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# The MESSENGER

Larimer County Bar Association

February 2009

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## PRESIDENT'S MESSAGE

Criminently! Last March, buoyed by your trust and confidence, I assumed the Presidency of the Larimer County Bar Association. Since that time, I will be the first to acknowledge there has been some turmoil. Under the Gast administration, we've seen the worst economic crisis since the Great Depression, we've seen stock prices tumble while unemployment climbs, we've seen our beloved Rockies sink into a post-pennant funk, and we've even seen the Broncos fall out of playoff contention after having a three-game division lead with just three games to play. Let the impeachment proceedings begin.

But, the torrent of bad news can't obscure the bright spots on our local LCBA scene. For example, under the steady leadership of Avi Rocklin (and with the able assistance of our paralegal, Cindi Hendrix), the LCBA Pro-Bono Program continues to play a key role in providing civil legal services to Larimer County residents in need through intake sessions in both Fort Collins and Loveland, and the assignment of cases to volunteer LCBA attorneys. The Program is such a well-oiled machine that, for the first time in my memory, there are currently no clients on the waiting list for cases to be assigned to an attorney. Thanks to all who participate in the Pro-Bono Program for your contributions.

In the wake of the liquidation of the LCBA law library books, we previously used a portion of the book sale proceeds to fund the purchase of badly needed computers for our local Colorado Legal Services office. More recently, your Executive Committee voted to use the remaining book sale proceeds (a bit over \$2,600) to assist the Juvenile Restorative Justice Program in Fort Collins. That Program helps juvenile offenders (such as shoplifters) understand the impact of their criminal activity on victims and the community, with the offender taking responsibility for reparations. Program studies have shown a very low rate of repeat offenders.

Executive Committee members Steve Jouard and Jennifer Stewart are reinvigorating the LCBA CLE programs that will provide you with free, live, local CLE opportunities. The first program focusing on Elder Law issues will be held in the near future, with more programs to follow. You will receive notices for these programs as they are scheduled.

The Young Lawyers Division, chaired by Jennifer Stewart, continues to do much of the LCBA's heavy lifting. An updated Larimer County Practice Manual is in the works and brown-bag CLE seminars are scheduled like clockwork. In addition, the Young Lawyers will be organizing the annual Law Day luncheon to be held this May.

Spring Term Day is just around the corner, and details on all of the Term Day activities are inside this issue. At the business meeting you will have the opportunity to elect Ian McCargar as your LCBA President for the 2009-2010 term. Like another recently elected public official, Ian offers a message of hope, opportunity and change. I can already sense a rebound in the stock market.

My thanks go out to all the members of our Executive Committee: Ian McCargar, Kathryn Lonowski, Steve Jouard, David Johnson, Randy Starr, Jennifer Stewart, John Duval, Judge Greg

Lammons, Jennifer Rice, Linda Connors and Avi Rocklin. Even at our appointed monthly meeting hour of 7:00 a.m., they are one energetic, insightful and thoughtful leadership group. And thanks also to you, all of the Larimer County lawyers and judges, who make this neck of the woods such a great place to practice law.

Dick Gast  
LCBA President



## TEACHING OPPORTUNITY AVAILABLE WITH SMALL BUSINESS DEVELOPMENT CENTER

The Small Business Development Center is looking for a volunteer attorney to teach an introductory business entity selection class once a month starting in February. The class runs from 7:00 a.m. to 9:00 a.m. and the class dates are: February 18, March 18, April 23, May 20, June 17, July 21, August 19, September 17, October 20, November 17, December 15. A Power Point presentation has already been prepared but can be tweaked as the new instructor sees fit.

If you are interested, please contact Mary Ann Huffines at the Small Business Development Center (498-9295, [sbdc-larimer.com](http://sbdc-larimer.com)).



## REQUEST FOR ATTORNEYS TO ACCEPT APPOINTMENTS TO REPRESENT GUARDIANS

This is to request on behalf of Judge Gregory Lammons that you let me know if you are willing to accept appointments from time to time as attorneys for guardians. This would be both for emergency appointments under CRS 15-14-312 and for appointments under C.R.S. §15-14-305(2).

