

University of Colorado Law School

Colorado Law Scholarly Commons

Amicus

Fall 2020

Amicus (Fall 2020)

University of Colorado Law School

Follow this and additional works at: <https://scholar.law.colorado.edu/amicus>



Part of the [Law Commons](#)

Recommended Citation

University of Colorado Law School, "Amicus (Fall 2020)" (2020). *Amicus*. 3.
<https://scholar.law.colorado.edu/amicus/3>

This Book is brought to you for free and open access by Colorado Law Scholarly Commons. It has been accepted for inclusion in Amicus by an authorized administrator of Colorado Law Scholarly Commons. For more information, please contact rebecca.ciota@colorado.edu.

FALL 2020

AMICUS

UNIVERSITY OF COLORADO LAW SCHOOL

Introducing the
**Anti-Racism &
Representation
Initiative**



Colorado Law
UNIVERSITY OF COLORADO **BOULDER**



Cultivating the Seeds of a New Consciousness

The last several months have both tested and demonstrated our resilience, as a school and a community. Since the start of the pandemic, we have witnessed and experienced uncertainty, isolation, anger, fear, and general unrest. I have also witnessed and experienced optimism, hope, joy, and immense appreciation.

In March, the law school transitioned to 100% online teaching in a matter of days. Despite being physically separated, our students and clinics have continued to provide valuable public service to our communities. We've engaged thousands of alumni and community members virtually for several events, including the Class of 2020 commencement ceremony, Colorado Law Talks, and the Alumni Awards Banquet. To prepare for a mix of in-person and remote learning this fall, we underwent a major upgrade of the technology in Wittemyer and Carrigan courtrooms, Garden Level Conference Room, and many of our classrooms to make remote participation possible. As you'll see throughout this issue of *Amicus*, we have not just survived the conditions of the last nine months, we have thrived.

Yet recent events have also shown where we have room to improve. While we have seen impressive gains in the number of students of color and LGBTQ students over the last several years, we have not done enough to foster a fully anti-racist, diverse, inclusive, and welcoming environment for everyone in our community. In July, I announced the Anti-Racism and Representation Initiative, which springs from my renewed commitment—to as dean of Colorado Law and personally—to take and promote bold, practical, and effective steps to confront racism and advance greater inclusion. It has nine objectives and related steps, which I invite you to examine on Page 16–17.

As a school and a profession, we have an obligation to be fully inclusive of those from groups that have endured racism and its continuing effects or that are otherwise marginalized. Advancing representation of these groups in legal education and the legal profession is an imperative for justice's sake, as well as for the sake of ensuring a legal education for all our students that includes the diversity of perspectives and experiences present in society, and ensuring a legal profession and justice system that reflect, are responsive to, and have the confidence of all those they serve.

We also have a special role to not only defeat racist practices and symbols but to correct the national narrative of American identity to one of inclusion, an essential step in uprooting racism. It is no longer sufficient to simply renew our commitment to inclusion and diversity. We must also commit to combating racism and all its manifestations around us through all that we do—our teaching, scholarship, public service, and community engagement. This requires us to look both inward, to do better as a law school, and outward, to call out and contribute to eradicating racism and its legacies in the society around us.

This work is neither quick nor easy. Individually and collectively we seek to gain greater cross-cultural competency and awareness. It's not all about seeing immediate results, but we're cultivating the seeds of a new consciousness to develop a more inclusive law school, profession, and society. By reexamining our practices, beliefs, assumptions, and biases, and improving on the ways we recruit, hire, and nurture students, faculty, and staff to reach underrepresented groups, we are planting seeds that will bear fruit in the coming years. What's before us is a monumental task. We all have a special role to play, as lawyers, educators, students, and members of society. I invite you to join me in this important work to confront racism and elevate representation in any way you can.

My best,

A handwritten signature in black ink, appearing to read 'S. James Anaya' in a stylized, cursive script.

S. James Anaya, Dean

“It’s not all about seeing immediate results, but we’re cultivating the seeds of a new consciousness to develop a more inclusive law school, profession, and society.”

—Dean S. James Anaya

AMICUS

FALL 2020

Electronic copies available at
colorado.edu/law/alumni.

Inquiries regarding content contained
herein may be addressed to

Colorado Law
Attn: Amicus
401 UCB
Boulder, CO 80309

or to law-communications@colorado.edu

EDITOR-IN-CHIEF

Julia Roth

EDITING

Paul Beique, Al Canner,
and Julia Roth

WRITING

S. James Anaya, the Hon. Christine Arguello, Hiwot Covell, A. Tyrone Glover, Velveta Golightly-Howell, Margaret Hedderman, the Hon. Gary Jackson, Vayle LaFehr, Kathleen Nalty, Julia Roth, Meggin Rutherford, Amie Stepanovich, Samantha Swantek, and Lorenzo A. Trujillo

PROJECT MANAGEMENT

Julia Roth and Bea Steiner

DESIGN

Cary Marks, University of Colorado
Boulder Strategic Relations and
Communications

PHOTOGRAPHY

Brent Andeck Photography, Glenn Asakawa, Casey A. Cass, Patrick Campbell, Julia Roth, and Jakayla Toney

PRINTING

D&K Printing

CONNECT WITH US



2 In Brief

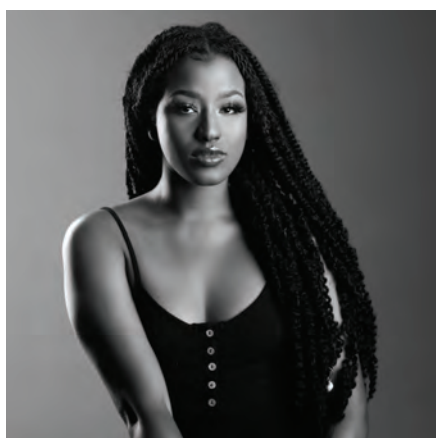
6 Faculty Focus

10 Features

36 Advancement

40 Alumni

48 Last Word



About the Cover Artist

Addis-Ababa Barge

I'm a graphic design student at Rocky Mountain College of Art + Design in Denver. As a Black designer, it's important to me to advocate for Black, Indigenous, and people of color (BIPOC) communities in professional and creative spaces. I'm so excited to have worked with the CU team to design the fall cover on the importance of increasing representation and advancing inclusion of people of color in legal education and the legal profession. I decided to symbolize the Anti-Racism and Representation Initiative by turning Lady Justice into a Black woman. Her raised fist symbolizes solidarity with the recent protests and calls for racial justice worldwide. Women of color are among the most marginalized groups in the legal profession, and she symbolizes that representation is necessary for there to be true justice.

Instagram: [@addis.design](https://www.instagram.com/addis.design) | [behance.net/addis_barge](https://www.behance.net/addis_barge)

Welcome to the Class of 2023



2,792
applications

185
class size



163
LSAT score
(median)

3.65
cumulative
GPA (median)



116 undergraduate
colleges

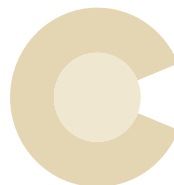
21 incoming LLM and
Master of Studies
in Law students
from six countries
(including the U.S.)



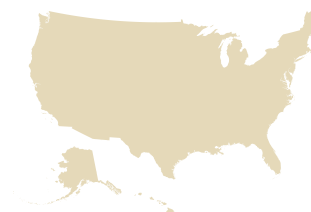
36%
students of
color

Most diverse class in
the school's history.

49%
women



28%
Colorado
residents



39
states

Statistics as of Aug. 25, 2020



Sanders Rejoins Colorado Law as Assistant Dean for Advancement

Peter K. Sanders joined the University of Colorado Law School as its assistant dean for advancement, leading the school's fundraising and alumni engagement efforts, in February 2020.

His career spans nearly 20 years of fundraising in higher education, including positions at the University of Vermont, the University of California, Davis, and, most recently, the University of California, San Diego, where he led fundraising for the university's Division of Physical Sciences.

Sanders also held multiple positions at Colorado Law from 2004 to 2009 under the tenure of Dean **David Getches**, playing a critical role in raising capital funds for the Wolf Law Building as well as for student, faculty, and programmatic support. He is thrilled to be back in Colorado and honored to help advance Colorado Law's exceptional teaching, research, and public service mission.

Sanders earned his bachelor's degree in English from Guilford College, a master's in classics and philosophy from St. John's College, Annapolis, and a master's in American literature from the State University of New York at Buffalo. Outside of work he enjoys reading, spending time with his puppy, Loo Loo, backpacking, cycling, and trail running. He can be contacted at peter.sanders@colorado.edu.

Environmental Lawyer Jonathan Skinner-Thompson Joins Clinical Faculty

Environmental attorney **Jonathan Skinner-Thompson**, who previously worked for the U.S. Environmental Protection Agency and the U.S. Department of Justice, joined the University of Colorado Law School faculty this fall as an associate clinical professor and director of the Getches-Green Natural Resources and Environmental Law Clinic. Skinner-Thompson has had a diverse career in environmental law, holding positions at public interest organizations, in private practice, and at all levels of government.

Most recently, he served as senior assistant regional counsel at the Denver office of the U.S. Environmental Protection Agency (EPA), where he specialized in the Clean Air Act and counseled on matters related to ambient air standards, permitting, and tribal air. During his five years at the EPA's Office of General Counsel, he was the tribal air specialist and member of the legal teams for the Affordable Clean Energy rule and Clean Power Plan, which established the first and only nationwide limit on carbon pollution from existing power plants. As an attorney for the Environment & Natural Resources Division of the U.S. Department of Justice (DOJ), he served on the litigation team for the Clean Power Plan, helped defend the EPA's coal ash disposal rule, and received the Assistant Attorney General's Award for Excellence.

"I've been fortunate to be involved in some of the most complex legal issues faced by the EPA and worked at the DOJ on one of the most high-profile environmental cases in history," he said. "But I've also worked on more routine regulatory actions that raised unique but sometimes unnoticed legal issues directly affecting local communities (sometimes even more so than the biggest environmental rules). I hope my broad experiences at EPA and DOJ can help groups navigate the administrative process and push for meaningful actions by local, state, and federal government."

Skinner-Thompson previously taught Climate Change Law and Policy at Colorado Law as an adjunct professor. He is eager to work with students and build coalitions with underrepresented groups in environmental advocacy.

"I was first attracted to environmental law because I wanted to preserve the natural world. But I've learned that our laws can also be powerful public health tools designed to protect and improve our lives. It can be a challenging practice area due to its interdisciplinary

nature—grappling with economic, historical, legal, scientific, and social issues—but those challenges also make it an incredibly rewarding and intellectually stimulating career path," he said.

Deborah Cantrell, professor and director of clinical programs, said she is excited to welcome Skinner-Thompson to the school's clinical education program. "It is terrific that the Natural Resources and Environmental Law Clinic will be directed by someone with Jonathan's range and depth of practice experience. I am really pleased that our students will get the opportunity to develop their lawyering capacities from an expert like him," she said.

Skinner-Thompson, who is married to Associate Professor **Scott Skinner-Thompson**, began his career as an environmental law associate at Stoel Rives LLP in Seattle and Shearman & Sterling LLP in New York. He holds a JD and LLM degree in international and comparative law from Duke University School of Law and a bachelor's degree from the University of California, Berkeley, where he graduated with highest honors. He also writes on environmental and administrative law issues, and has published articles with the environmental journals at Duke, Stanford, Vermont, and Virginia law schools, the American Bar Association's *Natural Resources & Environment* magazine, and elsewhere.



"I was first attracted to environmental law because I wanted to preserve the natural world. But I've learned that our laws can also be powerful public health tools designed to protect and improve our lives."

Class of 2020 Honored at Virtual Commencement

By Samantha Swantek ('21)

Colorado Law's first virtual commencement ceremony on May 8, 2020, honored the accomplishments of graduates in a safe, physically distanced way still abundant with pomp and circumstance.

Dean **S. James Anaya** recognized the exceptional nature of the ceremony, opening with the sentiment that although "the world is gripped with the rare experience that causes us to separate physically, this gathering of souls through the modern marvel of technology demonstrates that it does not truly separate us."

Graduates crossed the virtual stage with family and friends watching from screens across the country and abroad. Anaya congratulated each student individually, and students were given the opportunity to say a few words. Anaya also delivered personal remarks that he centered around four words: gratitude, love, service, and joy.

Anaya encouraged gratitude toward students' family and friends for their support, and to the Colorado Law faculty and staff, including for their herculean efforts in transitioning to online learning. He also emphasized maintaining connection with one's roots: "Don't forget from where you come, because only in that way can you know who you truly are as you walk through life," he said, quoting his grandmother's words of wisdom. Exalting love, he noted that "the gratitude among us finds a fitting companion in the bonds of love"

as he urged graduates to nurture the bonds developed in law school for years to come.

The members of the Class of 2020 contributed thousands of unpaid, not-for-credit hours in service to the community. Quoting Shawnee Chief Tecumseh, Anaya encouraged the graduating class to "seek to make your life long and its purpose in the service of your people."

Speaking to joy, Anaya concluded that "the pursuit of joy, of happiness, should be central to our lives, along with an ethic of service, the giving of love, and a constant gratitude for those who love us," while reminding the graduating class that they will forever remain a part of the Colorado Law community.

