

Using Our Powers for Good

One Lawyer’s Approach to Taking Professionalism from the Courtroom to the Community

BY DOUG MCQUISTON

We all remember as if it were yesterday the joy and pride we felt when, after the rigors of law school and the anxiety of the bar exam, we were finally able to raise our right hands and take our oath as lawyers. In fact, the Colorado Attorney Oath of Admission has had a place on my office wall since the day almost four decades ago when I first took it. Through this oath, we promised:

- to support the U.S. and Colorado Constitutions;
- to maintain the respect due to courts and judicial officers;
- to employ only such means as are consistent with truth and honor;
- to treat all people we encounter through the practice of law with fairness, courtesy, respect, and honesty;
- to use our legal knowledge for the betterment of society and the improvement of the legal system;
- to never reject, from any consideration personal to ourselves, the cause of the defenseless or oppressed; and
- to faithfully and diligently adhere to the Colorado Rules of Professional Conduct.¹

Read carefully, these duties clearly extend beyond how we conduct ourselves during our “working hours.” Treating people with courtesy and respect, acting with truth and honor, and using our knowledge to improve society and the legal system are actions that don’t lose their power when we leave the courtroom or conference room. Of course, our duties as lawyers apply most clearly to what we do in courtrooms and boardrooms. But these duties



Beth Klein

carry far beyond these rooms, and into the world at large. Simply put, when we see a problem, our oath calls on us to find ways to solve it.

Meet Beth Klein— “Part of the Solution”

With that in mind, allow me to introduce someone whose work in the community at large has, for three decades, shown us how we can powerfully use our legal knowledge “for the betterment of society.” Boulder lawyer Beth Klein has taken to heart the notion that our oath has no “off” switch, and that as lawyers, we have tremendous power to effect change. In fact, our skill and knowledge as lawyers uniquely positions us to do so.

Beth has taken her commitment to true legal professionalism from the courtroom to the community, even the world. I sat down with her recently to discuss her work philosophy. She expressed it simply: “When I see a problem, I

want to work to be part of the solution.” This has been her approach to the practice of law, surely. But she has taken that same pragmatic approach well beyond her office and the courtroom.

Beth began her career as a civil trial lawyer in 1988, representing professionals and others in defense of legal actions against them. She defended product liability, personal injury, legal malpractice, and premises litigation matters throughout Colorado. After a few years with the Denver firm Long and Jaudon, she opened her own practice in Boulder and continued mostly on the defense side of the courtroom. Subsequently, she and fellow shareholder Carrie Frank began a plaintiff’s personal injury practice, handling all types of personal injury, product, class action, and other claims for clients throughout the state.

I’ve known Beth for many years, having represented clients in cases both on the same “side” (as co-defendants) and on opposite “sides” (defending clients against whom she had brought claims). Her litigation approach in all of those cases exemplified what I have always thought of as true professionalism—tenacity, shrewdness, skill, persistence, honesty, candor, fairness, and respect. While Beth, Carrie, and their firm have attracted their well-deserved share of professional recognition, this article discusses what Beth has done outside the courtroom and how her actions serve as a model of professionalism for our own roles and involvement with our communities and the world at large.

Beth’s problem-solving nature led her to a decades-long effort to fight the war against human trafficking, a problem she confronted early on in her life. Her efforts have prompted groundbreaking progress in that war, in all of its perfidious forms. If anyone reading this doubts the impact we can have in our communities to tackle huge problems, Beth’s work against human trafficking should dispel such doubts. In fact, as she told me, our skills and talents as lawyers uniquely qualify us to see problems, identify how to attack them, and persuade others to join the effort. Those skills can be catalysts for tremendous positive change. In fact, Beth described the motivation behind her work in a way that wrote the title of this article for me. She

said she sees her fight against human trafficking as “using her powers for good.”

Recruiting Fellow Lawyers

Beth’s efforts to shine a light on the dark and malignant practice of human trafficking began even before law school. Indeed, one of her motivations to become a lawyer was to acquire the skills and persuasive power she knew she would need to make an impact on this scourge. Along the way, she discovered that she would never be alone in these efforts. Every time she asked her fellow lawyers for help, they were eager to join the fight. She recalled an example that demonstrates how lawyers can accomplish heroic things when they commit to the broader promise of professionalism to “use their powers for good.”

In 1993, she was working with her husband, attorney Jamie Klein, on a child abuse protection and support project involving a particularly problematic case. Twelve children in Boulder had been badly abused (and even trafficked sexually). Following the arrest and prosecution of the perpetrators, the community needed help to rescue and care for the children. The project was called “Children’s Angels,” and aimed to deliver resources to severely abused children far beyond the services provided by the state, including art and outdoor therapies, medical and dental care, clothing, and extracurricular enrichment activities.

Beth knew she would need help, so she reached out to her fellow counsel, on both sides, in a large multiparty asbestos case she was defending in her practice. Beth was inspired by the powerful response of her fellow legal professionals.