Attorneys accepting these appointments will be paid pursuant to CRS 15-14-417, except that payment for indigent respondents will be in accord with Chief Justice Directive 04-05 (available at <http://www.courts.state.co.us/Administration/Unit.cfm/Unit/crtappcou>).

Please respond to me by email. I will give Judge Lammons the names of attorneys who respond and their contact information.

Also, since it appears that Judge Schapanski will continue to take probate cases, I will give him these names as well.

Thank you.

Pete Bullard  
Email: [pete@estate-planning-help.com](mailto:pete@estate-planning-help.com)





## SAVE THE DATE – MARK YOUR CALENDARS SPRING TERM DAY

Friday, March 6, 2009

Bar Members, please be sure you plan to attend the Spring Term Day festivities scheduled for Friday, March 6, 2009. Social hour starting at 8:00 a.m. with coffee and edibles and concluding at 9:00. The LCBA will hold its semi-annual business meeting at 9:00 a.m., during which new officers will be nominated and elected for the coming year. The business meeting will also feature a special guest appearance by the President of the Colorado Bar Association, William E. Walters. These morning events will take place in the Jury Assembly Room on the second floor of the Larimer County Justice Center.

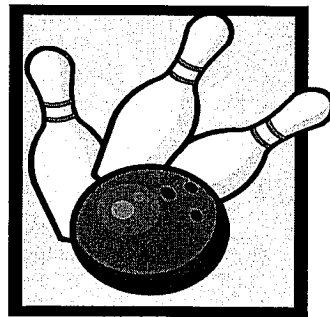
A luncheon will take place at noon in the Canyon West Room at the Lincoln Center. The menu and cost have not been finalized. A separate announcement will be sent seeking reservations for this event. The Professionalism Award will be presented during the luncheon, so be sure to mark your calendars and to plan attend this important event.

As per past custom, a bowling tournament will take place in the afternoon. Kim Schutt and Judge Christine Carney are this year's Bowling Mavens. Please see the announcement below for those interested in rolling the ball down the alley and knocking over the pins.

More details to follow. Please direct any questions to Ian D. McCargar (482-0212, x 303, [ian@freymccargar.com](mailto:ian@freymccargar.com)) or Dick Gast (482-4846, [rgast@myattbrandesgast.com](mailto:rgast@myattbrandesgast.com)).



## TERM DAY BOWLING TOURNAMENT Friday, March 6, 2009



Calling all bowlers - time to put down the Wii remote and play for real! This year's tournament promises to be bigger and better than ever, with prizes galore for both bowling and the best dressed team/individual. The festivities start at 2:00 p.m. at Chipper's Lanes on Horsetooth. Cost is \$15.00 for three games and shoes. No bowling skills required - just come out and have fun with your LCBA colleagues.

To register, please send a check made payable to LCBA to Kim Schutt, Wick & Trautwein, LLC, P.O. Box 2166, Fort Collins, CO 80521. Contact Kim at 482-4011 or [kschutt@wicklaw.com](mailto:kschutt@wicklaw.com) with questions.



## EIGHTH JUDICIAL NEWS

### Tidbits from the Clerks' Office

When filing a DR case please use the most current forms and be sure to include the Information Sheet (JDF1000) with the new case pleadings.

Old forms DO NOT reflect the current filing fees and the Information Sheet includes needed information for the processing of the case. If some of the information is unknown please fill out as much as possible and submit an amended one later when the information is known.

New petitions for DR cases do not require the social security number so please do not include that on the petitions. This information should be submitted on the Information Sheet only.

When filing a substitution of counsel no Order is needed. It does, however, need to be signed by both attorneys.