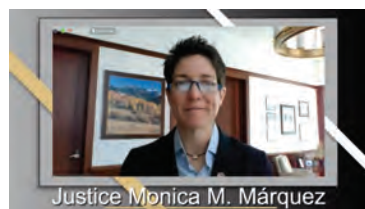
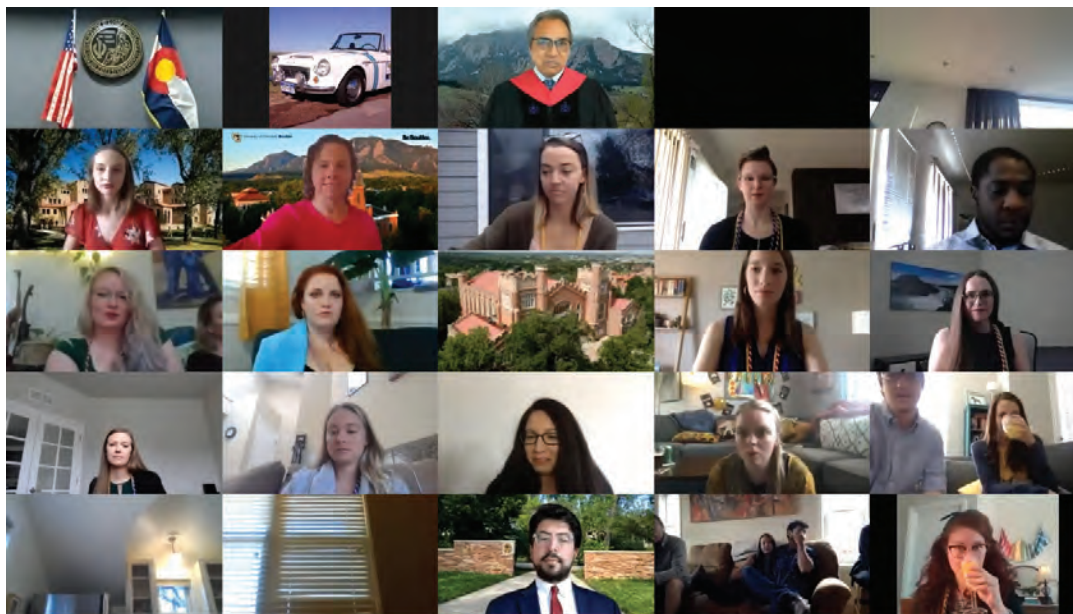
In receiving the Honorary Order of the Coif award, U.S. Rep. **Joe Neguse** ('09) remarked that, although we live in uncertain times, "our community, our state, and our country have always risen to the occasion to overcome challenges together." He asked students to consider how they can best use their talents for the greater and public good, trusting each student to serve as a ripple of hope.

In his speech, elected speaker **Adrian Untermyer** ('20) referred to fellow graduates as "the purveyors of permanent solutions in the era to come." Class President **Dana Steiner** ('20) introduced Colorado Supreme Court Justice Monica M. Márquez as the keynote speaker.

"Your courage and persistence today matters, not just for you but for all

those for whom your journey will light the way," Márquez told graduates. She advised students to "soak up all the wisdom you can from this situation and to let it carry you forward," sharing the "little secret" that falling down is inevitable and "what matters is finding the strength to get up again."

Márquez offered graduates five pieces of advice: Take good care of yourself, especially at times like these. Build community, and use your talents to contribute to the legal profession here in Colorado. Find mentors. Pay it forward, because "others are going to open doors for you, and you in turn must open doors for others." Finally, "know that your reputation is everything in this profession," so "be mindful of how you treat others. Be gracious. Every day matters."



Scott Skinner-Thompson Publishes Book: *Privacy at the Margins*

In a new book, *Privacy at the Margins*, Associate Professor **Scott Skinner-Thompson** explores how limited legal protections for privacy lead directly to concrete, material harms for many marginalized communities, including discrimination, harassment, and violence.

Skinner-Thompson's interest in constitutional privacy rights originated in a project with the American Civil Liberties Union, where he researched whether state constitutional privacy law provided a means to challenge laws limiting peoples' ability to change their gender markers on government identification documents, thereby "outing" transgender people who could not obtain accurate IDs. He began to notice and examine the multiple ways diminished privacy rights impacted many intersectional, marginalized groups.

"What I found is that privacy violations are used to push minority groups from the public square, thereby stymieing their ability to influence and shape democratic governance," he said.

The book, published by Cambridge University Press this fall, explains how privacy can further equality goals by serving as a form of expressive resistance to government and corporate surveillance, and demonstrates why efforts undertaken by vulnerable groups to protect their privacy should be entitled to constitutional protection under the First Amendment and related equality provisions.

"The government continues to take advantage of weak legal privacy rights to surveil marginalized individuals, and, as I argue, privacy can begin to gain greater legal protection once we understand that those who try to protect their privacy are engaging in expressive statements of resistance to surveillance regimes, entitling their privacy efforts to protection under the First Amendment," he said. "Recent diverse protests around the globe where people have worn masks (for health protection but also privacy) highlight the expressive power of privacy as a tool of resistance."

By examining the ways even limited privacy can enrich and enhance lives at the margins in material ways, the book demonstrates how privacy can be transformed from a liberal affectation to a legal tool of liberation from oppression.

"My hope is that readers begin to see privacy not merely as some luxury right that can be surrendered or traded away, but that it is a key bulwark against a host of other harms," he said.



Skinner-Thompson, who joined the faculty in 2017, focuses his research and teaching in the areas of constitutional law, civil rights, and privacy law, with a particular focus on LGBTQ and HIV issues.

Colorado Law Joins Oral Advocacy Honorary Organization

Colorado Law was recently selected to join the Order of Barristers, a national honorary organization that encourages oral advocacy and brief-writing skills through law school oral advocacy programs.

The Order of Barristers provides national recognition for students who have excelled in advocacy and service at their respective schools. Selection into the Order of Barristers is the highest honor a Colorado Law advocacy student can receive. Eight members of the Class of 2020 were selected to join: **Lauren Atzenbeck, Blaire Bayliss, Shelby Dolen, Lawrence Stone MacBeth, Bianca Oprea, Amber Paoloemilio, Michael Salazar, and Leah Travis.**

"By becoming a member of the Order of Barristers, we can recognize our outstanding students who have excelled in oral and written advocacy," said **Emily Horowitz**, director of experiential learning and public service programs. "Our students spend a remarkable amount of time preparing for their mock trial and moot court competitions, and this is one way we can acknowledge them for their hard work."

Learn more about Colorado Law's moot court, mock trial, and transactional competitions at colorado.edu/law/competitions.



3L members of the moot court team serve as judges for the Rothgerber Moot Court Competition.

Talking Criminal Justice with Benjamin Levin



Associate Professor **Benjamin Levin** studies criminal law and policy. Here he discusses the relationship between the coronavirus pandemic and criminal justice reform, police unions and their role in policymaking, and mass incarceration in the United States.

His latest articles, “What’s Wrong with Police Unions?” and “Imagining the Progressive Prosecutor,” are forthcoming in the *Columbia Law Review* and *Minnesota Law Review*, respectively.

Why is it necessary to consider criminal justice reform in the context of other movements for social and economic change?

The criminal system doesn’t operate in a vacuum. Too often, discussions of criminal law focus on individual cases or questions

of morality as though they aren’t tied to institutional design decisions relating to housing, employment, mental health, and a host of social services. One reason we have so many criminal laws on the books and so many people incarcerated is a failure to think outside of the box of punishment and explore nonpunitive responses to social problems. So, a fuller picture of criminal justice reform would consider the way that criminal law interacts with other regulatory schemes and the way that criminal punishment implicates noncriminal institutions.

What sparked your interest in police unions and their role in policymaking?

After law school, I worked at a firm representing victims of police misconduct. In our cases, police unions operated as stand-ins for “bad policing,” serving as obstacles to reform and accountability. That view of police unions has predominated in the academic literature and in policy conversations I’ve been a part of. At the same time, I come from a pro-labor background, and I have written about historical hostility toward unions. So, I arrive at my study of police unions from a place of ambivalence: I worry about the role they have played in upholding the injustices of our criminal system. But I also worry about the ways in which criticism of them can cut more broadly and support attacks on organized labor.

What has the death of George Floyd and others at the hands of the police revealed about the state of police unions, and what reform is necessary?

I see them as revealing more about policing than police unions. The video of Officer Derek Chauvin killing George Floyd drives home the violence inherent in policing and the ways that violence implicates inequality along lines of race, class, and social marginalization. Unions become an easy target for outrage because they have taken a hard line in support of officers accused of misconduct.

It’s important to recognize the role of unions in setting policy. (I’m actually a part of a nationwide working group on state labor law and policing.) But the focus on unions risks letting others off the hook. Elected officials have failed to rein in police and have signed off on contracts that stymie oversight. Lawmakers, judges, and voters have continued to expand the criminal system and empower police. Putting the blame on unions obscures that complicity and, I worry, plays into a broader narrative about public-sector unions (rather than policing) as the real problem.

How has the coronavirus pandemic exposed structural flaws of the U.S. criminal system during “normal” times?

Over 2 million people are locked up, and millions more are under some form of state supervision. For those who are directly affected by the system, the brutality of its “normal” operations is unavoidable. The pandemic has shone a light on and exacerbated many aspects of the system that often escape the broader public’s attention. For example, people charged with crimes are often held in jail awaiting trial because they can’t



afford bail. Despite being presumptively innocent, they can be locked up for days, weeks, or months. That dynamic has led to constitutional challenges and legislative efforts in Colorado and elsewhere to enact “bail reform.” During the pandemic, the injustices of incarcerating people because they are too poor to pay has become even clearer: Jails are petri dishes for disease, so leaving someone locked up could mean death or serious illness.

What opportunities and challenges does the coronavirus present for criminal justice reform?

The pandemic has thrown many societal flaws into stark relief. Economic inequality appears even more glaring as some of us are able to work from home, while others lose jobs and housing. Similarly, the criminal system’s harshness has become clearer to many people who otherwise wouldn’t be aware. The pandemic helps bring urgency to discussions about reform:

Jails and prisons are the sources of many of the nation’s largest clusters of cases, so addressing mass incarceration has become a pressing public health concern. The worry, though, is that folks might view the problems identified this summer as “exceptional” and see emergency fixes as long-term solutions, rather than stopgap measures to address longstanding injustice.

What advice do you have for law students interested in a career in criminal justice reform?

Don’t get discouraged! I am thrilled by how many CU grads go into criminal practice, and it’s an exciting moment to be working in the field because there is so much interest in reform. But that doesn’t mean there are easy answers. The policy questions are hard, and the politics are complicated. Mass incarceration didn’t happen overnight, and neither will a transformation of the system.

Faculty News



Justin Desautels-Stein is founding director of CU Boulder’s Center for Critical Thought. Housed at the Graduate School, the purpose of the center is to inspire CU students and scholars toward the elaboration of a critical practice of social transformation, and encourage and sustain a critical re-examination of our present situation in its political, economic, social, and legal dimensions.



Peter Huang received a CU Boulder Interdisciplinary Leadership Research seed grant for his research on reducing anxiety, panic, and complacency in pandemics. Huang’s in-progress article, “Pandemic Emotions: The Good, the Bad, and the Unconscious—Implications for Public Health, Financial Economics, Law, and Leadership,” offers an interdisciplinary analysis of emotions, or lack thereof, during pandemics and analyzes how societal responses to pandemics have implications for public health, financial economics, law, and leadership.



Margot E. Kaminski received the Future of Privacy Forum’s Privacy Papers for Policymakers Award, which recognizes leading privacy scholarship that is relevant to policymakers in the U.S. Congress, at U.S. federal agencies, and for data protection authorities abroad. Kaminski presented her winning paper, “Algorithmic Impact Assessments Under the GDPR: Producing Multi-layered Explanations,” to policymakers, academics, and industry privacy professionals at the U.S. Senate in February.

How to Do Things With Legal Doctrine: A Conversation With Pierre Schlag and Amy J. Griffin



Pierre Schlag



In law, doctrine is the coin of the realm. Yet judges, lawyers, and law students often take the very idea of doctrine for granted, without asking how doctrine works—what it means, does, or might be made to do. Professors **Pierre Schlag** and **Amy J. Griffin** seek to change that with their new book, *How to Do Things With Legal Doctrine* (University of Chicago Press, 2020).

How can there be anything left to say about legal reasoning?

Pierre Schlag (PS): I actually think there is a huge amount left to say about legal reasoning. Now, if by legal reasoning we mean simply deduction, induction, reasoning by analogy, and the like, then there is not a whole lot left to say. But if one



Amy J. Griffin

thinks about legal reasoning more broadly—by including all those moves that lawyers and judges use in constructing reasoned arguments for their positions, then there is a terrific amount to say. Legal reasoning as I see it includes setting the scene, framing the issues, anchoring the assumptions, surveying the possibilities, comparing the solutions, and so on. Very little in legal argument is settled because someone makes a sterling inductive argument or exposes a faulty deduction. It can happen, but it is rare. Instead, the success or failure of legal argument turns much more on the topics we cover in our book: how to create and undo legal distinctions, how to create or resolve baseline issues, how to bring out or shut down interpretive difficulties.

Now, the problem has been that because these things are often fluid, jurists and legal scholars have often thought that there's not much to say about them. Our book demonstrates that this is not so. There are patterns to the chaos, logic to the ambiguities. We try to make the patterns explicit.

What were you after in this book? Who do you hope to reach and about what?

Amy J. Griffin (AG): I have long been frustrated by what seems to me to be a push to simplify legal reasoning—to make it fit into a one-size-fits-all formula. As a result of what has been likely a well-meaning effort to make legal analysis less daunting for students, I fear that law school has also made it much less interesting.

We are hoping that this book will reach a significant number of law professors and help them teach the more creative aspects of legal reasoning. The idea of law as “a creative enterprise,” as we describe it in the book, might then, in turn, reach a significant number of law students. As someone who has taught legal writing for 15 years, I know we can do better on this front.

What made you seek out a collaborator for this project?

PS: Well, I didn't want just any collaborator. I asked Amy because she is deeply interested in teaching and especially legal reasoning, and really close to the students in terms of understanding their struggles. Also, a nontraditional book like this one really required someone who could think outside the box while also being very grounded in what judges, lawyers, and students need, practically speaking. And this book posed a real challenge: People don't think much about “legal doctrine.” There's a reason for that—David Foster Wallace's story about the fish pretty much sums it up:

There are these two young fish swimming along, and they happen to meet an older fish swimming the other way, who nods at them and says, “Morning, boys. How's the water?” And the two young fish swim on for a bit, and then eventually one of them looks over at the other and goes, “What the hell is water?”

Well, what the hell is doctrine?

We were trying to answer that question. But more than that, we were trying to focus on those tough moments when legal doctrine runs out and yet still the issues won't go away. The brief still has to be written, the judicial opinion finished. So what do you do then? That's a very large part of what our book addresses. It's a legal reasoning book to read after you've already mastered the basics.

You mentioned above that law students are a crucial audience. What about lawyers and judges? What can the book contribute to their work or their thought?