“Every lawyer I asked, without reservation, agreed to help,” Beth told me. In fact, she said, they were “hungry for the chance to use their connections and time just to help people who needed kindness and support.” As Beth recalled, “going to your adversary in a case, asking them to do something good with you,” and getting such a positive and eager response, was inspiring. It reinforced for Beth that such efforts not only build professionalism among lawyers, but also offer huge rewards for the attorneys who give their time to the cause and who work together



Beth Klein and her “Children’s Angels” volunteers.

for a common good. The work done by these lawyers—stepping up, seeing the problem, and committing to be part of the solution—powerfully improved our communities, and in turn improved how our communities viewed lawyers.

“Lawyers are powerful people, really,” Beth said, “because of our training, and who we are.” Indeed, we have a tremendous capacity to help in ways that might be well outside the scope of our professional practice. We can provide help in ways only lawyers can. Nowhere is this more clearly seen than in Beth’s life’s mission—using her legal skills, and those of her fellow lawyers, to fight the scourge of human trafficking.

The Klein Frank Foundation’s War on Human Trafficking

Though it takes many forms, human trafficking is, bluntly speaking, modern-day slavery. Broadly stated, it involves trafficking human beings (children or adults) for forced or coerced labor, and sexual trafficking, for profit. The National Human Trafficking Hotline (NHTH)² has been attempting to track victims of trafficking since 2015. It has identified over 35,000 potential victims right here in the United States (although the actual number is almost certainly significantly higher). These victims are both noncitizens (here with or without legal documents) and U.S. citizens. The NHTH has found that most victims trafficked as forced labor are noncitizens, while those trafficked for sex are citizens; 80% of the noncitizens trafficked in this country enter through ports of entry; and no state is spared its

share of this scourge. Colorado sees instances of both forms of trafficking throughout the state, in large cities, small towns, and rural areas alike.

Through the Klein Frank Foundation,³ Beth has fought both forms of exploitation and has enlisted the help of many lawyers along the way. Indeed, she and her law partner Carrie Frank created the Foundation so others could participate in the solution. The Foundation has grown to as many as 5,000 volunteers, and its work continues, not just in the courtroom but also in conferences and state legislatures around the country. In fact, the Foundation was instrumental in the writing and eventual passage of two revolutionary new statutes in Colorado to combat trafficking at multiple levels. The statutes have become a model for similar laws in many other states, with more state laws in development.

In 2014, the Court of Appeals overturned the conviction of an alleged trafficker who purportedly coerced teenaged children into prostitution. The Court held that the then-in-effect statute required “transferal of physical or legal custody of the child to another person permanently or for a defined period in exchange for money or other consideration,”⁴ and the defendant had not arranged such an actual change of custody. The problem with our statute at the time was clear: unless the prosecution could prove “ownership” of the child and a transfer of that ownership for money, trafficking could not be proven.

Seeing the need for improved legislation, Beth worked with legislators and other stake-

holders to draft new laws, SB 10-140 and SB 11-085, which were ultimately passed with broad bipartisan support. Colorado's anti-trafficking statutes no longer require proof of "custody" transferal and have made it far easier to identify and prosecute trafficking cases. And the anti-trafficking laws continue to improve every year. The legislature has made it a priority to combat and end trafficking, and the Foundation has used its experience to compile a "book" for other legislatures and governments worldwide to use in passing their own anti-trafficking laws. So far, 39 states have done just that, mostly using the resources developed by the Klein Frank Foundation in partnership with other anti-trafficking groups.

Importantly, the statutes provide for both criminal and civil remedies. Actual criminal conviction is not a prerequisite to a suit for civil damages. These civil remedies are powerful

tools that Beth has used to recover millions in damages for victims in civil suits. For example, she used these remedies to recover a substantial judgment on behalf of a 65-year-old client who had been essentially imprisoned as a work slave, and has obtained other judgments for victims of sexual trafficking.

Finding New Avenues of Attack

Klein's work best exemplifies how lawyers can fulfill their professional duty to "use their knowledge of the law for the betterment of society." The issue of trafficking, like many other serious problems our communities face, transcends party lines and all points of the ideological spectrum. The battle involves aggressive actions against the pimps and traffickers engaged in this despicable scourge, but the fight extends well beyond that.

As Beth continued her work in the field, she saw that more than just enforcement was

needed. Multiple lines of attack had to be launched to break the cycle of trafficking. Local communities and educators needed training and resources on how to spot the signs of both sexual and forced labor trafficking. Law enforcement agencies needed these same resources to intervene effectively, both to break up the trafficking rings and rescue the victims. Other efforts were needed to educate and enlighten the "johns" (those who attempted to procure illegal sexual services) to restrict demand, as an additional weapon in the fight against trafficking.

So Beth began working on these new avenues of attack. She began to sponsor and coordinate Anti-Trafficking Summits both in Colorado and across the country. These Summits bring together prosecutors, law enforcement professionals, educators, health service professionals, social service professionals, legislators, and others to trade ideas, participate in panel discussions, promote best practices, and spread the word about trafficking, how to spot it in schools and the community at large, and how to break it. The last Summit took place in Rifle this past January. Planning for the next Summit, scheduled for later this year in Grand Junction, is underway.

