Exhibit A to complaint). This claim was never amended either expressly or in the trial management order to include property bounded by anything other than fences.”  

As a result, the Bittles filed a motion to amend judgment and findings pursuant to C.R.C.P. 59(a) arguing that the issue had been actually tried and the pleadings should be amended to conform to the evidence under C.R.C.P. 15(b). The Bittles asserted that the trial court had considered parcel 4 in its judgment and that, “The Trial Court’s Order reflects that the issue of parcel 4 was, at the very least, tried by implied consent of the Defendant. No objection was made at trial, parcel 4 was discussed in opening statements and closing arguments, and throughout the trial various witnesses testified about parcel 4.”  

The trial court denied the motion, holding that the trial court was not “convinced beyond a reasonable doubt that Plaintiffs’ claim to Parcel 4 was actually tried.”  

CAM appealed the trial court’s rulings on the easement by necessity and the county as a necessary party. Bittle cross-appealed asserting that the trial court abused its discretion in refusing to amend the pleadings and consider ownership of parcel 4. The Court of Appeals affirmed the trial court’s determination that the county was a necessary party and that CAM had failed to prove an easement by necessity. The Court of Appeals held that the trial court abused its discretion in refusing to permit amendment pursuant to C.R.C.P. 59(a) because the issue of parcel 4 had been actually tried and amendment to conform to the pleadings pursuant to C.R.C.P. 15(b) should have been granted. On parcel 4, the Court of Appeals reversed and remanded with instructions to consider ownership of parcel 4. That issue is pending.

III. Points of Law From Bittle v. CAM-Colorado (The Opinion of the Court of Appeals)

A. Necessary Parties and the County Road: “To conclude that the dedicated roads became public, the district court would have to first conclude that Mesa
County, as the governmental authority, had accepted the dedication.” *Bittle* at ¶ 21. The Court of Appeals appeared to clarify that a governmental entity had to accept a public roadway and not just the “pubic in general.” Further, because “there was also evidence that the disputed roads either were not used, did not exist, or were vacated, the district court would also have to had to rule on whether the roads, if properly dedicated and accepted, had been vacated or abandoned.” *Id.* Making this determination without the county could “injure those interests” if the trial court “were to declare the roads public (or nonpublic) when the county did not agree or have the opportunity to disagree.” *Id.* at ¶ 22. The court may be required to take action or be exposed to liability for failing to take action as a result of the trial court deciding the issue in the county’s absence. *Id.* at ¶ 23. Further, without the county, any declaration in its absence would not be binding on it. *Id.* at ¶ 24.

**B. Issues Raised for the First Time on Appeal Will Not Be Considered:**
“As an initial matter, we do not address CAM-Colorado’s second argument...because it has not shown, nor can we find, that this argument was raised in and ruled on by the district court.” *Bittle* at ¶ 27. CAM urged that because it owned to separately described legal parcels that each parcel was entitled to access from an independent source that was not originating from its own property; however, the issue was only raised on appeal.

**C. Easement of Necessity and Adverse Possession:** Because title to land vests upon completion of the eighteen-year period (and not when the Decree is entered) the necessity must arise at the date title vests by adverse possession. *Bittle* at ¶ 33. Importantly, as to future uses, the purpose must be foreseeable and it was not reasonable to expect that “CAM-Colorado or its predecessors would need access through [Bittle] land for constructing and maintaining a rail spur to load coal from a mine located twenty miles north.” *Id.* at ¶ 34.

**D. Issues Actually Tried:** The Court of Appeals reviews the record. The Court of Appeals’ Opinion approximately 30 points from the record where parcel 4 was “actually tried.” The Court of Appeals did not conclude just that the Bittles actually tried the issue of parcel 4 but that, “our record review indicates that the parcel 4 issue was actually and intentionally tried by *both* the Bittles and CAM-Colorado.” *Bittle* at ¶ 48 (emphasis added). The Court of Appeals believed the trial court’s own orders “indicate[d] that the parcel 4 issue was tried.” *Id.* at ¶ 49. After reviewing opening statements, evidence and closing arguments, the Court of Appeals concluded the trial court abused its discretion. *Id.* at ¶ 47.

**IV. The Unexpected Appeal: Trial of the Case with an Eye Toward the Appeal**

**A. Preserve Issues for Appeal:** Raise issues and preserve them. The Court of Appeals will not consider [most] argument not presented to the trial court. See *Wisehart v. Zions*, 49 P.3d 1200, 1204 (Colo. App. 2002). You do not want to explain to your client why the Court of Appeals has noted that it will not consider an issue.
because it was not raised. Also, raise appellate issues in your Opening Brief. See Flagstaff Enterprises Const. Inc. v. Snow, 908 P.2d 1183, 1185 (Colo. App. 1995) ("We do not consider owners’ argument that the parties’ agreement was based on a mutual mistake of fact because it was raised for the first time in their reply brief").