AG: Hopefully, lawyers and judges will find it to be one of the more practical theoretical books they've ever read. As we say in the book, we'd like it to be used as an argument resource, a spur, and a guide to brainstorming. One of the things we've tried to do is make the invisible visible—to help lawyers and judges see patterns across fields of law that they might not have otherwise noticed. Once you've thought about baselines in law, you see them everywhere. Once you see the patterns you can't unsee them. Recognizing doctrine as *form* is like the fish seeing the water in Wallace's parable—it provides an entirely new perspective.

We have a book of exercises available on the University of Chicago Press website in which we ask how the various moves in our book can be used to make arguments in real cases: When is a fish not a “tangible object”? Is one 38-year-old horse enough to turn an interest in land into a “farm tenancy”? (Once you start reading cases you realize there's no need to make anything up.) Not only do these examples help students understand the concepts we're explaining, but they also demonstrate rather convincingly that the moves we describe really do come into play—indeed, have to come into play. That's what legal practice is about.

Pierre Schlag is University Distinguished Professor and Byron R. White Professor of Law. Amy J. Griffin is associate dean for instructional development, legal writing professor, and director of legal writing support.

Representation *Matters*

Inside our commitment to purge racism and achieve the equitable representation of BIPOC (Black, Indigenous, and people of color) and others from marginalized groups in our community and the legal profession.

By Julia Roth



(left to right) Dean S. James Anaya, Siddhartha Rathod ('07), Colorado Supreme Court Justice Monica M. Márquez, W. Harold "Sonny" Flowers ('71), Denver County Court Judge Gary M. Jackson ('70), and Anna Spain Bradley at a 2019 discussion at Colorado Law titled "Lawyers and Judges of Color Balance the Scales."

Of the 150 graduates in the University of Colorado Law School's Class of 1970, the Hon. **Gary Jackson** and **James "Jim" Cotton** were the only Black students. Cotton went on to work for IBM, from which he would become the first African American to retire, in 1995. Denver District Attorney Mike McKeivitt hired Jackson to be a prosecutor in his office. Jackson was the only Black deputy district attorney in the state.

"Not everyone was pleased to see me become a deputy district attorney in Colorado," Jackson told a crowd at an event celebrating the Rev. Martin Luther King Jr. in 2019.

"In my first week on the job, I was pictured in the *The Denver Post* with three of my colleagues who were sworn in as deputy DAs. A Colorado Supreme Court justice commented in an editorial that my Afro did not demonstrate the dignity of being a lawyer in the most prestigious prosecutorial office in the state.

"My mom, who believed and lived by the words of Dr. King, sent the justice a polite letter informing him in no uncertain terms that educated people assess a person's competency by his behavior, character, and talent and that I should

be judged in that light. To the justice's credit, he wrote a letter of apology to my mom and invited both of us to lunch. Ironically, decades later in my private law practice, I defended the justice's grandson in a complex civil case. What my mom did in writing that letter took courage and pride in her children and in her race."

The rule of law became an all-encompassing part of Jackson's life. In his office hangs a photograph of King with the saying: "It may be true that the law cannot make a man love me, but it can keep him from lynching me, and I think that's pretty important."

Fifty years later, as Jackson prepares to retire from a career that spans four decades of private practice and the last eight years on the Denver County Court bench, the legal profession still consistently ranks on the bottom rung for racial and ethnic diversity (see Page 27).

According to the American Bar Association, 85% of active U.S. attorneys were white in 2019. In Colorado, where people of color comprise 34% of the state's population, they make up just 10 percent of practicing lawyers.

The judiciary is frequently cited for its lack of representation of people of color, particularly African Americans. *The Denver Post* reported in July that in Colorado, a state that is 4% Black and 20% Latinx, Black judges account for 2.5% of the 196 district court judges statewide, and Latinx judges hold 7.6% of the positions. Black and Latinx judges hold about one in 10 of the county judgeships in Colorado.

The lack of judicial diversity also extends to Native American, Asian, and LGBTQ communities, as well as to women.

The calls for members of the legal profession to better reflect the demographics of the populations they serve come at a time when only half of 18- to 29-year-olds believe our justice system is able to operate without racial or ethnic bias, and 66% of African Americans polled by Harvard's Institute of Politics said they have little or no confidence in a nonprejudicial outcome.

"To maintain a representative democracy and a strong republic, all three branches of municipal, city, county, state, and federal government must reflect the diversity of its citizens," Jackson said. "Diversity on the bench matters because it promotes confidence in the judicial system, the rule of law, and the notion of equal justice for all."

Law schools' role

Prosecutors, public defenders, and judges all say that diversifying the profession starts with our law schools. In 2019, about 62% of law students nationwide were white, roughly in line with the overall American population, the American Bar Foundation found. However, other races and ethnicities except Asian Americans were underrepresented.

Those involved in this work underscore the importance of the law school pipeline, the path to the profession that starts with choosing to apply to law school, pursuing a legal career, and deciding to remain in the profession.

For students of color, the pipeline is rife with potential leaks, starting with not having the privilege of knowing lawyers or having lawyers in one's family, expensive and intensive LSAT prep courses, lack of access to mentors who understand the law school application process, and lack of role models. "If you're a person of color, it's hard to achieve what you can't see," said Patricia Jarzobski, past president of the Colorado Bar Association.

Once in law school, students belonging to historically underrepresented groups face negative stereotyping, feelings of isolation, implicit bias, and sometime worse—obstacles that will continue throughout their careers, leading many to exit the profession altogether.

Kathleen Nalty ('85), a consultant who trains legal organizations in creating cultures of inclusion, has pointed out that inertia creates barriers that serve as the predominant cause of higher attrition rates among underrepresented groups. As Nalty has recognized, research indicates that female and LGBTQ attorneys, disabled attorneys, and attorneys of color are disproportionately excluded from important, career-advancing opportunities, including networking, access to information or decision makers, mentors and sponsors, meaningful work assignments, candid and frequent feedback, social integration, training and development, client contact, and promotions.

While many law schools have made a concerted effort to recruit more students from underrepresented groups—Colorado Law welcomed its three most racially and ethnically diverse incoming classes in 2017, 2019, and 2020—a fully representative legal profession is not possible without it's being more inclusive, such that people from all backgrounds feel valued and respected, and have access to the same opportunities. Just as you cannot

"What we are trying to do is correct the injustices of the past and the inertia that favors the legacies of injustice."

—Dean S. James Anaya

repair a house with a rotting foundation, you cannot make the legal profession one of diversity and inclusion without identifying and removing the hidden barriers that lawyers of color face as they advance in their careers.

"What we are trying to do is correct the injustices of the past and the inertia that favors the legacies of injustice," said Dean **S. James Anaya**. "It is our responsibility as a law school to dismantle those legacies of exclusion and make legal education more accessible across communities, more representative of diverse backgrounds and experiences, and conducive to a more equitable and representative profession. It's just the right thing to do. It's what justice requires."

That's not to mention the myriad other benefits associated with diverse organizations. Being around people whose perspectives and experiences are different from our own has been proven to make us more tolerant, creative, and effective in our work.

"We are a better and stronger environment for learning and discovery if we are more inclusive and diverse," Anaya said. "When we have different voices, perspectives, and backgrounds to draw upon, we serve our constituencies better—whether that is our students as educators or our clients as lawyers."

On the following pages you'll read the stories of Colorado Law alumni and leaders in the profession who are committed to making real change. We, too, commit to being a law school that doesn't just speak the language of diversity and inclusion, but that seeks to purge racism from where it exists around us and work diligently to achieve the equitable representation of people of color and others from marginalized groups in our community and the legal profession.

Report Card:

Work to Be Done



Colorado

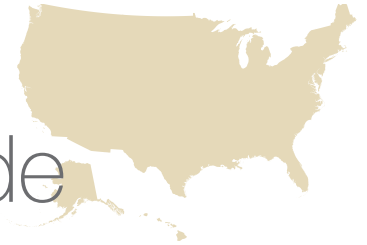
About **2%** of the 682 district attorneys and 549 public defenders in Colorado are Black; Latinx lawyers hold about **5%** of the jobs (*The Denver Post*).

Only **4%** of Colorado's elected prosecutors are people of color. Nationally, **95%** of elected prosecutors are white, and women constitute only **24%** of prosecutors (Reflective Democracy Campaign, 2019).

No African Americans serve on the Colorado Court of Appeals or Colorado Supreme Court. The Colorado Supreme Court hasn't included a Black judge in two decades (*The Denver Post*).

“To maintain a representative democracy and a strong republic, all three branches of municipal, city, county, state, and federal government must reflect the diversity of its citizens.”

—The Hon. Gary Jackson ('70)



Nationwide

In 2019, **62%** of law students nationwide were white; **12.7%** were Hispanic, **7.8%** were Black, **6.3%** were Asian, and **4%** identified as biracial or multiracial (American Bar Foundation).

Just over **8%** of partners at major U.S. law firms are people of color (National Association for Law Placement, 2018).

Lesbian, gay, bisexual, and transgender attorneys represent about **2%** of attorneys (National Association for Law Placement, 2015), compared to an estimated **4.5%** of the U.S. population (Gallup, 2019).

Only **20%** of state courts and **18%** of federal courts are run by people of color (Center for American Progress, 2019).

7% of sitting federal judges are women, while Hispanic judges comprise just **6%** of sitting judges on the courts. Judges who self-identify as LGBTQ make up fewer than **1%** of sitting judges nationwide. Of the 48 federal appellate nominations since 2017, **zero** are African American (Center for American Progress, 2019).

58% of female attorneys of color and half of white female lawyers surveyed say they have been mistaken for administrative staff or janitors (American Bar Association, 2018).

Diversity & Representation

in Colorado's Legal Profession: Milestones



1990s

The Colorado Supreme Court and the Colorado Court of Appeals establish the Colorado Appellate Courts Diversity Internship Program, renamed the Lorenzo Márquez Appellate Externship Program, which gives underrepresented student groups the opportunity to gain experience working with judges in the state appellate courts. Today, between the two courts, the program brings around 25 diverse externs to the Carr Courthouse each spring. Judge Márquez was the first Latino judge on the Colorado Court of Appeals. Two decades later, in 2010, his daughter, Justice **Monica Márquez**, became the first Latina on the Colorado Supreme Court.



2007

The deans of the University of Colorado Law School and University of Denver Sturm College of Law—**David Getches** and **José R. (Beto) Juárez Jr.**—form the Deans' Diversity Council, which works with members of the Front Range legal community to promote diversity in law school admissions and in hiring, retention, and advancement of lawyers in corporations and law firms. This landmark diversity initiative involves the commitment and support of the managing partners of many of Denver's most prominent firms, members of the state and federal judiciary, the U.S. Attorney for the State of Colorado, and the Colorado Attorney General.



2007

A group of legal leaders, including Deans Getches and Juárez, establish the Center for Legal Inclusiveness. The nonprofit works to promote diversity in law school admissions and to encourage and educate legal employers in the hiring, retention, and advancement of lawyers in the public and private sectors.

1990s — 1993 — 2000 — 2007 — 2014



1993

23 Denver law firms sign the original Colorado Pledge to Diversity, declaring their commitment to diversity in the legal profession.



2000

The Colorado Pledge to Diversity develops its flagship 1L Summer Clerkship Program, which today connects legal employers with diverse 1L students from the University of Colorado Law School, University of Denver, and the University of Wyoming for paid summer clerkships. During summer 2020, the program matched 32 diverse Colorado Law students with legal employers for paid summer clerkships.



2014

Judge **Christine Arguello** launches Law School... Yes We Can, a four-year, college student mentoring program that advances inclusiveness in the legal profession by helping students from Colorado high schools gain the skills, experiences, and networks they will need to succeed in law school and as lawyers.



2015

U.S. Magistrate Judge **Kristen L. Mix** ('85) creates and launches the Public Interest Diversity Internship/Externship Program to provide opportunities for diverse students to gain experience working with public sector organizations, including courts, nonprofits, government agencies, public defenders' offices, and district attorney's offices. This fall, 26 Colorado Law students are participating in the program as interns or externs.



2019

Colorado Law hosts Journey to JD, a one-week residential program for 20 rising high school juniors from across Colorado. Taught by Clinical Professor **Colene Robinson**, students from a variety of backgrounds, particularly those that are underrepresented in the legal profession, gained a basic understanding of the legal system and were empowered to explore the possibilities of a career in the law. The program is possible thanks to a partnership between the Center for Legal Inclusiveness, Colorado Law, and several generous sponsors.



May 2020

The Colorado Bar Association (CBA) and the Colorado Judicial Institute (CJI) announce the CBA/CJI Diversity on the Bench Coalition, a communitywide effort to comprehensively address a lack of diversity among Colorado state court judges. Dean Anaya is a member of the coalition's coordinating committee.

July 2020

Dean Anaya launches the Anti-Racism and Representation Initiative.

2015 — 2017 — 2019 — 2020 — 2021

2017

Dean **S. James Anaya** establishes the Leaders in Law and Community (LILAC) fellowship program, which addresses diversity in the broadest sense by recruiting and developing law students from backgrounds underrepresented in legal education and in the legal profession. To date, LILAC has awarded 22 full scholarships to students from backgrounds underrepresented in the legal profession and who demonstrate indicators of success such as community leadership, perseverance, and the ability to problem solve and think critically.



August 2020

Colorado Law welcomes its most diverse class ever, with 36% students of color.