Another of the Foundation's legislative efforts was the "John School." While some might argue prostitution is a victimless crime, when it comes to those forcibly trafficked it is anything but. It ruins the lives of all it touches, from the victims being trafficked, to the johns, and even the pimps themselves. The John School applies the criminal fines paid by men convicted of soliciting for prostitution to pay for education sessions for those same men as part of a diversion program. Instead of jailing them, which can result in loss of their jobs and forfeiture of their vehicles, for example, the John School offers these defendants a chance to rehabilitate themselves, by showing them the full, real, heartbreaking consequences of their unlawful decision to solicit.

In these programs, the men learn about the human devastation of trafficking. They learn that there is nothing appealing, edgy, or sexy about what they did. Through this process, they gain a deeper understanding of their own corrosive role in the devastation the practice causes in



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their own communities. They learn that contrary to common misconception, the vast majority of women trafficked as prostitutes are from right in their own neighborhoods; many in the metro area were trafficked into prostitution as young teens from Denver middle schools. These programs are having a powerful downward impact on recidivism, which in turn has helped drive down demand for prostitutes, making it easier for authorities to comprehensively attack the problem.

Other programs Beth has worked on aim to interrupt the trade by offering sex trafficking victims a way out. One such program offers Colorado lawyers a great way to get involved in this fight themselves. One of Beth's partners in the fight is a nonprofit called "ALIGHT," or the Alliance to Lead Impact in Global Human Trafficking.⁵ Organized by attorney Marianna Kosharovsky, ALIGHT uses an app designed to match pro bono attorneys nationally with victims of trafficking who are trying to reclaim their lives. Attorneys are matched instantly to assist victims in domestic or juvenile proceedings with divorcing the man who is pimping them or their children, or leaving exploitive families; filing motions to expunge criminal records, to assist with employment; or even suing their traffickers to recover damages that can then be used to gain independence.

The Power of Professionalism

The rewards of these pro bono services for the victims are evident and go well beyond merely legal victories. In talking with trafficking survivors who have been provided these services, Beth said the thing that mattered most to them (even beyond the legal help) is that "Somebody listened. Somebody cared. Somebody saw something in me worth helping." For many of the victims, their interactions with the pro bono attorneys was the first time they had ever experienced such support and stability.

But the attorneys gain, too. They gain professional experience by using their legal skills in an entirely new field. They gain the knowledge that they've made a real impact in society and have taken full advantage of the opportunity to be their best professional selves. Beth recalled many powerful comments from lawyers that

taking on some of these challenges would rank among their proudest moments as lawyers.

This work highlights one of the key benefits of practicing with professionalism and taking that professionalism out into our own communities through pro bono work. A look at the monumental impact of Beth's work in this area demonstrates just how powerful each of us can be when we use our talents and skills as lawyers to patiently, persistently, and creatively do what our oath commands—to better our society and our legal system. That, more than anything, most clearly defines what we aspire to when we aspire to become not just a lawyer, but also a true professional.

How to Help

So, how can we follow Beth's example? In our interview, I made the mistake of asking Beth how lawyers can "volunteer" in the fight. Beth quickly set me straight. As soon as she did, I understood why.

"Volunteering makes the work sound like just another task on our endless professional to-do list, without a clear objective," she said. Instead, Beth suggests we see it as she does: "I saw a need and worked to fill it. The problem was there, so I decided to be part of the solution."

You can be part of the solution, too. Beth still needs help with the Grand Junction Summit. Local lawyers can go to her Foundation's website, <https://init2endit.com>, to learn more about her work and how to help out with planning for the Summit. They can also contact Beth through her firm, Klein Frank, P.C., at (303) 448-8884. Lawyers wishing to engage as pro bono counsel for victims of trafficking can also reach out to Beth or get in touch directly with ALIGHT, <https://alightnet.org>.

The need is great. But so is the opportunity. As lawyers, we have a unique ability to apply our talents in challenging, engaging, and important ways. Even modest efforts can yield huge impacts in the lives of victims of this horrible practice. Perhaps no one is better positioned to better their communities than we are as lawyers. The knowledge that we are using our professional powers as a force for positive change is its own reward.

Conclusion

Lawyers do heroic work every day. Whether representing clients in court, giving sound advice to keep clients out of trouble, or in other ways, Colorado lawyers make a difference every time they "suit up." It can be a challenge to find the time to step out of our practices and seek other opportunities to use our powers for good, especially with all the other things constantly tugging at us to get done. But when we choose to do so, we can discover rewards that vastly exceed the investment of time. While the fight against trafficking is more than worthy of that investment, there are many other ways to serve.

Take the step. Do something, where you are, with what you have. Then, do some more. Beth would be the first to tell you that her fight against human trafficking has been worth all of the time, effort, and struggle. The professional memories you will gain in these experiences may well be among the ones you will look on most fondly when you think about your life as a lawyer. 



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NOTES

1. www.coloradosupremecourt.com/Current%20Lawyers/Oath.asp.
2. <https://humantraffickinghotline.org>.
3. <https://init2endit.com>.
4. *People v. Cardenas*, 2014 COA 35.
5. <https://alightnet.org>; <https://init2endit.com/materials>.

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