B. Creating a Clear Record Starts and Ends in the Trial Court:
You only get one opportunity to create your record on appeal and it starts before the case is tried and before the need for an appeal arises. “A judgment entered by a court of general jurisdiction is presumed to be correct.” People v. Ullery, 984 P.2d 586, 591 (Colo. 1999) (internal citations omitted). “Thus, it is the duty of the party asserted error to present a record demonstrating that error.” Id. If the appealing party does not present an adequate and complete record, the Court of Appeals presumes the trial court was correct. Id.

1. Maps, Plats and Surveys: When the trial court does not visit the property, it is difficult to bring property to “life” with photographs, maps and drawings. At the trial court, however, the court has the benefit of live witnesses and explanations. Often witness can demonstrate where geographic, topographic or manmade features are located. Unfortunately, that description is often “over there,” “right here” or “down there.” Those terms mean little when reviewing the transcript or the unmarked exhibit. Be clear and ask the witness to be clear:

Q: So if you can draw in green the fence line that existed in 1973. Now if you'll write just 1973 fence in green. Now we've talked about the southern fence line.
A: Yes.
Q: Why don't you trace that fence line in red. When did that fence line go in?
A: In 1977 when I bought the five acres.
Q: Okay. If you'll trace the fence line that went in in 1977 in red.
A: Do you want me to put '77 there?
Q: If you'll label 1977 on the red fence line.

2. Photographs: Photographs may be clear but they may need explanation. Be clear in what is being shown on a photograph:

Q: I'm going to hand you a marker, Mr. Bittle and just have you place an X at the top of the Loma drain. It's not labeled on the photograph.
A: Okay. Are you wanting it clear to the top?
Q: Clear to the top. (Witness draws an X). If you could just label this the Loma drain so we know.
Q: And then if you'll do the same thing to the Reed drain. I'll take the marker back. So you've just written on the exhibit the Loma and Reed drains. And you testified it was your understanding that then the east property line was the Loma drain, is that correct?

A: That's -- yes. Because that's where we grazed the livestock up too.

Help the Court of Appeals “be at the trial.” As the Court of Appeals wrote in its opinion after reviewing the record, “During his testimony, Dale Bittle placed an “X” on the Loma Drain shown on Exhibit 27A marking the east boundary of his property.” See Bittle at ¶ 47.

3. **Know the Exhibits:** Which exhibits are essential to the issues? Which issues are secondary? If the exhibits are essential to the issues, treat them like they are essential to the issues. Can you prove your case without the exhibit? Do markings on the exhibit matter? Does what they exhibit say matter? Do you know the exhibits well enough to determine how they impact your case?

Be prepared for an exhibit that is being misconstrued or offered for something other than what it represents or is. In Bittle, on direct examination, one witness testified about the recording of the plat or “the acceptance” of the plat by the county on December 9, 1908, as indicated in the right hand corner of Exhibit 9. On cross-examination, the witness acknowledged no such “recording” or “acceptance” existed on Exhibit 9 as he was actually referring in his direct to a notary block that was for a notarization signed in El Paso County by one of the owners. There was nothing on the face of the plat to show acceptance, recording, filing or approval by Mesa County.

C. **“Intentionally and Actually Tried” (C.R.C.P. 15(b))** “When issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendment of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made upon motion of any party at any time, even after judgment; but failure so to amend does not affect the result of the trial of these issues.” Bittle at ¶ 42 (citing C.R.C.P. 15(b)). Pay attention to the issues that are actually being tried and the evidence being presented. Make appropriate objections, make appropriate motions or present appropriate evidence. The ownership of parcel 4 only became an issue at the time of trial. Where a party fails to object to the presentation of evidence concerning the issue, it cannot later complain of failure to amend the pleadings. Padilla v. Ghuman, 183 P.3d 653, 658 (Colo. App. 2007). If a party sets out a *prima facie* case of additional issues at trial, it may be error to refuse to allow amendment of the pleadings. See Real Equity Diversification, Inc. v. Coville, 744 P.2d 756, 759 (Colo. App. 1987). “The trial court has a duty to consider issues raised by the evidence even though the matter was not pled and

Where was the issue actually tried? From the Opening Brief:

The record provides extensive examples that the parcel 4 was raised and tried. Exhibit 2A and Exhibit 27 with the Exhibit 27A overlay both show parcel 4, which extends from a fence line on the west side of parcel 4 to the Loma Drain. See Exhibit 2A, Exhibit 27 and Exhibit 27A. Dale testified that, as a child, he understood his predecessor’s property to extend from 13 ½ Road to the Loma Drain. See Testimony of Dale Bittle, CD p. 334:12-15. An “x” placed on Exhibit 27 by Dale on the top of the exhibit (in the white border) indicates the start of the Loma Drain and the course of the drain along the east of parcel 4. See Exhibit 27, Exhibit 27A and Testimony of Dale, CD p. 337:1-12. The Loma Drain was also indicated by Dale on Exhibit 2A. See Exhibit 2A. Dale testified that he understood the Loma Drain to the east property line of Gordon’s property (his predecessor) and that uses included grazing livestock up to the Loma Drain. See Testimony of Dale, CD p. 338:11-15.

As a child, Dale recalled Gordon, Dale’s parents (with Gordon’s permission) and others grazing livestock up to the Loma Drain. See Testimony of Dale, CD p. 348:9-25; p. 349:20-25 to 350:1-7. Bittles believed they were buying all of Gordon’s property, which included the property up to the Loma Drain. CD p. 351:1-9.


Steve Bittle, the Bittles’ son, understood the east property line to be the Loma Drain except for where the 1977 fences marked the east property line. See Testimony of Steve Bittle, CD p. 571:16-22. Steve talked about historical uses of parcel 4 for grazing. CD p. 573:4-20. Steve also talked about the Bittles’ use of parcel 4 for hunting and grazing. CD p. 574:3-16. Steve testified the Bittles had put parcel 4 to use during their ownership. CD p. 574:17-22.

Butch Vanlandingham, whose father had grazed cattle on the Bittle property, testified that his father had grazed cattle in parcel 4. See Testimony of Butch Vanlandingham, CD p. 586:25 to 587:1-4.

In opening statements, Bittles’ counsel referred to property being claimed and used “up to the drain.” See CD: p. 548:19-20; 549:1-3. In closing statements, CAM’s counsel acknowledged CAM’s awareness that, at trial, that parcel 4 was being claimed, specifically, up to the Loma Drain. See Closing Argument, CD p. 861:3-18. He
recounted Dale and Steve Bittle’s testimony about parcel 4 and acknowledged that the testimony varied from the complaint and, at trial, “Now we find that maybe the east boundary is the Loma fence—I’m sorry the Loma drain.” CD p. 861:10-17. In spite of this there was no objection to the offering of the evidence when made or even when CAM argued against adverse possession of parcel 4 in closing.

The record, including the transcript of the trial, the exhibits admitted and the Court’s February 28, 2011 Order lead to one conclusion: adverse possession of parcel 4 was intentionally and actually tried. It was sufficiently tried to warrant consideration and mention in the Court’s Order following trial and was deemed a “closer question as compared to the other parcels.” The trial court abused its discretion in not considering adverse possession of parcel 4, permitting amendment to conform with the evidence pursuant to C.R.C.P. 15(b) and allowing amendment pursuant to C.R.C.P. 59. As a result, the case must be remanded with directions for the trial court to per- form its duty to consider parcel 4 as raised by the evidence.

D. Necessary Parties (C.R.C.P. 19(a)): As relevant here, pursuant to C.R.C.P. 19(a) a person is to be joined as a party if, in his absence, complete relief cannot be accorded among those al-ready parties or if he claims an interest in the subject of the action and is so situated that disposition of the action in his absence may impede the ability to protect his interest. In Woodco v. Lindahl, 152 Colo. 49, 54-55, 380 P.2d 234, 238 (1963), the supreme court stated the test for indispensability:

Is the absen[t] person’s interest in the subject matter of the litigation such that no decree can be entered in the case which will do justice between the parties actually before the court without injuriously affecting the right of such absent person?

Bittle at ¶ 14. All parties who have an interest in property must be joined. Id. at ¶ 15 (internal citations omitted). CAM argued the county was not necessary because declaring the public roads as such would preserve the status quo. Id. at ¶ 16. How do you show necessity at trial? Call witnesses from the county? Don’t call witnesses from the county? Raise issues of fact? Example: CAM claimed a plat had been “accepted” by the county because the county had “signed off on it” in 1908 and recorded it:

Direct:

Q: On the plat, what is the date of the recording of this plat or the acceptance of this plat by Mesa County?

A: It’s actually dated December of 1908.

Cross:

Q: Mr. Paris, just so I’m clear, can you point out on this survey that -- the -- you mentioned the December
1908 language for Mesa County about the recorded. Where is that on this —

A: Actually, I was looking at the date -- that date it was executed or signed.