### ATTENTION SKIERS!!! FRIDAY, FEBRUARY 27, 2009

The powder hounds at LCBA have made arrangements for a **ski day at Winter Park Resort on Friday, February 27, 2009**. Transportation will be provided by Fort Collins Charter Service. The bus has a capacity of 47 people. The per-person rate for bus fare (which includes a tip for the driver) is \$25.00, payable to the Larimer County Bar Association. Reserve your space on the bus now, as space will be limited to the first 47. Send your checks to Ian McCargar, 131 Lincoln Avenue, Suite 100, Fort Collins, CO 80524. **Reservations (i.e., your check) must be received by no later than Monday, February 16, 2009**. Please direct all questions to Ian as well.

Depending on numbers, Winter Park Resort can offer us a ticket price break. Once we have reservations in hand, an announcement will follow re: ticket rates for the group.

More details and information to follow, but please get your reservations to Ian right away so you can enjoy that legendary Rocky Mountain powder in the company of your fellow Bar members!



#### CHANGE OF ADDRESS

Levi A. Brooks, Attorney at Law  
1136 East Stuart Street, Suite 4201  
Fort Collins, Colorado 80525  
Phone: (970) 221-2866  
Fax: (970) 221-2851  
E-Mail: [levibrooks@earthlink.net](mailto:levibrooks@earthlink.net)



## MOCK TRIAL FEBRUARY 20 AND 21, 2009

The CBA-sponsored High School Mock Trial Regional Competition is being hosted this year by the Larimer County Bar Association. The teams represent the best of Northern Colorado's high school students, and are a real pleasure to see in action.

The Competition is scheduled for the afternoon on Friday, February 20 and all day on Saturday, February 21, 2009, at the Justice Center in Fort Collins. As this year's Competition hosts, the LCBA needs a few more volunteers to serve as scoring panelists during the rounds. Scoring panelists evaluate team performance and provide the raw team scores, but also give invaluable courtroom comments to the participants.

If you are interested in volunteering as a scoring panelist on either or both days of the Competition, please contact Ian McCargar at 482-0212, Ext. 303. Thank you for your support of the Colorado High School Mock Trial program.



### ATTORNEY SEEKING CONTRACT OR PERMANENT POSITION

**Licensed attorney seeking contract or permanent position.** Experienced in estate planning/administration; tax; real estate and HOA; research and appellate brief writing; business and non-profit incorporations; municipal and utility; contractual and transactional; litigation and collections, etc.

Carol Johnson in Loveland, 970-669-1138; [carol-530@comcast.net](mailto:carol-530@comcast.net)

### OFFICE SPACE

Large office space immediately available for office sharing in a brand new building located in Loveland near the Budweiser Event Center. Office share would include a large office with wonderful views of the Rocky Mountains, full time receptionist, beautiful conference room, copy and fax machine, supplies and available part time assistant negotiable. Perfect for attorneys/professionals. Stop by and see the office space available.

Contact either Troy Ukasick or Amy at (970) 663-3336, for a tour.

The LARIMER COUNTY BAR ASSOCIATION  
PROFESSIONALISM COMMITTEE  
PRESENTS ITS  
ANNUAL ETHICS SEMINAR

THURSDAY, APRIL 16, 2009  
1:00 p.m. to 5:00 p.m.

LINCOLN CENTER  
FORT COLLINS, CO

Speakers for this seminar will include the following:

Hon. Arthur Roy, CO Court of Appeals, Recent Case Update

Hon. Greg Lammons, District Court Judge, Courtroom 3B

Magistrate Kent Spangler, District Court, Courtroom 2A

Marcus Squarrell, Chair, CBA Ethics Committee, Recent CBA Formal Opinions

Jack Tanner, Issues Related to Out-Sourcing of Legal Work

Jamie Sudler, Attorney Regulation Counsel, Recent Discipline Cases

Magistrate John A. Jostad, District Court, Moderator and Recent Developments

The Cost of this Seminar is \$60.00 with your timely filed pre-registration, **postmarked by April 10, 2009**. Registration thereafter, and at the door, is \$70.00. Approval for a minimum of **FOUR CLE/Ethics credits** is anticipated. Proceeds go to LCBA and have been used in the past for college scholarship funds. Early registration is greatly appreciated in helping us to anticipate numbers of attendees.