University of Colorado Law School **Dean's****Anti-Racism and Representation Initiative****An anti-racism agenda**

1 Build awareness about racism and its manifestations, as a foundation for a genuinely inclusive environment, for providing a high-level legal education to all our students, and for anti-racist action

- Generate opportunities for discussion about race in society and its continuing legacies
- Work to eliminate racially insensitive behavior and microaggressions within the law school community
- Provide training on
 - Race and cultural competence, and on how to constructively discuss such issues
 - Implicit bias, how it works in relevant decision-making, and how to eliminate it

2 Promote anti-racist pedagogy and curriculum, to equip our students with necessary knowledge about racism in society, the experiences of people of color, racism's relation to the law, and law's tools for combating racism

- Encourage and provide resources for instructors to enhance inclusion of culturally diverse perspectives related to material being taught, and to engage critically with the issues of race and inequality that are imbedded in most courses
- Establish and seek funding for a chair or professorship on critical race theory or related subject about the role of race in the law and society
- Building on existing courses, develop a unified curriculum and propose to the faculty a certificate on civil rights and racial justice
- Propose to the faculty a graduation requirement of completing a course, independent study, or prescribed readings on diversity and race

3 Combat racism and its effects through our public service and community engagement

- Strengthen support for public service projects of law school clinics and programs that combat racism, including, but not limited to:
 - The Korey Wise Innocence Project to assist wrongly convicted people, who in a significant number of cases were wrongly convicted because of racism in the justice system
 - Programming of the Getches-Wilkinson Center to address environmental racism and climate justice for people of color
 - The Byron White Center's work to address social justice issues related to racism in democratic processes
 - The Silicon Flatiron Center's work to advance greater inclusion of people of color in technology law and policy
 - The American Indian Law Program's project to implement the United Nations Declaration on the Rights of Indigenous Peoples, and the American Indian Law Clinic's projects to advance redress for historical and ongoing injustices
 - The Immigration and Citizenship Law Program's work to support immigrants
 - Law clinic work to support immigrants and advance racial justice

- Sponsor a series of public lectures on racism and the law
- Establish and seek funding for a lectureship for an annual speaker on a topic related to racism

4 Adopt symbols of inclusion and commitment to anti-racism

- Promote resolutions by the faculty and staff recognizing the destructive role of racism in legal and other educational institutions historically, committing to combat racism and advance equality as an institution and individually in all opportunity to do so, and committing to continually work toward being a law school that is itself free from the vestiges of racism and inequality
- With student, staff, and faculty input, work to name law school spaces after, or to include portraits in our spaces of, people whose lives were devoted to combating racism
- Advance a practice of acknowledging the Arapaho, Cheyenne, and Ute peoples as the original inhabitants of the land on which the law school is located at the beginning of all law school-sponsored public gatherings

“As educators of future lawyers who will have important roles in society that will inevitably bear on issues of equality and racial justice, and with our public service mission, we have a special obligation to work to embed anti-racism in the legal education we provide, and to confront racism and inequality in society in every way we can.”

—Dean S. James Anaya

An agenda for increasing representation

5 Review and improve our recruitment of and climate for students from communities that have historically been subjected to racism and are underrepresented in legal education and the legal profession

- Further develop and formalize a student recruitment plan that identifies Black and other underrepresented undergraduate student populations across the country and methods of engaging them effectively
- Evaluate our admissions procedures and make necessary adjustments to ensure that they are equitable and conducive to generating greater representation of Black and other students of color
- Work to secure adequate funding for Leaders in Law and Community (LILAC) and other scholarship programs to enhance access for students from underrepresented groups to a Colorado Law education
- Develop a summer program to provide admitted students of color and others an introduction to the law and legal education, thereby enhancing their capacity to succeed in law school
- Develop a program of outreach to high school and undergraduate students from underrepresented groups to build pipelines to law school
- Work to enhance financial and other support for the Black Law Students Association, the Asian Pacific American Law Students Association, the Latinx Law Students Association, and the Native American Law Students Association
- Enhance academic and other support resources to meet the specific needs of students of color and improve their capacity for success
- Promote and sponsor events that educate about and celebrate the cultures, contributions, and aspirations of the diverse communities represented at the law school, and that in doing so generate greater inclusion of students of color in the life and identity of our community

6 Increase the representation of international students, including through our graduate programs and student exchanges

- Generate greater understanding that the international students at the law school provide opportunities for exposure to different cultural backgrounds and that the exposure enhances cross-cultural competency within our community
- Develop and fund a scholarship program specific to international students who are from groups that are underrepresented and marginalized in their own countries

7 Update and enhance our faculty and staff hiring, promotion, and mentoring practices to achieve greater representation and retention of Black people and others from underrepresented groups, and thereby be more inclusive of experiences and perspectives related to race and disadvantage, and with that strengthen our ability to adequately deliver on our educational and public service missions.

- Further develop and formalize strategies and procedures for developing applicant pools inclusive of those from communities that have been subjected to racism and are underrepresented in legal education and the legal profession

- Ensure that all those involved in employment decisions, including members of appointments committees and faculty voting on hires, complete implicit bias training mandated by the CU Boulder campus
- Review and ensure that the criteria and methodology for hiring, evaluation, and promotion, both formal and informal, do not discriminate against or disadvantage, either intentionally or in effect, people from underrepresented groups
- Establish and seek funding for new chairs or professorships that could attract or help retain faculty members from underrepresented groups
- Strengthen mentoring and professional development practices to better cultivate and retain faculty and staff members from underrepresented groups, and advance for them opportunities for leadership

8 Work to increase representation of people of color in law school events, which will increase the quality and social impact of the events

- Develop a checklist of steps for organizers of events to ensure that events are welcoming to and attract the participation of people from diverse backgrounds
- Develop guidance for event organizers to encourage and assist them to be inclusive in selecting speakers and panelists

9 Promote greater representation of people of color in the legal profession, which is required for the profession to reflect and be more responsive to the entirety of the diverse community it serves

- Develop and communicate to potential employers expectations and best practices for recruiting, interviewing, hiring, and retaining Black and other students and graduates of color
- Work to expand and improve legal employer participation in the Colorado Pledge to Diversity, by which legal employers commit to hire students of color and other students from underrepresented backgrounds for the summer after the 1L year
- Encourage and help guide legal employers' efforts to develop internships or fellowship programs for students from underrepresented groups
- Strengthen collaboration with the Center for Legal Inclusiveness and other existing initiatives to advance greater diversity in the legal profession
- Fund the Career Development Office to support attendance by students of color at job fairs and similar opportunities throughout the country

See our progress at
colorado.edu/law/initiative.

Support the Initiative

To act with necessary immediacy, Dean Anaya has pledged to allocate all funds raised through the Colorado Law Dean's Fund for Excellence through June 2021 to support the Anti-Racism and Representation Initiative. Make a gift at **giving.cu.edu/lawdean**.

Please contact **Jason Bouck**, senior director of development, at **jason.bouck@colorado.edu** or **303-735-3689**, with questions.

Out of many, one!

By Velveta Golightly-Howell ('81)

E Pluribus Unum, a Latin term, translates as *out of many, one*. This term appears on the Great Seal of the United States and coinage produced before 1956. Learning that *E Pluribus Unum* once served as the country's de facto mantra made it more interesting. I am a civil rights and social justice advocate and activist and one who captures thoughts and emotions in poetry. The phrase *out of many, one* guides my life and works.

As a closely sheltered child reared in a Black, family-oriented community, two truths became indelibly engraved in my mind. All people are "created equal," and none have powers superseding those of my Creator's. At ages 6 and 7, two encounters with racial hate and injustice pierced my innocence and with indescribable force stripped away Nirvana. Yet they strengthened my fortitude to realize my purpose. I am here to do whatever possible to destroy the cancers of racial injustice, racism, and other "isms" plaguing society. I cannot speak to the importance of diversity without first acknowledging that the mere addition of nonwhite and other marginalized populations to organizational structures is insufficient to realize cultural heterogeneity. Equity, evidenced inclusion, and actualized steps aimed at retention are crucial.

To help manifest demonstrable societal change, I invest my legal knowledge and experience, leadership acumen, and lived experiences in similarly purposed organizations. Also, I invest by mentoring law students and attorneys. To advance diversity within the legal profession, my



“Only when articulated commitments to racial justice manifest through multi-sector leaders’ concerted, demonstrative, and continuous actions effectuating ‘measurable and sustained’ action will there be societal equality.”

volunteerism is substantial. An example is the establishment of the National Association of Black Women Attorneys Colorado chapter. NABWA Colorado partnered with other organizations to secure Colorado’s first Black female judge (the Hon. **Claudia Jordan** [’80]).

I also served as a chief justice appointee on the Colorado Supreme Court’s ad hoc Diversity in the Law Council, a coalition that designed and implemented statewide placements of racially and ethnically diverse law students in courtrooms, firms, and public law offices. These placements provided valuable experience for young attorneys that launched numerous legal careers.

Deconstructing systemic and structural racism is in vogue within predominantly white institutions. So are more publicly voiced commitments to racial and other diversity. Sadly, reaching these milestones required the *8-minute* nationally televised murder of George Floyd, a Black American merely *suspected* of passing a counterfeit \$20 bill to buy cigarettes! Subsequent social unrest was consequential.¹ As a results-oriented Black woman lawyer, mother of two sons, native Alabamian, longtime Coloradan, history buff, and world traveler, proffered platitudes are meaningless. Only when articulated commitments to racial justice manifest through multi-sector leaders’ concerted, demonstrative, and continuous actions effectuating “measurable and sustained” action will there be societal equality. Why? Festering wounds of racial hate and injustice, particularly against those with African roots, manifest and exacerbate life-threatening

internalized racism and racial trauma. For these wounds spread moment-to-moment and threaten the continued existence of people of African ancestry!

As some segments of our society fight against growing colorism, others recognize that xenophobia threatens not just persons viewed as “different,” but American democracy and global status. These threats should raise the ire of our legal community and lead to demands for implementing redress wherever we lawyers sit. Unquestionably, our community—composed of arbiters of “justice”—has a vested interest. We legal professionals understand that everyone is due equality, irrespective of race, ethnicity, gender, socioeconomic class, sexual orientation, health status, age, or religion. Such understanding is furthered by deeply diving into American history, which shows most people descend from immigrants in search of bettering their and their families’ lives. Anglo-Saxon Europeans only afforded the privilege of “whiteness” to ethnic immigrants early into the 20th century upon realizing that Black Americans’ birthrates would exceed theirs. It takes only one passionate, brave soul with access to speak out against racial injustice. Others will follow. I invite you to walk alongside me.

Velveta Golightly-Howell (’81) was the eighth African American woman to graduate from Colorado Law and the first woman of color appointed as Colorado’s deputy district attorney.

¹ Historically, Black men, women, and children have been and still are victims of lynching (i.e., murder) based solely on their skin complexion. Witnessing Mr. Floyd being literally drained of breath while calling out for his deceased mother pierced hearts globally. Colorado is not immune to racial violence. As he walked toward home on Aug. 24, 2019, in Aurora, Colorado, 23-year-old Elijah McClain, an anemic Black man clothed to protect himself against cold, was murdered by police. This despite Mr. McClain’s pleas for police to respect his boundaries and his declaration of introversion. Hate is visible throughout Colorado, as exposed by the Southern Poverty Law Center. Twenty-two hate groups exist here, and five operate statewide. They include white nationalists, anti-LGBTQ, anti-Semitic, and anti-Muslim groups.

The Only Black Person in the Room

By the Hon. Gary M. Jackson ('70)

As I reflect upon my life as a Black lawyer and judge in Colorado 50 years after graduating from the University of Colorado Law School, I realize that not since the civil rights movement have we lived in such a momentous time in history. Victor Hugo wrote that “nothing is more powerful than an idea whose time has come.” The deaths of George Floyd and Rayshard Brooks at the hands of police officers who have sworn to serve and protect have become a catalyst—a global wake-up call for justice. But, as the protests diminish, we risk that the potential for change may become just another footnote in history, once again leaving the African American as the only Black person in the room.

I recall how, in 1969, *The Denver Post* featured photographs of me and the three other recipients of internships with the Denver District Attorney’s Office as we proudly raised our hands to defend the constitutions of Colorado and the United States. I was the only Black person in the room.

At the time, I had an Afro the size of an official NBA basketball. The next week I received a newspaper clipping with an anonymous note that stated, “This hairdo is a disgrace to you, your school, and certainly the D.A.’s office.” The same scenario was repeated the next year when I was hired as a deputy Denver district attorney. This time the condemnation was written by a justice of the Colorado Supreme Court. Make no mistake, had my hairstyle conformed to what was considered proper for a Black man in the 1970s, they would



“The next week I received an anonymous newspaper clipping that stated, ‘This hairdo is a disgrace to you, your school, and certainly the D.A.’s office.’ The same scenario was repeated the next year when I was hired as a deputy Denver district attorney.”

have found some other reason to point out the only Black person in the room.

Being the only Black person in the room became commonplace for me in my 50 years as a Black Colorado lawyer:

- The only Black deputy district attorney in Colorado in 1970
- The only Black assistant U.S. attorney from 1974 to 1976
- The only Black member of the Denver Athletic Club in 1972
- The only Black member of the Denver Bar Association’s Board of Trustee in 1976
- The only Black member of the legal team to represent the Denver Baseball Stadium District in the building of Coors Field in 1990
- The only Black member of the Lowry Redevelopment Authority Board of Directors in 1996 in the conversion of Lowry Air Force Base to an urban residential complex
- The only Black person at a Colorado Bar Association Board of Governor’s meeting in 1997
- The first Black recipient in the history of the George Norlin Award in 2008, named after the former president of the university respected for his opposition to the KKK
- The first Black recipient of the Colorado Bar Association Award of Merit in its history in 2012

I have been fortunate to have been mentored and supported by respected men and women, white and nonwhite, yet I will continue to be the only Black person in the room until the University of Colorado Law School, its alumni, and its donors recognize that enrolling fewer than 10 Black students in a class constitutes “tokenism” and fails to impact systemic and social racism that has put the Black community centuries behind in its pursuit of equal employment and educational opportunities. At Harvard there are 60 Black students in its first-year class in 2020. Why is CU lagging so far behind? The Leaders in Law and Community (LILAC) fellowship provides full scholarship opportunities to Black and diverse students at Colorado Law. CU needs community, law firms, and corporate support to make LILAC and its other scholarships for diverse students a significant part of its action plan.

For 2020 to become a benchmark year—the year when a long-overdue idea has come—the University of Colorado Law School must take bold steps to eradicate the social and economic barriers and assure equal educational opportunities for Black men and women. Until I and people like me are no longer the only Black person in the room, incidents like the killings of George Floyd and Rayshard Brooks will continue to occur. Regretfully, those tragic incidents have become a regular and recurring part of my life experiences.

Judge Gary M. Jackson ('70) sits on the bench of Colorado's 2nd Judicial District. He is a third-generation Coloradan and a pillar of the Colorado legal community who has worked in Colorado's public sector, private sector, and the judiciary for 50 years.