Q: Okay. And that's this -- were you referring to this?
A: Yes.
Q: Okay. And that's actually notarized by someone from El Paso County?

Example 2: A county road may be vacated by common-law vacation or abandonment. Once a road is accepted by a governmental authority and used by the public, its status as a public road continues until vacation or abandonment. *Turnbaugh v. Chapman*, 68 P.3d 570, 573 (Colo. App. 2003). Common law abandonment requires proof of nonuse and an intent to abandon. 74 P.3d 401, 408 (Colo. App. 2002). Generally, whether a public road has been abandoned is a factual question. *Id.*

Q: Let me refer you to Exhibit 15.
A: Okay.
Q: This is one of the vacations that you reviewed?
A: Yes.
Q: Was your review limited to the record documents?
A: Yes.
Q: Are you aware of the factual basis for the vacation of the road?
A: No.
Q: Are you aware as to whether the road was put to use?
A: No.
Q: Are you aware of to -- as to any expenditure of money by any party with an interest in the road?
A: No.

E. Know the Legal Issues

1. **Rules, Rules, Rules:** The Rules of Civil Procedure, the Rule of Evidence and the Rules of Appellate Procedure may be as important to the outcome (at trial and on appeal) as the substantive law. Don’t think that the Colorado Appellate Rules only matter once a Notice of Appeal has been filed. They matter any time there may be an appeal.

2. **Prove the Elements of the Claims and Defenses:** Make your job easier at trial and in reviewing the record. Cover all of the elements of each claim and defense. Try to ask questions in the same way and from each witness who can testify to an element. Remember, the trial court will assess credibility. Don’t rely on one witness to prove your “element case” when other witnesses may also prove elements. Don’t leave out a necessary element.
3. **Don’t Abandon Previously Denied Issues:** Raise your claims and defenses, in particular, where a motion denying a request (e.g. summary judgment) was entered pre-trial. The trial court had previously determined the County was not a necessary party (at least implicitly). The issue continued to be raised as an affirmative defense and, after trial, the trial court found for plaintiffs. The Court of Appeals affirmed. What issues must be raised again at trial to be preserved? Know this and raise them.

F. **Post-Trial / Pre-Appeal**

1. **Motions to Amend Judgment (C.R.C.P. 59(a))**

   Give the trial court the chance to correct its errors or rectify its omissions. In particular, if the standard on appeal is abuse of discretion, create a record that shows the trial court abused its discretion. You will brief the issue either way. Give the trial court the opportunity to nullify any need for an appeal and, if not, you’ve started your roadmap for your Opening Brief.

2. **Designating the Record on Appeal**

   The Court of Appeals requires a record in order to conduct its review. Consider what items are necessary (or you think are necessary) for the Court of Appeals in order to address the issues on appeal. Supplement the record if necessary. Check out the record or review the CD as early as possible to determine whether the record, as certified, is a complete record, as designated. If you were involved in the trial of the case, you will know the record better than those who were not involved in the trial.

V. **Deciding Whether to Appeal**

   Consider the importance of the issues, the nature of the law, the standard of review and the adequacy of the record. Client considerations are often the most important: time, cost, likelihood of success. Further, an unbiased and “fresh eye” may often be the best resource for determining whether the “mistake” is substantial, legitimate or something worth raising – clients are not quite as excited as attorneys with a remand on a legal standard that ends with the same result: a loss. Be ready to explain the process, costs, time and possible outcomes.
Now That You’ve Thought About an Appeal, These are the Appeal Basics…

Jaclyn K. Casey
Rothgerber Johnson & Lyons LLP

Appeal - Colorado Court of Appeals

- [www.courts.state.co.us/Courts/Court_of_Appeals/](http://www.courts.state.co.us/Courts/Court_of_Appeals/)
- **Notice of Appeal**
  - CAR 3 – content of Notice of Appeal
  - CAR 4 – must be filed with within 45 days of the date of entry of judgment, decree, or order
  - Time for appeal altered by certain post-trial motions
  - Notice must be filed with Court of Appeals AND an advisory copy submitted to trial court
  - Cross-appeal may be filed within 14 days of the date the first Notice of Appeal is filed or otherwise within the 45 days (whichever is longer)
- **CAR 8** – stay pending appeal – supersedeas bond
  - Request must be made of trial court first