Send your registration and checks made PAYABLE TO LCBA to:

Jeanne Drake, 361 E. 27<sup>th</sup> Street, Loveland, CO 80538

Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email address: \_\_\_\_\_



January 13, 2009

*Board Members:*

Teresa Ablao, President  
Sr. Asst. City Attorney, Fort  
Collins

Barb Brown, Treasurer  
Development Officer  
Poudre Valley Health  
System Foundation

Michael Stone, Secretary  
Tri 102.5 Radio Personality

Christian Bordewick  
Branch President  
Bank of Colorado

Barbara Cohen  
Marriage/Family Counselor

Jennifer Graham  
Victim/Witness Specialist  
Office of the District Attorney

Veronica Olivas  
Asst. Coordinator of Safety &  
Training  
CO State University

Mary Otten  
Retired High School Counselor

Nona Thayer  
Former County Commissioner

Wanda Zimmerman  
Branch Manager  
Bank of the West

To the Larimer County Bar Association:

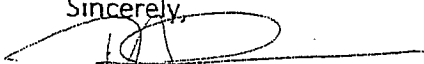
We want to introduce ChildSafe to the lawyers of Larimer County. ChildSafe is a nonprofit organization dedicated to the treatment and healing of sexually abused children and family members. We have been in existence since 1986 and received our 501(c)(3) status in 1998. Oftentimes, people may perceive a victim oriented treatment agency as adverse to fathers. Recently, some non-offending fathers of victims told our therapists that their private attorneys told them not to bring their children to ChildSafe for sexual abuse treatment because ChildSafe therapists are "man haters." We would like to take this opportunity to dispel that misperception, if it exists out there in the legal community and provide some information as to what ChildSafe offers our community.

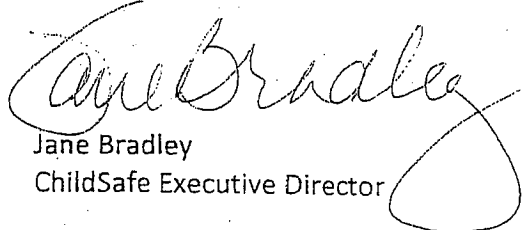
ChildSafe believes strongly in offender accountability—whether the offenders are male or female. ChildSafe believes strongly in healing ALL victims of sexual abuse, whether male or female and whether children or adult survivors. For this reason, ChildSafe offers the following treatment programs: PHASE (an offender based treatment program), CSATP (child victim treatment program), and Adult Survivors Treatment.

ChildSafe's mission is to provide therapy and a safe place for children and adults to receive treatment for the trauma of sexual abuse. Please know that we are not man-haters at ChildSafe. On any given day we have men, women, boys and girls in our waiting room who come to ChildSafe for therapy, for themselves, their children, their friend or other family members. We believe that in true cases of abuse, victims deserve to be healed and offenders deserve to be held accountable and treated.

Feel free to contact either of us for more information regarding ChildSafe please contact us at (970) 472-4133.