A Place at the Table

By Lorenzo A. Trujillo ('93)

You may remember when you were a child and had to sit in another room at a smaller table while the adults ate in the dining room and engaged in meaningful conversation about family, politics, events, and life. Or worse yet, you were told that children are to be seen but not heard. As a child, it was a rite of passage to be invited to sit at the table with the adults. It meant acceptance. It meant that your thoughts were valued and that you had come of age as a member of the society of adults. It also served to establish a hierarchy of order and societal discipline. In each profession, especially law, it is the same. As diverse members of society, there must be a place at the table of the legal profession for trust and confidence in the system to exist. America's diverse population requires representation from a legal profession that reflects the voice and worldview of all Americans.

Diversity matters because being a diverse profession allows attorneys to reflect the cultures, values, and diversity of our clients, and to bring competence of different cultural, racial, ethnic, religious, and gender perspectives to bear to more effectively solve problems for our clients and the community.

In recent times, we have seen the impact of racism and lack of representation in police departments and other government offices. The deep and reverberating outcry from the Black Lives Matter movement that has risen in America demonstrates the importance of representation at every level of American life. Documentary after documentary provides evidence of the lack of



“As diverse members of society, there must be a place at the table of the legal profession for trust and confidence in the system to exist.”

acceptance and equal status under the law in America since the days of slavery. As seen in the recent killings of George Floyd in Minnesota and Ahmaud Arbery in Georgia, our citizens are being killed under the guise of law enforcement, and we are witnessing case after case of our institutions ignoring self-disciplinary action.

Numerous documentaries and records underscore the institutional racism and prejudice that have a longstanding history in America. If you have not seen the Netflix documentary *13th*, it is worth the time to gain an understanding of how the legal profession has upheld an unjust system that fails to meet the basic tenets of the U.S. Constitution. Titled after the 13th Amendment to the Constitution, adopted in 1865, which abolished slavery throughout the U.S. and ended involuntary servitude except as a punishment for conviction of a crime, the documentary explores the intersection of race, justice, and mass incarceration in the U.S.

As minorities in America, we are systematically excluded from “the table” through overt and covert actions of the majority. Our systems have failed to rise to meet the basic tenets of equal justice under the law as our founders proclaimed. It is more important than ever that diverse youth be accepted to law schools and that they enter the profession to represent an increasingly diverse society.

Some will say that there have been major strides to increase representation in the profession. Often law firms point to the hiring of diverse lawyers. However, the data is clear that although they may attract a few attorneys from different backgrounds, the retention numbers are dismal. Hiring partners often claim there are not qualified applicants. These pipeline issues are the focus of a nonprofit organization, Law School...Yes We Can, which prepares aspiring undergraduates to enter into law school and to succeed as young attorneys to partnership in the firms. As the first board president of Law School...Yes We Can, our goal was to put together a team of judges, attorneys, and law students committed to filling the pipeline of future attorneys. But this is just a beginning. In July, *The Denver Post* published a data-driven exposé of the lack of attorneys and judges of color, and the detrimental impact of a system that fails to promote qualified applicants.

Diverse lawyers will see the world through the lens of their lived experience. They will better understand the needs of the people and communities they represent. They will advocate for a more equitable society where equal justice under the law is the focus of their life's work. If we are to have a country where all people are created equal, then we must have a legal system that represents all of our citizens.

“It boils down to a public perception that the law is fair and impartial, and that justice is truly equal to all,” Colorado Supreme Court Justice Monica Márquez told *The Denver Post*. “It makes all the difference when the bench and those who render the rulings reflect the community they serve. To be clear, every judicial officer in Colorado strives to have a fair and impartial bench each day. But when it's not diverse, it lends to the perception that they do not . . . and it undermines public confidence that justice is truly equal.”

Focused efforts must be made to right these wrongs and to more fairly institute access to justice.

The key is representation in the courtroom and legal situations by the people who are impacted because they can best provide authoritative knowledge about how to deliver justice fairly in a manner that engenders trust and confidence in our legal system. Minorities are the most qualified to understand the realities, values, and needs of diverse people.

If we are to have hope for a better future and to move past good intentions, then we must recognize there are barriers and establish a fair system of justice for historically marginalized populations. Actions to amend the past and provide minorities a place at the table are long overdue.

Lorenzo A. Trujillo ('93) is an affiliate professor of music and director of the Metropolitan State University Mariachi Ensemble and the Mariachi Correcaminos. He practices law in his firm with his wife, Ellen. From 2004 until 2010 he served as assistant dean of students and professional programs at the University of Colorado Law School.

A Pipeline to Success: Law School...Yes We Can Increase Diversity in the Legal Profession

By the Hon. Christine M. Arguello

The back door to the lecture hall loudly creaks open. The 150 law students in my small section, in one collective movement, shift their intense focus from our Contracts professor to the person standing in the now-open entryway.

"Christine Arguello? Is there a Christine Arguello in here?"

I sheepishly raise my hand.

"I'm sorry, but there's been a mistake. We got your file confused with that of Ms. Aguilera, and you should not have been admitted to law school."

And in one devastating moment, I am found out.

I am a fraud. I am not good enough. I will not become a lawyer.

And then I wake up in a sweat from this recurring nightmare.

Why would I have such a fevered dream? Because at that time, I bought into the belief of others—that I, a first-generation high school graduate from a lower economic background, could never make it through college, much less be admitted to Harvard Law School.

I set my sights on attending Harvard Law School and becoming a lawyer when I was only 13 years old, after reading an article about lawyers and law schools. My thought process was fairly simple—lawyers liked to argue; I liked to argue. And I usually won my arguments, so I would be a good lawyer. Harvard was considered one of the best law schools in the country, and that is what I wanted for myself—the best.

Until my junior year in high school, I never doubted my ability to achieve such a lofty dream because I have always had a can-do attitude. Unfortunately,



I made the mistake of sharing my dream with my classmates at Buena Vista High School.

When asked what my plans were after high school, I candidly said, "I'm going to be a lawyer, and I am going to attend Harvard Law School." I expected the same support that others received from my classmates when they shared their dreams, but

“The perception of inequity in our justice system erodes the fundamental principle that we can all expect ‘equal justice under the law.’”

instead I was met with silence—a very awkward silence—followed by the ridiculing laughter of my classmates. “Hahaha, Chris Martinez thinks she can go to Harvard!”

It was a drowning, delegitimizing laughter that cut me to the bone and which still brings tears to my eyes when I recall it today, 48 years later.

Both experiences—the real laughter and the fake administrator—are at the core of why I founded Law School...Yes We Can, a law school pipeline program that works with students who come from backgrounds similar to mine and who are underrepresented in the legal profession. Our Fellows, many of whom are also first-generation high school and college graduates, face the same obstacles that I faced in making a law degree a reality.

The first obstacle is rooted in external forces. Our Fellows are locked out of many opportunities to make themselves better candidates for law school admission because they lack the knowledge or social capital necessary to, for example, secure the right internship, emphasize strengths on a résumé, or approach the right college professor about a letter of recommendation. This obstacle can, in part, be a function of poverty. But more often, it is derived from something similar to what happened to me in high school. Our Fellows are turned from the law school path because someone decides that they do not fit the mold of what a lawyer looks like. And so they do not get the right internships, have trouble creating common ground with the professor, or are constantly questioned about the wisdom of pursuing a profession in which there are few people who look like them.

The second obstacle—intertwined with the first—is far more pernicious. It’s internalizing a message to the Fellows that they do not belong in the lawyerly class. It’s the ghost of an administrator dragging you from the law school lecture hall—the one who tells you that, given where you’ve come from, any success is just a fluke, a mistake, or a short-term thing.

These twin obstacles lead to an enduring and disturbing reality of our legal profession: It thwarts many students like the LSYWC Fellows from pursuing law school, which in turn makes the lawyerly class less diverse than the population bound by its laws, which in turn undermines the rule of law. Indeed, it is the perception of the general population that only an elite and moneyed few have the ability to join the ranks of the legal profession, and these are the people who write and enforce our laws. The perception of inequity in our justice system erodes the fundamental

principle—etched in stone above the entrance to our highest court—that we can all expect “equal justice under the law.”

LSYWC is designed to address the obstacles that students from diverse backgrounds continue to face, with the ultimate goal of changing the face of the legal profession in Colorado. Concretely, we provide our Fellows with three mentors (two lawyers/one law student) who shepherd the Fellows through their undergraduate careers, serve as sounding boards, and position them to be competitive law school applicants. We also provide the Fellows with intensive programming—from résumé-building workshops to a free LSAT prep class—designed to even the playing field in the law school admissions dance.

Equally important, LSYWC is designed to counteract the dangerous message that many students from diverse backgrounds internalize—that they cannot become lawyers. We counteract those negative, internalizing messages with constant, legitimizing, and communal encouragement of our Fellows’ dreams. In stark opposition to the humiliation and belittling our Fellows might otherwise encounter solely because they wish to pursue these countercultural dreams, the LSYWC community offers a communal, “Yes We Can” (or in Spanish, “Sí Se Puede”).

The hard work of more than 200 LSYWC mentors who have supported our Fellows over the first six years of our organization’s existence is starting to pay off. Two of the Fellows in our inaugural class are set to graduate from law school this spring—Tomás Manriquez, from Colorado Law, and Viridiana Valdez, from DU Law. And there are now a number of other Fellows behind them in the pipeline, including Larissa Alire and Lexi Clark, both of whom started at Colorado Law this fall.

If you are interested in making a concrete and lasting contribution to increasing the diversity of our legal profession, I encourage you to learn more about our program and how you can support it, including by becoming a mentor, at lawschoolyeswecan.org.

Judge Christine M. Arguello sits on the bench of the U.S. District Court for the District of Colorado. She obtained her undergraduate degree from CU Boulder, served as legal counsel for the CU Boulder campus, and taught bankruptcy law at Colorado Law for several years. In 2017, she received the Richard Schaden Adopted Alumna Award in recognition of her many contributions to Colorado Law.

Inclusiveness a Necessary Ingredient in Diversity Efforts

By Kathleen Nalty ('85)

Like many people who go to law school, I wanted to right social wrongs. This lifelong passion took hold when I was 5 years old while living in Alabama. One day my mother took my sisters and me with her during her volunteer health work with families in the community. I remember pulling up in front of a shack in the middle of a field and watching as several Black children ran outside to greet us. They took us inside and we sat down to play with their only toy—a board game in pristine condition. Witnessing the living conditions of this family turned my soul inside out. Later, I became deeply angry when I learned about slavery in school and figured out that what I was confronted with that day were the vestiges of slavery. That led me to decide to become a lawyer.

After attending Colorado Law, I moved to Washington, D.C., to work as a federal civil rights prosecutor for the U.S. Department of Justice, where I prosecuted cases involving hate crimes, police brutality, and slavery. After returning to Colorado, I co-chaired the Colorado Lawyers Committee's Hate Violence Task Force, worked extensively with the Colorado Pledge to Diversity Program, and founded the Rocky Mountain Legal Diversity Job Fair. I was also active with the Colorado Bar Association's Diversity Committee, co-chairing the committee and the first diversity conference in the Denver legal community.

In 2006, I persuaded the deans of both law schools in Colorado—**David Getches** and



“Traditional diversity efforts practiced by legal organizations simply do not work without inclusiveness.”

Beto Juárez —to establish the Deans’ Diversity Council, which consisted of leaders in the Denver legal community. That initiative led a group of local legal thought leaders, including the deans, to establish the Center for Legal Inclusiveness. I was the founding director and led the nonprofit for over five years in its effort to focus the legal profession on the new paradigm of inclusion.

Traditional diversity efforts practiced by legal organizations simply do not work without inclusiveness. Bringing people from underrepresented groups into organizations that do not have a culture of inclusion leads to a revolving door syndrome with lawyers in underrepresented groups experiencing much higher attrition rates. In turn, this has led to a shocking lack of representation in the legal profession.

For instance, we lawyers are in a perpetual race to the bottom of the racial and ethnic diversity list compared with other professions in the U.S. (see table). I have tracked this data for over 10 years, and we have never gotten out of the bottom three. This causes me great frustration and shame since we lawyers are the guardians of equity and justice in our society.

Now, as a consultant, I specialize in educating leaders in law firms, corporate law departments, and government law offices so they can follow

through on their good intentions when it comes to advancing diversity, equity, and inclusion. This is critical because leaders are the only ones who can lead the change necessary to root out systemic bias and inequities, require inclusive behaviors, and change the culture to be more inclusive. I wrote a book, *Going All In on Diversity and Inclusion: The Law Firm Leader’s Playbook*, to give leaders the tools they needed to institute real change. Educating leaders about unconscious bias and how to uncover hidden inequities in their organizations makes a big difference. Leaders also need to learn about the research regarding the business case. While advancing diversity, equity, and inclusion is always the right thing to do, it turns out that it is the key to organizational success.

Society is finally at a tipping point on racial injustice. I believe we are going to see significant changes as a result—and not just on race but on many other kinds of inequities. Will the legal profession step up and clean its own house? Will we lawyers be out front leading the way as the guardians of equity and justice?

Kathleen Nalty ('85) is a nationally recognized expert in strategies for creating cultures of inclusion to retain and advance talent, especially in legal organizations. In 2007, she helped found the Center for Legal Inclusiveness, of which she served as executive director until 2013.

Profession	African American	Asian	Latinx	Total Percentage
Medical scientists	7.3	27.8	8.8	43.9
Electrical engineers	7.3	19.9	8.7	35.9
Physicians & surgeons	8.2	18.0	7.6	33.8
Dentists	0.8	23.6	7.2	31.6
Accountants	8.5	12.0	8.9	29.4
Chemists	7.0	13.7	8.2	28.9
Aerospace engineers	6.5	14.5	7.3	28.3
Architects	6.3	8.8	8.5	23.6
Psychologists	5.8	3.5	10.3	19.6
Lawyers	5.9	5.7	5.8	17.4
CEOs	4.1	5.8	6.2	16.1

Compiled from U.S. Bureau of Labor Statistics (2019 data)

Crossing the Threshold: The Case for Dismantling Systemic Inequality

By A. Tyrone Glover ('09)

My earliest memories are of family road trips to see my grandparents in the South. We would drive from upstate New York to my mother's hometown, Rock Hill, South Carolina. My grandfather owned a service station in town, and we would stop there on the way into town. My grandfather, smiling, covered in grease, would walk out of his service station to swiftly produce my favorite soda from the station's vending machine—a Mello Yellow.