Appeal - Colorado Court of Appeals

- **CAR 10** – Designation of Record on Appeal
  - Must be filed within 14 days after filing the Notice of Appeal
  - Set forth portions of the record to be included
  - Set forth dates of proceedings for which transcripts are required, served on court reporter
  - Appellee may cross-designate record on appeal within 14 days after service of appellant’s designation
- **CAR 11** – Record transmitted within 13 weeks after filing Notice of Appeal
- **CAR 12(e)** – Notice of Filing Record on Appeal and Briefing Schedule
Appeal - Colorado Court of Appeals

- Record
  - Now electronic, pdf with bookmarks
  - Part may be in paper form, may be checked out

- CAR 27 – Motions
  - Extensions of time
  - To dismiss an appeal
  - To stay or consolidate an appeal

Appeal - Colorado Court of Appeals

- Briefs – Opening Brief, Answer Brief, Reply Brief
  - CAR 28 – Contents, length
    - Request for attorneys’ fees must be explicit
  - Filing – CAR 31 and Policy re: Electronic Records
  - E-file
  - CD-ROM
  - Original
  - CAR 32 – Format

- CAR 34 – Oral Argument
  - Upon request of party, filed no later than 7 days after briefs close
  - Notice of Oral Argument
  - 3 judge panel, 15 minutes each side

Appeal - Colorado Court of Appeals

- CAR 35 – Judgment
  - Written opinion – not required for affirmation
  - Decision to publish or not

- CAR 40 – Petition for Rehearing
  - Must be filed within 14 days after entry of judgment
  - No answer unless the Court requests

- CAR 41 – Mandate
  - Issues 43 days after entry of judgment
  - Petition for rehearing stays issuance of mandate
Certiorari – Colorado Supreme Court

- Petition for Writ of Certiorari
  - CAR 52 – filed not later than 42 days after final judgment, or 28 days after denial of a petition for rehearing
  - CAR 53 – content of Petition
  - CAR 53(b) – Cross-Petition must be filed within 14 days after service of the petition
  - CAR 53(c) – Opposition Brief must be filed within 14 days after service of the petition
  - CAR 53(d) – Reply Brief must be filed within 7 days after service of an opposition brief

Order Granting or Denying Certiorari
- Denial terminates proceedings
- Grant identifies issue to be considered and establishes briefing schedule

Briefs on the Merits
- CAR 23 – content and length
- CAR 31 – timing (or per order of court)
- CAR 29 – Amicus Briefs
  - Motion and brief filed together

CAR 34 – Oral Argument
- Discretionary, request filed no later than 7 days after briefs close
- Notice of Oral Argument
- 7 justice panel, 30 minutes each side
- Order setting oral argument
- Opinion
- Mandate
Appeal – 10th Circuit

- http://www.ca10.uscourts.gov/
  - Must be admitted to 10th Circuit
  - Mandatory e-filing – 10th Cir. R. 25.3 (paper copies of filings may still be required as well)

- Notice of Appeal
  - FRAP 4, Form in Appendix of Forms – filed with district court 30 days after entry of judgment
  - FRAP 4(a)(4) – time for filing appeal is extended by certain post-trial motions
  - FRAP 3(c) – contents
  - FRAP 8 – stay of execution pending appeal, must ask district court first

- FRAP 12 – Representation Statement
  - Attorney that filed Notice of Appeal must file within 14 days after filing the Notice of Appeal

- Entry of Appearance - 10th Cir. R. 46.1
  - Must be filed by all counsel for all parties within 14 days after an appeal is filed
  - Must be accompanied by certification of interested parties

- Docketing Statement - 10th Cir. R. 3.4, Appendix A
  - Must be filed within 14 days after filing the Notice of Appeal

- Record – FRAP 30, 10th Cir. R. 10.2, 10.3, 30.1, 30.2
  - Retained counsel: record presented in appendix only
  - Appellee may supplement the appendix
  - Appendices filed with briefs

Appeal – 10th Circuit

- FRAP 27 – Motions

- Briefs
  - 10th Cir. R. 31.1 – Opening brief must be filed within 40 days of notice from the district clerk that the record is complete (for retained counsel)
  - CAR 31 – Answer brief must be filed 30 days after service of opening brief
  - CAR 31 – Reply brief must be filed 14 days after service of answer brief
  - CAR 28, 10th Cir. R. 28.2 – content requirements
  - CAR 32 – form (color cover pages)
  - FRAP 26.1 – Corporate Disclosure Statement filed with principal brief or motion
Appeal – 10th Circuit

- Oral Argument
  - 10th Cir. R. 28.2(C)(4) – Must note on the brief whether oral argument is requested

- FRAP 36 – Judgment
  - Court may dispose of an appeal without a written opinion

- FRAP 40 – Petition for Panel Rehearing

- FRAP 41 – Mandate
  - Enters within 7 days after time to file a petition for rehearing expires or 7 days after entry of order denying panel rehearing
  - May be stayed pending petition for writ of certiorari to the U.S. Supreme Court