Sincerely,

  
Teresa Ablao  
ChildSafe Board President

  
Jane Bradley  
ChildSafe Executive Director



## NEWS FROM WELD COUNTY COURTS

### WELD DISTRICT COURT ASSIGNMENTS AS OF JANUARY 13, 2009

1	Klein (J)	20 % Civil 100% Water; 100 % Rule 120s; 100% Probate & Mental Health; 33 1/3% County, Small Claims & Muni. Ct Appeals; 100% Minor Name Changes
2	Koppes-Conway (M) (.9 FTE)	100% Juvenile Delinquency, less JD cases transferred to Div. 4; 100% Truancy; (less 1/2 Day County Court Pre-trials)
3	Gutierrez (J)	22% Criminal & Extraditions; Drug Court
4	Tuttle (J)	22% Criminal & Extraditions; 100% JD Appeals, Jury Trials, Objections, conflicts & other JD cases transferred from Div.2
7	Strobel (M)	33 1/3 % Domestic Relations; 50 % Dependency & Neglect; D & N Adoptions; 100 % Non CSEU Paternity
9	Hoskins (J)	33 1/3% Domestic Relations; 50% Dependency & Neglect; All Adoptions, except Div 7 D&N Adoptions; 100% D & N Magistrate Appeals; 50% DR, JV Custody & Child Support Magistrate Appeals
10	Maus (J)	60 % Civil; 33 1/3% County, Small Claims & Muni Ct Appeals; 100% Dstraint Warrants
11	Kopcow (J)	28% Criminal & Extraditions
12	Hartmann (J)	28% Criminal & Extraditions
C-1	New Magistrate (M) (.3 FTE- 12 hours)	10% Child Support & CSEU Paternity plus other judge referred DR matters
C-2	Davis (M) (.4 FTE-16 hours)	90% Child Support & CSEU Paternity
D	Quammen (J)	20 % Civil; 33 1/3% Domestic Relations ; 33 1/3% County, Small Claims & Muni Ct Appeals; 50% DR, JV Custody & Child Support Magistrate appeals

\* Special Circumstances:

- All district court judges are assigned first degree murder cases by rotation.
- Minor name changes initially assigned to Division 1 will be transferred to DR or juvenile divisions that handled any DR, D & N or support matter involving minor.
- D & N judicial officer handles related JD cases.
- DR judicial officer handles related Paternity cases.
- 2 Water court referees not included.



## REMINDER REGARDING LCBA LAW LIBRARY RELOCATION

The LCBA law library has been relocated to the fifth floor of the Justice Center, Room 502. The room is secure, with access via your access card issued by Judicial Administration and the Sheriff's Office. To obtain an access card or renew an expired card, please see Judicial Administration on the second floor during normal business hours. The cards are personal to the assigned user for security purposes.

### ACCESS TO THE LIBRARY

The cards work 24-7. During normal Justice Center hours, you will enter the building through the public entrances.

Weekend and after-hours access has been approved by the Sheriff as follows:

You may enter the Justice Center through the Employee entrance on the east side of the building at the top of the ramp. You must key in the numerical access code, 2-8-4-6. The door will open, and you will enter a corridor. **DO NOT BEAR LEFT THROUGH THE DOUBLE DOORS INTO THE LOADING AREA.** Stay to your right and enter the public area (first floor elevator lobby) of the building through the single door. If you are unfortunate enough to get into the loading area, you're stuck in the loading bay until the building opens. Stay right and use the single door into the public area.

Once you are in the first floor elevator lobby, you may use the elevators to access the fifth floor. Use your access card to get into Room 502.

Once you're finished with your library work, depart the building through any public entrance. Be sure the door closes behind you. **DO NOT ADMIT ANYONE TO THE BUILDING UNDER ANY CIRCUMSTANCES. DO NOT SHARE THE ACCESS CODE WITH ANYONE OTHER THAN LCBA MEMBERS.**

### USING THE COMPUTERS

The library consists of three computer terminals. The telephone has been discontinued.

The entire collection is now available through the Association's Westlaw subscription. This includes all 50 states and federal primary resources, the Colorado Practice series, ALR and Am Jur., etc.

To log on, the username is **lcba**. The password is **bar**. Find the icon "Westlaw Expanded" and double-click to launch Westlaw. >From there, you may navigate within our subscription. Don't worry about going outside of our subscription; the folks at Thomson West have made sure you can't.

The library is a member-sponsored resource, supported by the folks in Judicial Administration, Larimer County Facilities and the Larimer County Sheriff's Office. Be sure to follow the above guidelines to assure our continued access to this world-class library.

### LIBRARY COPIER

Because the library copier/printer is seeing no use, and because the LCBA lease for the copier runs until August, 2010, the LCBA is looking for a legally-affiliated organization that can make good use of it. The copier is a Konica-Minolta Di 3510, with a Pi 3505e coin unit. If you are aware of a legally-affiliated organization that needs a copier, please contact Ian McCargar at 498-0212, Ext. 303.