I later learned that wasn't the original location of my grandfather's service station. For nearly 30 years, he owned a different service station right off the highway in a bustling Black business district called Black Street. But "redevelopment" and the laws that came with it uprooted this thriving district and displaced the Black business owners and residents so white developers could move in. Gentrification under the guise of community improvement forced my grandfather and his fellow business owners off the main roads into less lucrative locations where their businesses never financially recovered. Rock Hill has since acknowledged this injustice and erected a monument in honor of the displaced community, including a photo of my grandfather.

I have directly experienced racism in many ways. But systemic racism is a special kind of beast. It is often cloaked with a well-meaning veneer—appearing to be race-neutral or colorblind. It is often promulgated by well-intentioned people who point to things like public safety or community vitality as a justification. But a common denominator for the misguided decisions



“It is time for lawyers to cross the threshold of just being *not racist* to now being *against* racism. To not just talk and strategize, but to act boldly as allies and leaders.”

that have led to unfair systems is the lack of stakeholder inclusivity and equity at the decision-making table. The very people with a stake in these decisions are not in the room, or they are and their voices carry no weight. Imagine if the business owners of Black Street were at the table and had a say regarding the “redevelopment?”

The greatest evidence of systemic racism’s travesty of justice relates to policing, our criminal justice system, and the mass incarceration of Black men. The first time I set foot in a Colorado courthouse, I was a 1L at CU. I recall touring the courthouse, visiting various courtrooms and judges’ chambers. But I will never forget the fifth floor, where all the jailed people waited to be led, shackled, down hallways to court appearances. That day, in the Denver courthouse, I was confronted with the old-fashioned jail cells, packed with faces of color. I looked down the hallway of that holding cell area. Both sides were lined several people deep with Brown and Black men looking back at me. The images of the inside of a slave ship were eerily similar. That was 2007.

The injustices at Black Street and of mass incarceration are not demonstrative of a broken system. They are of a system that did, and continues to do, what it was designed to do. Whether the architects of this system intended these results is debatable. What is not in controversy is that the communities these systems harm were not in the room in a meaningful way when they were created. Calls to action to address systematic racism and inequality are the loudest I have witnessed in my lifetime. George Floyd, the Black Lives Matter signs lining my street—our society is focused on addressing the challenges and opportunities this moment demands. Lawyers are uniquely situated to change our systems. We will undoubtedly be in rooms and at tables where decisions are made that can make our society a

better, more inclusive, and equitable place. Will we be inclusive of all the people these decisions affect? Will we advocate for their voices to be heard? I hope history will say our answer was yes. It is time for lawyers to cross the threshold of just being *not racist* to now being *against* racism. To not just talk and strategize, but to act boldly as allies and leaders.

My oldest son is 5 and has been asking about his skin color. I struggle with how to eventually tell him we were captured, enslaved, and tortured for 300 years, and that some people just hate us, as I will inevitably have to. But I find myself excited and proud to tell him about generations of our family who have stood strong in the face of oppression to improve our collective condition. As I struggle to respond, I wonder what he will tell his sons?

A. Tyrone Glover ('09) is a civil rights and criminal defense lawyer in Denver, Colorado.

Legal Education

in the time of COVID-19

The Colorado Law community finds innovative ways to support one another during the coronavirus pandemic

By Julia Roth



Student competitors at a socially distant and livestreamed Rothgerber Moot Court Competition on March 17, 2020.

In 2008, Associate Professor **Rabea Benhalim** was preparing to graduate from law school in pursuit of a career in litigation. The financial crisis changed all that.

“I remember my classmates getting calls that their job offers had been revoked,” she said. “I could remember the stress of it all, thinking, oh, my gosh, did I just take on all this debt that I can’t pay back? I remember the terror.”

She was asked to defer her postgraduate associate position for a year and a half, and by that time there were no open positions for litigators at the firm. “The firm informed me that to work there, I needed to be a transactional attorney,” she said. So she pivoted, never expecting that a decade later she’d be happily teaching Secured Transactions and Contracts.

When the COVID-19 pandemic began, Benhalim asked herself what she wished her

law school professors had done for her during 2008 and 2009. She started with a student survey.

“I asked if students were experiencing any food or housing insecurity, and how they were doing generally,” she said. “Once I had the survey results, I saw the range of student experiences—some were taking care of parents, others were in a one-bedroom apartment with children, some were potentially facing eviction. Others had full-time jobs waiting for them that were now in question. Recognizing students’ struggles in their own words was important.”

Then, leveraging her own experience taking Zoom classes and connections made with law school faculty across the country, Benhalim adjusted her syllabus to be more conducive to online learning. This included new assignments to encourage engagement outside of class,

in-class discussions through Zoom breakout rooms, and a class session devoted to secured transactions in the news.

Students selected and discussed articles about topics like home loans, the state of oil and gas markets and how those secured transactions worked during previous dips, and how big-box retailers have been impacted—all ways to connect the class to the present moment.

“One important part for students entering a competitive job market is to be able to speak intelligently in real time about what’s happening in the world,” she said. “With secured transactions, there’s a lot happening in regard to foreclosures, loan rates, and renegotiation of terms.”

For Benhalim, it was critical to recognize that students were going through a phenomenally challenging time.

"I tried to devote at least five minutes at the beginning of class to check in and see how they were doing," she said. "I created links on our class webpage to mental health resources and the Law Student Emergency Needs Fund. I talked to them about what members of my own family went through. I tried to reduce the stigma and let them know they're not alone in feeling really challenged. It felt important for the students to know that I know they're human beings."

And then there were farm animals. On the last day of class, and for some the last day of law school, Benhalim replaced her usual baked-good-laden celebration with a surprise virtual visit with farm animals from Clover Brooke Farm in upstate New York. Students and their family members gathered around Zoom to visit with bunnies, goats, llamas, and alpacas.

"My primary goal is that students have a really robust understanding of the law and they feel loved in that process," she said. "This was my gift to them."

Changing Client Needs

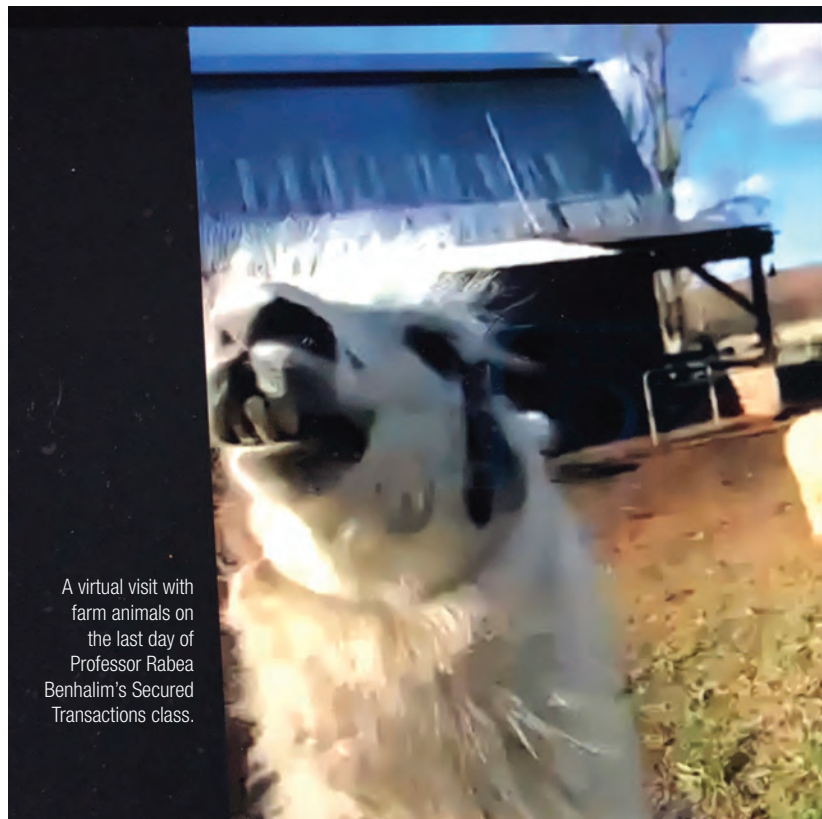
The pandemic presented unique challenges to each of Colorado Law's nine legal clinics, but changing client priorities and the need to find creative solutions was a constant thread.

As the pandemic spread, the Entrepreneurial Law Clinic became an exercise in helping clients navigate emergencies at a time when student attorneys' lives turned upside down, too, said Associate Professor **Brad Bernthal** ('01).

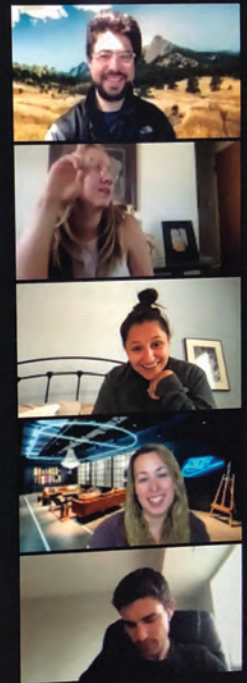
"I am proud of the way Colorado Law students, even amid their own set of challenges, offered empathy and substantive help to entrepreneurs under distress," Bernthal added.

In the Samuelson-Glushko Technology Law and Policy Clinic (TLPC), "almost everything we worked on was inflected with COVID-related issues," said Clinical Professor **Blake E. Reid** ('10).

The TLPC continued its long-term work on closed captioning issues by working with federal officials on accessible emergency briefings. This effort including helping people who are deaf or hard of hearing report issues with the visibility of American Sign Language interpreters in livestreams presented by state governors.



A virtual visit with farm animals on the last day of Professor Rabea Benhalim's Secured Transactions class.



Another major concern of TLPC clients was the accessibility of the shift to telework and telehealth for people who are deaf and hard of hearing.

"The experience of going to the hospital always raises accessibility issues. But during COVID, it can be even worse if you can't get a qualified interpreter or access to the tools you need to communicate with doctors," Reid said. To help deaf and hard of hearing patients who need to go to the hospital or attend a telehealth appointment, the clinic helped draft consumer guides that were distributed nationwide.

The Sustainable Community Development Clinic's work with mobile home owners also took a COVID-related turn. The pandemic put a damper on responses to the Colorado Department of Local Affairs' recently launched dispute resolution program, intended to provide a mechanism for mobile home residents to address pent-up frustration with park owners. The clinic planned on conducting information sessions around Boulder County last spring to teach mobile home owners how to file complaints and address questions. Those sessions had to be canceled due to public health guidelines, and the clinic is now looking at other ways to collect community feedback.

The clinic also fielded questions from its small-business clients related to regulation of home school operations and evictions, particularly around the time that Gov. Jared Polis issued an executive order discouraging evictions and foreclosures for residential and commercial real estate properties, explained Professor and Director of Clinical Programs **Deborah Cantrell**. The clinic will continue to serve as a community resource as the situation develops.



Blake E. Reid ('10)



Deborah Cantrell



Erik Gerding

Boot Camp Prepares Students for Burgeoning Practice Area

With the pandemic catalyzing a “tsunami” of expected consumer and business bankruptcy filings in the near future, Professor **Erik Gerding** recognized an opportunity to prepare Colorado Law students to meet the impending demand for high-quality legal representation in this area.

For six weeks over the summer, Colorado Law students and recent graduates got a crash course in bankruptcy law through a virtual brown bag series taught by legal experts and federal bankruptcy judges.

“The COVID-19 crisis will likely create a legal emergency, with a tsunami of bankruptcy filings from individuals and small businesses, as well as larger businesses,” Gerding said.

“There will be an incredible need for young lawyers, both litigators and transactional attorneys, to deal with this crisis. This is an area with growing job opportunities. It also presents an opportunity for service to respond to what is becoming both an economic and a social justice emergency, as households and small-business owners struggle to recover.”

Nearly all of the federal bankruptcy judges in Colorado and New Mexico signed on to teach sessions, in addition to Colorado Law Associate Professor **Nadav Orian Peer** and law professors at Tulane, Brooklyn College, and the University of New Mexico. Topics ranged from the basics of bankruptcy law and general practices to major players and how to find a job in the field.

In the early stages of the pandemic, many lenders were able to work with their borrowers. But eventually the lenders themselves will come under pressure and then a domino-like wave of filings will occur, explained the Hon. **Elizabeth Brown** ('86), a judge for the U.S. Bankruptcy Court for the District of Colorado and Colorado Law adjunct professor who taught brown bag sessions. When it does, lawyers will need to transition into collection, insolvency, and bankruptcy work.

“Few law firms in the Rocky Mountain region have staffed bankruptcy departments these days. And there are even fewer young attorneys trained to assist in bankruptcy cases,” Brown said.

“Today’s bankruptcy bar is an aging bar, with most attorneys at or nearing retirement age. This is a wonderful opportunity for new lawyers to step into this breach. We know that bankruptcy is a difficult area of law to learn on the fly, and we want to help train new attorneys.”

Ryan Boepple ('21) was somewhat interested in bankruptcy law before this, but given the situation surrounding COVID-19, he said it now seems like bankruptcy will be an important area of the law to be familiar with as he enters practice in about a year.

“The bankruptcy brown bag series was a great way for students to be introduced to bankruptcy law by allowing us to hear firsthand from bankruptcy judges and professionals in the field. Most of us are either out of work or working remotely, so it was a welcomed opportunity for students to continue to learn and stay engaged during the summer months,” he said.



The Hon. Elizabeth Brown ('86)

“There will be an incredible need for young lawyers, both litigators and transactional attorneys, to deal with this crisis.”

—Professor Erik Gerding

Gerding hopes the boot camp will encourage students and recent alumni to seriously consider a career in bankruptcy law and serve as a pipeline to get students into the field.

“Lawyers are needed and still incredibly valuable and have a very important role to play,” Gerding said. “We want to show students that this is an area where they can make a difference.”