Certiorari – U.S. Supreme Court

- http://www.supremecourt.gov/
- Must be admitted to Supreme Court
- Supreme Court Rules
  - Rule 10 – Grounds for certiorari review
  - Rule 13 – Petition must be filed within 90 days of entry of judgment or from denial of petition for rehearing
  - Rule 14 – Contents of Petition
  - Rule 15 – Opposition to Petition
    - Must be filed within 30 days after case is placed on the docket
    - Content Requirements
    - Reply to Petition may be filed but distribution of the Petition and Opposition are not delayed pending receipt of reply

Certiorari – U.S. Supreme Court

- Rules 33 and 34 – Booklet formatting, word limits
- Rule 29 – Filing and Service
  - Retain printing company that will prepare booklets and handle filing and service
- Rule 16 – If petition granted, clerk will notify counsel and schedule the case for briefing and oral argument
- Rules 21 and 22 – Motions
  - Some are appropriately addressed to a single justice for consideration (i.e. extensions)
- 10th Circuit Justice – Sotomayor
- Rules 24 and 25 – Briefs on the Merits
- Rule 28 – Oral Argument
Profiles in Legal Courage

Mark Lyda, Esq.
Wheeler Trigg O’Donnell

Mark Lyda is an associate at Wheeler Trigg O’Donnell in Denver. Prior to joining the firm, he clerked for Justice Monica Márquez on the Colorado Supreme Court. He previously served as deputy legal counsel to Governor Ritter. Mark is a mentor with Big Brothers/Big Sisters and was appointed by Governor Hickenlooper to serve on the Council of Advisors on Consumer Credit. He earned a B.A. from the University of Kansas and a J.D. from the University of Notre Dame Law School.
Colorado Lawyer Assistance Program

Barbara Ezyk, Esq.
COLAP

Materials to be Provided at CLE
Navigating Client Communication

Loren M. Brown, Esq.
Donelson Ciancio & Grant, P.C.

Loren M. Brown is a shareholder with the law firm of Donelson Ciancio & Grant, P.C. His practice focuses on litigation, involving plaintiff’s personal injury, criminal defense, commercial litigation, probate, and liquor licensing. Loren has spent his entire career with the same firm, starting as a law clerk, and continuing with the firm after becoming licensed in 2003. Outside of his practice, Loren is heavily involved with the 17th JD Access to Justice Committee, CASA of Adams and Broomfield Counties, Metro Volunteer Lawyers, and the CBA.
CLIENT COMMUNICATION

I. Introduction
   a. Client in Crisis
      i. Not all clients know that they have problems which are on the horizon – Client communication can help the lawyer spot issues early.

II. Nonverbal Communication
   a. Professional attire
   b. You never get a chance to make another first impression

III. The Consult
   a. Listening to the client’s needs
      i. Try to figure the issues out by listening
      ii. It is not the time to solve the issues
      iii. The less you talk, the more you learn about the client’s issues
   b. Set the expectations early
      i. Find out what the client’s goals are
      ii. Clearly state whether you can meet those goals
   c. Communication of goals and needs
      i. Confirm the goals and expectations

IV. To Take or Not to Take
   a. There are no “Slam Dunks”
      i. The client who indicates that there is a “slam dunk” has already lawyered the case in their mind. That might be sign of client control issues in the future, with a client who is already locked in.
   b. Knowing what not to take is just as important as what to take
      i. Can you really help the client
      ii. Does the client really need a lawyer
   c. Knowing your limits – personally and professionally
      i. Are there legal conflicts
      ii. Do you have the knowledge and skill
      iii. Are there personality conflict

V. Communicating with the Client Down the Road
a. The roadmap to client communication

i. Rule 1.4

1. (a) A lawyer shall:
   a. (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules;
   b. (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
   c. (3) keep the client reasonably informed about the status of the matter;
   d. (4) promptly comply with reasonable requests for information; and
   e. (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

2. (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

b. Issues with Communication

i. Text, Facebook, and Twitter have ruined communication
ii. Rapid response is now essential
iii. Constant flow of information
iv. Keep a written record
v. Save thank you notes

b. The Good, the Bad, and the Ugly

i. The Good
   1. Never miss the opportunity to deliver good news
ii. The Bad
   1. We are required to give the client bad news
iii. The Ugly
   1. If you do not give the bad news someone else will
   2. Good news travels at the speed of sound
   3. Bad news travels at the speed of light
   4. If the client gets the bad news from another source, you will face a very angry client
Writing Workshop:
Tips We Need to Remember…But Tend to Forget

Ashley Calhoun, Esq.
Forman Perry Watkins Krutz & Tardy, LLP

Ashley Calhoun is an attorney with Forman Perry Watkins Krutz & Tardy LLP in Denver, Colorado. Her civil litigation practice includes complex and multi-district litigation, mass torts, product liability, asbestos and silica litigation, and RICO and fraud litigation.