Connecting During Crisis

COVID-19 wasn’t the first time **Amber Paoloemilio** ('20) used service as a way to work through difficult emotions. As an LGBTQ organizer from Orlando during the 2016 Pulse nightclub shooting, Paoloemilio, who uses the gender-neutral pronoun “they,” immediately sprang into organizing mode, seeing what people needed, and connecting with those grieving.

“I’m used to jumping into service in order to cope with emotions. It makes me feel more connected to people and what they’re going through,” they said.

Something similar happened with COVID-19.

After classmate **Ariel Amaru** ('20) sent around an email with a few volunteer opportunities, Paoloemilio put them in a Google doc and thought their work was done.

“Suddenly, I found myself online, calling people, finding out who needed help, finding Facebook groups,” they said. The culmination was a document brimming with opportunities to get involved, which they shared with the Class of 2020.

“It was a helpful way to cope. Not only was I seeing people asking for help, they were also mentioning how they were feeling about going through all of this,” Paoloemilio said.

The week of spring break, Paoloemilio planned to travel to El Paso, Texas, with the Immigration Law and Policy Society to work with asylum-seekers. When their trip was canceled, they redirected their energy to helping transgender women who were being released from the U.S. Immigration and Customs Enforcement (ICE) detention center in Aurora. Paoloemilio heard of a need for clothing for these women.

Together with **Amanda Blasingame** ('20) and **Corian Zacher** ('20), Paoloemilio collected six suitcases full of clothes, shoes, and other supplies from their classmates, which they delivered along with masks that Zacher made.

In coordination with the Rocky Mountain Immigrant Advocacy Network, Paoloemilio also picked up transgender women released from ICE, bringing them to their next destination, often a hotel or the airport, or to Paoloemilio's apartment for a meal and conversation.

"There's something so powerful about learning from an individual who has been in a detention center for months or years. They are almost always fleeing something terrible and scary. Additionally, as someone who identifies as nonbinary myself, I relate to trans women personally. It was and is so powerful to hear their stories, and also frustrating and angering. It's important for folks to see a friendly face when they are first released, and I am happy to be that person," they said.

As far as completing the last semester of law school under quarantine, Paoloemilio has taken it in stride. They've stayed balanced with the support of classmates and professors, noting that classmates have stepped up to share outlines and notes, and regularly called in to check in on each other.

"As stressful as COVID has been for my last semester, I am thankful to have finished the semester with all my classmates being helpful to each other and making sure everyone's OK."

Together, Apart

Even under difficult circumstances, the law school community found ways to come together while maintaining proper physical distancing.

One welcome respite came in the form of a virtual trivia series, organized by Assistant Dean for Employer Relations and Outreach **Marci Fulton** ('04) and Professor **Fred Bloom**. Nearly 300 students, faculty, staff, and loved ones tried their knowledge in categories spanning history, pop culture, and yes—the law. Thirty-five members of the incoming Class of 2023 also participated, providing a means of meeting fellow classmates and other members of the Colorado Law community before starting school.

Once the school went remote, Fulton started reading about the creative and interesting ways that others were using remote platforms to connect and was inspired to try putting something together for Colorado Law.

"Prior to COVID, I had talked to **Matt Seligman** ('21) about getting a law school trivia team together for the summer. I started thinking about how pub trivia might work in a remote format and got really excited about seeing if I could make it work. Once we got our excellent trivia master, Professor Fred Bloom, on board, everything else just came together. I actually didn't realize how much I missed our community until I saw those faces in 125 screens on Zoom during our first event," she said.



Law students, faculty, and staff at virtual trivia night

With support from Dean **S. James Anaya**, Fulton also launched Colorado Law Cares, a community exchange that pairs volunteers in the Colorado Law community with those in need of assistance. This contactless volunteer network connected faculty, staff, and students willing to donate food and household supplies, run necessary errands, drop off collected items, advocate for those in need, or talk to people to help stave off feelings of isolation.

"I wanted a place where law students could come to seek support," Fulton said. "Colorado Law Cares provided a means of communicating specific volunteer opportunities and requests for assistance to an identified core of those willing to help."

The move to online events allowed Colorado Law to engage audiences from around the world. The Byron R. White Center for the Study of American Constitutional Law's April Rothgerber Conference marking the centennial of women's suffrage welcomed nearly 300 attendees, the most in the event's history. Colorado Law Talks have also seen a leap in attendance, with each lecture attracting as many as 400 participants from across the country and abroad. Recent talks have included timely discussions on immigration and citizenship, wrongful convictions, and leadership during a time of crisis.

Even moot court competitions transitioned to a hybrid format. The Rothgerber Moot Court Competition on March 17, normally held in Wittermyer Courtroom, relocated to the Colorado Supreme Court. Student competitors **Paul Chin** ('21), **Aja Robbins** ('21), **Neil Sandhu** ('21), and **Danielle Trujillo** ('21) argued before 10th Circuit Court of Appeals Judge Allison Eid, Colorado Supreme Court Justice Richard Gabriel, and Colorado Court of Appeals Judge Jaclyn Brown during a livestreamed hearing—all while maintaining proper social distancing.



Amber Paoloemilio ('20)

The Road Ahead

While the full economic and societal effects of COVID-19 are still unfolding, Colorado Law students are in as good a position as anyone to ride out the storm and find their way into different career niches.

"Colorado Law students are as well-versed as anyone can be at charting what the 'next normal' looks like," Clinical Professor Blake E. Reid said. "Our graduates have long contended with and navigated their way through challenges and come out on the other side with a diverse range of interesting careers. We've always focused on supporting them in doing that. As new opportunities present themselves, our graduates will be in a good position to find their way, and we'll be there to support them."

Silicon Flatirons Series Highlights Legal Perspectives on Physical Distancing and Its Impact

By Amie Stepanovich, Silicon Flatirons Executive Director



Lynne Hanson ('88)

In May and June 2020, the Silicon Flatirons Center for Law, Technology, and Entrepreneurship at Colorado Law hosted a free, four-part CLE series on Legal Perspectives on Physical Distancing and Its Impact. Speakers included top attorneys from private industry, nonprofit organizations, academia, and law firms from across Colorado and the U.S.

The first two segments focused on ethics, the increased need for pro bono work, and considerations around privacy, security, and ethics in the new remote work environment resulting from COVID-19. In moderating panel one, **Lynne Hanson** ('88), partner at Moye White LLP, recognized the ethical responsibility that attorneys have to provide legal services to those unable to pay and the growing need for legal help in the current economic climate, particularly in the areas of housing, bankruptcy, family law, and elder law. In addition to exploring the need for pro bono work, speakers discussed its value for professional development and exploring new issues, how to seek out and explore pro bono opportunities, and avenues for people who may need pro bono assistance.



Melanie Kay

The second session covered much ground on how attorneys may need to adapt in their new work environment to continue to meet other ethical obligations, with a focus on privacy and security considerations. The session came in the wake of Bitglass' *2020 Remote Workforce Report* that found that 84% of employers wanted to continue to support greater remote work options even after the public health crisis subsides. **Melanie Kay**, instructor and director of the Daniels Fund Ethics Collegiate Program at Colorado Law, provided an in-depth review of the ethics rules, starting with a recognition that even in a remote environment, ethics requirements do not change. Discussions covered tools, techniques, and resources to protect individual and client privacy, and security of documents and communications.



Brad Bernthal ('01)

The third part of the series delved into hiring and onboarding new attorneys and other employees remotely, covering the process of finding a job, interviewing, onboarding, and handling job cancellations. Speakers pointed out the importance of new attorneys, or those looking for a professional transition, feeling

empowered to reach out to others for digital networking, as many value and welcome those connections during this time of virtual work.

Speakers emphasized employer investment in inclusion for new employees in a remote environment, including regular check-ins and mentorship. "Any efforts that, as employers, we can make to connect people to folks who may have similar backgrounds or identities . . . is really terrific so that people looking at jobs can ask, 'What's it like for you with this identity in that location and position?'" said **Whiting Dimock** ('96), senior assistant dean of students at Colorado Law.

Finally, the last session covered special needs and considerations for startups, moderated by Silicon Flatirons Entrepreneurship Initiative Director and Colorado Law Associate Professor **Brad Bernthal** ('01). Speakers discussed the dynamic and changing environment for small businesses, and the difference in competencies among state, local, and federal government agencies in responding to different facets of the crisis.

The series kicked off Silicon Flatirons' new emphasis on dynamic content that provides insightful and useful information that is highly relevant in the current environment. To stay up to date on upcoming developments, visit **siliconflatirons.org**.



Watch a recording of the series on Colorado Law's YouTube channel.

Startup Colorado, a Silicon Flatirons Outreach Program, Rises to the Occasion During COVID-19 on Behalf of Rural Colorado

By Margaret Hedderman, Startup Colorado Communications Manager

When the COVID-19 health and economic crisis swept across rural Colorado, it knocked startups and small businesses off their feet. Business owners were caught in the storm, suddenly realizing they'd never imagined a global pandemic or The Great Lockdown. Despite the economy's largely going dark in March and April, we could still see flashes of light as entrepreneurs solved these new, historic problems.

As businesses hustled in fear, business support organizations sprinted to meet them at the front lines in every way they could. At Startup Colorado, an outreach program within the Silicon Flatirons Center at the University of Colorado Law School, we immediately adapted our tactics to serve entrepreneurs and business support agents across the rural parts of the state.

As an ecosystem-building organization with strong relationships and established trust, we engaged with statewide and regional partners, including the Colorado Office of Economic Development and International Trade and the Colorado Small Business Development Center, to organize weekly crisis resource calls for business owners.

These calls provide up-to-date information for response and recovery, plus advice from regional, state, and national thought leaders and business experts. At one point, Sen. Michael Bennet's office joined the call to offer encouragement to rural business owners. These regional calls reach an average of 400 business owners and rural community leaders each week.

Before the pandemic, the Startup Colorado team was on the road, facilitating events and networking opportunities in rural communities. As with other grassroots organizations, the shutdown demanded that we rethink our outreach strategy and focus more on

digital storytelling. Therefore in addition to the resource calls, we launched the second season of our Startup Colorado podcast to focus on crisis solutions for entrepreneurs, by entrepreneurs. We interviewed business owners throughout the state, highlighting their evolving business strategies, struggles, and successes. From restaurant owners to packraft manufacturers, we featured the gamut of entrepreneurs across the state

build a more coordinated playing field on behalf of rural entrepreneurs and the communities they call home.

Looking back at these tumultuous months, a pattern reveals itself. Colorado's rural entrepreneurs refused to be identified as the victims of a crisis. Josh Niernberg, owner of two restaurants in Grand Junction, changed his business strategy overnight in response to the coronavirus situation. The MakerLab in Durango transformed its volunteer makerspace into a personal protective equipment manufacturer overnight. Colorado's entrepreneurs responded to this crisis by solving each new problem, changing their businesses, and starting new ones.

We proudly continue to serve and look to our entrepreneurs to rebuild more resilient and sustainable rural economies. Small businesses comprise over 64% of new jobs in the United States, and 89% of small businesses have 15 employees or fewer. At Startup Colorado, we believe our rural communities harbor an inherent genius that can only be found from a life lived farther off the beaten path and that in the face of challenge, we are all in good hands with our

innovators, creatives, and entrepreneurs. As we take each day as it comes, Startup Colorado will continue to work with entrepreneurs and ecosystem builders throughout the state to help these change makers survive and thrive.

Several dedicated staff at Silicon Flatirons and Colorado Law make Startup Colorado's impact possible. Special thanks to Brian Lewandowski, Erick Mueller, Sean Quinlan, Amanda Rochette, Jonathan Sibray, Amie Stepanovich, and any others we forgot to mention here.



who were beacons of light in the storm. Charting ahead into an uncertain and socially distanced world, the Startup Colorado team is diligently expediting development of a new network tool for Colorado's rural entrepreneurs. This virtual network will connect entrepreneurs to one another beyond communities in an effort to expand regionalization and connection through aligned interests and behaviors. This platform is the result of an in-depth study conducted with the help of statewide ecosystem builders and entrepreneurs alongside support from our intern through CU's Leeds School of Business. The goal is for this new platform to create density where it doesn't exist, foster a self-propagating network, and

Scholarship for Aspiring Public Defenders Reaches Milestone

By Julia Roth

Across Colorado—from Durango to Greeley—a growing cohort of public servants can trace their start to **Dan Barash** ('02) and his family.

After graduating from Colorado Law, Dan became a deputy public defender in El Paso County (Colorado Springs), where he worked for nearly two years before his untimely death at age 30. Though Dan's career in public service was tragically cut short, his legacy was just beginning.

Today, dozens of Colorado Law graduates are helping to carry on Dan's commitment to social justice and representing the indigent as recipients of the Dan Barash Scholarship. Over the last 15 years, the scholarship has provided financial assistance for more than 30 alumni as they begin careers in public service. This fall, the scholarship reached a longstanding milestone—to fund a full year of tuition for two aspiring public defenders.

Dan found his way to Colorado the same way many of us do. He loved the outdoors, sunny days, skiing, and playing ultimate Frisbee. Among his proudest accomplishments was hiking to the top of Pikes Peak, a trek not for the faint of heart.

"Dan loved Colorado and felt at home there," said his brother Dave Barash. "He found meaning there. Being in Colorado was a transformative experience for him."

Though he originally planned on becoming a prosecutor, Dan found his calling in public service through the Criminal Defense Clinic and mentors like **Pat Furman** ('80). While serving as a public defender in Colorado Springs, he received the office's Cousin Vinny Award. Just as Vinny Gambini did in the movie, Dan was able to secure a not guilty verdict for his client faced with the most insurmountable of odds.



Jed, Dan, and Dave Barash
at Dan's graduation from
Colorado Law

"He found fulfillment in his career and loved his work as a public defender," Dave said. "It's very difficult work, but he was proud to be in public service, helping the indigent and those less fortunate, and being able to give a voice to the underserved."

After Dan died, his family—parents Paul and Norma and brothers Dave and Jed—sought to take something positive from their loss. They decided to form a scholarship at Colorado Law for other students like Dan who aspired to be public defenders.

"We wanted to find more students who were like Dan, who had that passion for helping others and for working in public service to ensure justice for all and to help provide representation for those who needed it, much like Dan did," Dave said. The family also wanted to ensure that scholarship recipients could pursue the work they loved in public service by lessening the burden of paying back student debt.