Resources to Purchase, Study, and Have at Your Desk:


These books are all by Bryan A. Garner, Editor-in-Chief of *Black’s Law Dictionary.*
Deferred Action for Childhood Arrivals-
A New Avenue of Immigration Relief for
Undocumented “Dreamers”

Winter Torres, Esq.
Padres y Jovenes Unidos, a non-profit

Abbie Johnson, Esq.
Rocky Mountain Immigrant Advocacy Network (RMIAN)

**Abbie Johnson** works with both the detention and children's programs at RMIAN. She has a JD from the University of Colorado Law School, a Master's degree in Childhood Education from City University of New York, and a dual degree in Spanish Literature and International Relations from Claremont McKenna College. Prior to law school, Abbie was a 2004 Teach for America corps member in New York City where she taught first grade in the south Bronx. Abbie is fluent in Spanish. She currently serves on the AILA Colorado chapter Executive Office of Immigration Review Liaison Committee and is a frequent volunteer at Metro Volunteer Lawyer Legal Nights.

**Winter Torres** is a staff attorney and CSR Coordinator for Padres y Jovenes Unidos.
DEFERRED ACTION FOR CHILDHOOD ARRIVALS

A New Avenue of Immigration Relief for undocumented “Dreamers”

Abbie Johnson, RMNAN Children's Program Staff Attorney
Winter Torres, Attorney and CSR Program Coordinator at Padres y Jovenes Unidos

Agenda

- Overview of DACA and background of the DREAM Act
- Who is eligible to apply
- How you can help our Dreamers!

DEFERRED ACTION FOR CHILDHOOD ARRIVALS (“DACA”)

A policy memo issued on June 15, 2012 by Department of Homeland Security Secretary, Janet Napolitano, authorized individuals that meet certain eligibility criteria the opportunity to request permission to stay in the U.S. for a renewable two-year period and apply to receive work authorization during that time.

Part of the greater policy shift under current administration towards exercising prosecutorial discretion by DHS.

“Application” is a request to Immigration and Customs Enforcement (ICE) or the U.S. Citizenship and Immigration Service (USCIS).

Approval = discretionary decision not to pursue enforcement against a person for 2 years.

With Work Authorization, may obtain:
- Restricted Social Security Number
- Driver’s License/Colorado I.D.
DACA Is NOT the DREAM ACT!

Development Relief Education for Alien Minors (DREAM) Proposed Legislation:
• 6 Years of Conditional Residency for Youth Who Can Demonstrate:
  • Entry into U.S. before 16
  • 5 Years of Presence in U.S.
  • H.S. Graduation or GED
  • Good Moral Character
• Permanent Residency if, within 6 Years of Conditional Residency:
  • Complete 2 years of Higher Education in Good Academic Standing
  • Complete 2 years of U.S. Military Service Without Dishonorable Discharge

DACA is not the DREAM Act:
- Not a path to residency or citizenship.
- Cannot apply for family members.
- May be revoked/altered by future administrations.
- Approval does NOT constitute a lawful admission.
- No automatic permission to travel outside the U.S.
- No eligibility for most public benefits (No FAFSA!)

MOVING FORWARD AFTER THE 2012 PRESIDENTIAL ELECTION?

WHO QUALIFIES?

1) On June 15, 2012, must have been 30 years old or younger.
2) At least 15 years old at the time of application (unless in removal proceedings already);
3) Arrived to U.S. under the age of 16;
4) Continuous residence in U.S. for 5 years prior to June 15, 2012;
5) Physically present in the United States on June 15, 2012 without lawful status and no departures from the U.S. since DACA was announced;
6) Are currently in school, have graduated high school, or are honorably discharged from the Armed Forces;
7) Not convicted of certain criminal offenses.
BENEFITS:

• Two year permission to stay in U.S.
• Work permit
• Possible administrative closure of removal case

...and once have work permit, may obtain:

• Social Security number
• Colorado Driver’s Licence/I.D.

No deadline to apply

RISKS

• DHS may place the person in removal proceedings if the person falls under high priority enforcement criteria.
  - Fraud
  - Egregious public safety issues
  - Inadmissible or removable due to criminal history

• If an applicant attempts to commit fraud in the process of applying for DACA, they will be “prosecuted to the fullest extent of the law.”

• If eligible, information not shared with ICE/ERO unless necessary for national security concerns or the investigation or prosecution of a crime (includes information about family members included in application).

• Even if granted deferred action, future administrations may revoke/alter the program and it is not known what will happen to those who applied.

Application Process

If not in removal proceedings, submit request to USCIS:

• Cover Letter
• Form G-28, Entry of Appearance
• Form I-821D, Consideration of Deferred Action for Childhood Arrivals
  - Country of Residence = United States
• Form I-765, Application for Employment Authorization (2 photos?)
• Form I-765 WS (Demonstration of Economic Necessity)
• $465 Fee ($380 for EAD, $85 for Biometrics)
• Index organizing the supporting documentation
• All supporting documentation
  - If reside in Colorado, send to USCIS Chicago Lockbox Address
  - Mail all forms and supporting documentation together in one package.
  - Type answers into the forms and print them out. No e-filing is available.
  - Original signatures!
DACA Efforts Around Colorado

- Padres y Jovenes Unidos
- RMIAN
- Colorado Immigrant Rights Coalition
- DACA Drives in collaboration with community groups and Together Colorado
- MVL Legal Nights at El Centro San Juan and Mi Casa
- Scholarship fundraising efforts
- University tuition advocacy (ASSET Bill)

Thank you!!!

- Padres y Jovenes Unidos and RMIAN's Children's Program thanks you for your interest in helping a young person qualify for this special program!

- Questions???
Young Lawyer Bloopers: 
The (Mis) Trials and Tribulations of Young

Kate M. Lewis, Esq.
Donelson Ciancio & Grant, P.C.

Kate M. Lewis is an Associate Attorney with Donelson Ciancio & Grant, P.C., and a member of the Family Law Team since 2010. Kate has experience in Divorces and Separations, Allocation of Parental Responsibility Actions, Adoptions, Family Law Appeals, Termination of Parental Rights, Dependency and Neglect, and Protection Orders. Kate grew up in St. Louis, Missouri. She attended undergraduate school at Columbia University in New York City, and returned to St. Louis for law school, where she received her Juris Doctrate from Washington University in St. Louis in 2010.

Prior to joining DCG, Kate worked as a law clerk for a litigation firm in New York City and a family law firm in St. Louis, Missouri. She also completed an externship as a Student Attorney with the Youth Advocacy Civil Justice Clinic in St. Louis.

In addition to her passion for family law, Kate is an avid marathoner and triathlete. The same summer that Kate passed the Colorado Bar Examination, she also completed her first full Ironman competition.
Young Lawyer Bloopers: The (Mis)Trials and Tribulations of Young Lawyers

Presented By: Kate M. Lewis
Donelson Ciancio & Grant P.C.

Why me?!?!?!

- I am a young lawyer.
- I’ve made a lot of mistakes.
- I’m crazy enough to share them with you.

Legal Disclaimer:

All of the stories you are about to hear are true. However, the names of certain individuals and law firms have been changed to protect the reputations of the people and companies involved. Particularly, when the story is my own.
Lesson #1: Client Confidentiality

Just because you aren’t using your client’s name doesn’t mean you aren’t breaching her confidentiality.

Lesson #2: Proofread

Do not rely solely on spellcheck.

Lesson #3: Some things are better left unwritten.

BE CAREFUL WHAT YOU PUT IN WRITING!

Partner: The opposing party is a jerk. This case will be easy. The jury will hate him. I’ve got it handled. Associate:
Lesson #4: Fashion Advice

- Advise your client to "dress for success."
- Don’t forget to "cross your T’s," "dot your I’s" and get a pedicure if you’re going to wear peep-toe shoes.

Lesson #5: Trial and Error

Make sure you know how to implement the trial tactics your professors taught you in law school before you test them out in front of a fact finder.

Lesson #6: Be aware of your surroundings.

Theatrics at trial are expected. However, know the courtroom, know the technology, know your “audience,” and proceed with caution.
Going to trial? Don’t forget the:

- Statute Book
- Colorado Rules of Civil Procedure Book
- Extra Exhibit Stickers
- Witness Phone Numbers
- Rules of Evidence "cheat sheet"
- Laptop
- Pens
- Legal Pads
- Sticky Notes
- Power Bar
- Breath Mints
- Advil
- Gas-X

To: Young Lawyers
From: The Judges

- Know your objections, and be able to argue them
- Watch your time
- Don’t duplicate exhibits
- Be respectful to everyone in the courtroom
- Don’t upset the clerk
- Seek mentorship

No further questions?
Call me anytime! 303-450-1665