They got to work, sending thousands of letters and personal notes to friends and family. Doing so provided critical healing for the family, who found solace in collaborating on stories about Dan, working through their loss, and remembering his commitment as a public defender, Dave said.

"My father would write personal notes on every letter and sign every single one," Dave said. "I think it really made a difference. People wanted to be a part of it. It's been a labor of love."

Their outreach paid off. More than 2,000 donors have chipped in year after year over the last 15 years, including Dan's classmates and other Colorado Law alumni, members of the Colorado legal community, and even the scholarship recipients themselves. There have also been many "friends of friends" donors, whom the family did not know personally, but who made generous donations after learning of Dan and the family's fundraising efforts, such as parents of scholarship recipients and Colorado public defenders, Dave said.

To date, the Dan Barash Scholarship has awarded over \$500,000 to 31 students and is the only privately funded scholarship at Colorado Law covering a full year of in-state tuition for two students. The family hopes to further grow the scholarship so that they are able to sustain these award levels in the future.

Carrying Dan's Torch

As more Dan Barash Scholarship recipients graduate and apply to public defenders'

offices, the chances are increasingly likely that they will cross paths with a fellow Barash Scholarship recipient. This has created an informal network of community and mentorship among the scholarship recipients.

"We have recipients from 15 years ago hiring students at the Colorado Public Defender's Office, and they recognize the significance of earning the Dan Barash Scholarship. They help mentor each other," Dave said.

One such example is **Lucy Ohanian** ('07), chief deputy of the Colorado State Public Defender's Office and a 2006 recipient of the Dan Barash Scholarship. She has been promoted through the state's public defender ranks and is now responsible for recruiting and hiring Colorado's public defenders. Ohanian has been a great advocate for the scholarship, and even sought the support of the 900+ Colorado State Public Defender's Office employees, Dave said.

Effie Seibold ('07), another early scholarship recipient, has risen through leadership ranks at the Colorado State Public Defender's Office. Seibold served as a deputy public defender and supervising attorney in the Golden office of the Colorado State Public Defender from 2007 until 2018, at which time she took on the role of training director. Over the course of her career, she has worked with three-quarters of the lawyers who have received the Dan Barash Scholarship. "Watching these amazing, talented students who stand for a righteous cause go on to become fierce public defenders has been so inspiring. They all make me want to be better," she said.

The tight-knit community of scholarship recipients was a touching and unexpected outcome of establishing the scholarship. The Barash family reunited with many of the recipients at the 2016 Alumni Awards Banquet, where Dan's parents, Norma and Paul, and brothers, Dave and Jed, were honored with the Richard Schaden Adopted Alumni Award in recognition of their support and commitment to Colorado Law students.

"It's a very heartwarming experience," Dave said. "Establishing Dan's scholarship to help students follow in his footsteps is among the best things I've been a part of in my life."

The scholarship made **Cameron Bedard's** ('18) dream of becoming a public defender a reality, allowing him to focus on defending the downtrodden rather than the struggle to pay back student debt.

What some of the Dan Barash Scholarship recipients are doing now

Lucy Ohanian ('07)

Chief Deputy, Colorado State Public Defender's Office
Denver, Colorado

Effie Seibold ('07)

Training Director, Colorado State Public Defender's Office
Denver, Colorado

The Hon. Vincente G. Vigil ('08)

Judge, 19th Judicial District
Greeley, Colorado

Melanie Gavisk ('09)

Assistant Federal Public Defender
Office of the Federal Public Defender, Districts of Colorado and Wyoming
Denver, Colorado

Katie Telfer ('09)

Deputy Public Defender, Colorado State Public Defender's Office
Centennial, Colorado

Abby Kurtz-Phelan ('13)

Senior Public Defender, Colorado State Public Defender's Office
Steamboat Springs, Colorado

Brent Larson ('14)

Assistant City Attorney, Denver International Airport
City and County of Denver

Becca Siever ('14)

Judicial Clerk, Judge Jaclyn Brown
Colorado Court of Appeals

“When you reflect on the make-or-break moments in life, there are some moments that just stand out as game changers,” he said. “I still remember where I was when I received that email informing me I’d be receiving the Barash Scholarship: in the parking lot of the Jefferson County Courthouse moments after getting a verdict in a case I tried as a public defender intern. Two wins that day. One for my client and one that helped me get where I am today. Sincerest thanks to the Barash family.” Reflecting on the careers of the Dan Barash scholars, Seibold said, “It is easy to see why they were chosen to receive the Dan Barash Scholarship, and they will no doubt continue this amazing legacy the Barash family has created to honor Dan’s memory. I think Dan would be proud.”

In addition to financial support, the scholarship also serves as a reminder that, even on the most difficult days, scholarship recipients have a community of supporters rallying behind them.

“This job can be very difficult—emotionally, spiritually, and intellectually. It is easy to get down on yourself and forget why you became a public defender in the first place; it is easy to get lost in the daily grind and stress of litigation; and it is easy to get discouraged by the unfairness and injustice that occurs in the criminal justice system every day,”



Dan Barash ('02)

said scholarship recipient **Abby Kurtz-Phelan** ('13), a senior public defender in Steamboat Springs, Colorado. “While I never knew Dan, his legacy and the group of amazing current and former public defenders who are a part of his legacy through the Dan Barash Scholarship, serve as a humbling reminder of why I do this work and why it is important to be resilient during some of those difficult moments in my work.”

Recipient **Jamie Keairns** ('15) agreed: “The financial support of the scholarship is an incredible burden lifted with respect to public service work, and that can’t be overstated. But being a Barash Scholar is more about continuing Dan’s legacy for the wonderful Barash family and joining a long line of public defenders who made this commitment in law school and continue to thrive as public defenders today.”

For Dave, it’s all about continuing the cycle of generosity. When he talks to the scholarship recipients, he urges them to find a way to pay it forward: “Whether they’re in a position to financially give back or any other means they can help pay it forward—mentoring someone, helping a client in Dan’s memory—I encourage them to try to continue in their own way that ripple effect of helping others.”



Dan Barash Scholarship recipients with members of the Barash family at the 2016 Alumni Awards Banquet.

Nichole Cristee ('15)
Deputy Public Defender, Colorado
State Public Defender's Office
Brighton, Colorado

Jamie Keairns ('15)
Office Head, Colorado State Public
Defender's Office
Alamosa, Colorado

Cayce Duncan ('16)
Deputy Public Defender, Colorado
State Public Defender's Office
Denver, Colorado

Kate Mattern ('16)
Deputy Public Defender, Colorado
State Public Defender's Office
Alamosa, Colorado

Erika Kuhl ('17)
Staff Attorney, The Legal Aid
Society
New York, New York

Cameron Bedard ('18)
Deputy Public Defender, Colorado
State Public Defender's Office
Denver, Colorado

Ben Hand-Bender ('18)
Deputy Public Defender, Colorado
State Public Defender's Office
Golden, Colorado

Mallory Taub ('19)
Deputy Public Defender, Colorado
State Public Defender's Office
Durango, Colorado

Sydnie Teague ('19)
Deputy Public Defender, Colorado
State Public Defender's Office
Boulder, Colorado



A thank-you note sent to supporters of the Dan Barash Scholarship
L-R: Henry, Gill, Jed, Leah, Shari, Dave, Seth, Norma, and Paul Barash

Editor's note:

After a long illness, Dan's father, Dr. Paul Barash, died on June 8, 2020, in Orange, Connecticut. Dr. Barash was a leader in the field of anesthesiology and a member of the Yale Medical School community for almost 50 years.

"My dad was an absolute force behind our successful fundraising efforts by reaching out to his countless friends and colleagues, and he put in so much care and effort to personalize every donor letter. His leadership and vision for the scholarship was inspiring. Working with him, my mom, and my brother, Jed, to build Dan's scholarship to support dedicated Colorado Law students and carry on Dan's life's work has been deeply rewarding. I let my dad know at the end that we reached our goal of two full scholarships, and I know he was proud."

—Dave Barash

To make a gift to the Dan Barash
Scholarship Fund, please visit
giving.cu.edu/barash.

To learn more about establishing a named
scholarship at Colorado Law, please contact
Peter Sanders, assistant dean for advancement,
at **peter.sanders@colorado.edu**.



Letter from the Law Alumni Board Chair **Hiwot Covell ('09)**

Dear Colorado Law Alumni—

As attorneys, we took an oath to “treat all persons whom [we] encounter through [our] practice of law with fairness, courtesy, respect and honesty,” to “employ such means as are consistent with truth and honor,” and to “never reject . . . the cause of the defenseless or oppressed.” We are empowered as lawyers to be leaders in our firms, with our clients, and in our communities. What an awesome responsibility we have.

There has never been a more critical time to put our skills to use. We are in the midst of a global pandemic, growing awareness and unrest about the overwhelming challenges Black Americans face, and uncertainty about what is ahead for our economy and nation. But I am hopeful that the students who roam the halls of Colorado Law will use the knowledge they gain to further justice for all. I am hopeful because our alumni are engaged in meaningful dialogues with one another, challenging our understanding of the most pressing legal and policy challenges we are facing, and using our knowledge to inform our future. I am hopeful because I know that the students who come after us will be shaped by their experiences at Colorado Law to be passionate, dedicated professionals, just as it did for each of us.

I am also grateful that Colorado Law gives us the opportunity to keep learning. This year, the law school moved its Colorado Law Talks series to a virtual format, and this series now has record attendance. In addition, Colorado Law has launched its Race and the Law series, so we can renew our resolve to build a truly just society.

But we have work to do. As alumni, it is our responsibility to support those who come after us and will join our ranks. There are myriad ways to get involved with programs at the school, and I encourage each of you to get involved in whatever way works best for you. Resources can be found on the alumni page at colorado.edu/law/get-involved, or you can reach out to **Georgette Vigil**, senior director of alumni engagement and outreach, at georgette.vigil@colorado.edu.

Individually, we can do so much to enhance society with our legal education and better uphold our oath to use our “knowledge of the law for the betterment of society and the improvement of the legal system.” But together, we can do so much more.

A handwritten signature in black ink, appearing to read "Hiwot Covell".

Law Alumni Board

The members of the University of Colorado Law Alumni Board act as representatives of Colorado Law alumni and promote the best interests of the law school by stimulating interest in, building loyalty for, and increasing support for the law school in the community and among its alumni and students. The 2020–21 board chair is Hiwot Covell and the chair-elect is David Stark.

Desta Asfaw ('11), Holland & Hart LLP

The Hon. **Nikea T. Bland** ('05), 2nd Judicial District

William “Bill” R. Buck ('83), retired

Michael Carrigan ('94), Holland & Hart LLP

Amber Cordova ('02), T-Mobile

Hiwot M. Covell (Chair) ('09), Sheridan Ross P.C.

Darla L. Daniel ('01), Alpine Bank

Mark Fogg ('79), Childs McCune

The Hon. **Thomas R. French** ('77), retired

Tim Galluzzi ('14), Cheney Galluzzi & Howard, LLC

Stanley Garnett ('82) Brownstein Hyatt Farber Schreck, LLP

Velveta Golightly-Howell ('81) Golightly, Howell & Associates

D. Jeffery Grimes ('89), Astex Pharmaceuticals

Greg Hearing ('12), Gordon Rees Scully Mansukhani, LLP

John V. Howard ('87), Bounds Green Mediation

Marisa Hudson-Arney ('01), Condit Csajaghy LLC

Aditi Kulkarni-Knight ('15), Davis Graham & Stubbs LLP

Caitlin McHugh ('12), Lewis Roca Rothgerber Christie LLP

Kristin Moseley ('97), Porzak Browning & Bushong LLP

Richard Murray (Immediate Past Chair) ('07), Polsinelli

Lisa Neal-Graves ('06), retired

Gregory J. Ramos ('92), Sherman & Howard L.L.C.

Siddhartha Rathod ('07), Rathod I Mohamedbhai LLC

David W. Stark (Chair-Elect) ('73), Faegre Drinker Biddle & Reath LLP

Beale Tejada ('12), Crane & Tejada, P.C.

Keith Tooley ('86), Welborn Sullivan Meck & Tooley, P.C.

Sarah Wallace ('99), Ballard Spahr LLP

Andrea Wang ('01), U.S. Attorney's Office, District of Colorado

CLASS ACTIONS

1970

The Hon. **Gary Jackson** ('70) received the Denver Bar Association's Judicial Excellence Award. Jackson has served on the bench of the Denver County Court since 2013.

1975

Brian McConaty ('75) joined the law office of John Astuno Jr. Attorney at Law as of counsel in the practice of civil plaintiff law.

1979

Mark Fogg ('79) returned to Childs McCune as managing member. Fogg practiced at the firm's predecessor of Kennedy Childs & Fogg for 26 years before becoming general counsel at COPIC, a position he held for nine years. Fogg's practice areas include health care law, professional liability defense, corporate governance, and medical-legal risk management and crisis control.

1980

Gary Kleiman ('80) joined Foster Graham Milstein & Calisher, LLP as special counsel. His practice focuses on business and wealth management, estate planning, and tax and probate law.

1981

Halina Dziewit ('81) joined Berg Hill Greenleaf Ruscitti LLP as special counsel in its Boulder office. Dziewit advises clients on domestic and international licensing, technology transfer, business and complex high technology transactional matters, involving all aspects of intellectual assets, and general business matters.

1990

Alinka Flaminia ('90) joined Cadence Design Systems as its senior vice president, chief legal officer, and corporate secretary. In this role, Flaminia will lead the company's worldwide legal operations, including corporate social responsibility, compliance, and government affairs.

1993

Michelle A. McClure ('93), formerly co-managing member of Fletcher, Heald & Hildreth, PLC, joined Spire Global as regulatory and legislative affairs counsel. Spire Global is a data and analytics

company that collects data from space to solve problems on Earth.

1994

Karla McManamon Miller ('94) writes as Piper Bayard of Bayard & Holmes with Jay Holmes, a 45-year veteran of field intelligence operations. They have three recent book releases. *Spycraft: Essentials* is a primer on espionage and the U.S. intelligence community, as well as the personalities and personal challenges of those who serve in the National Clandestine Services. *Key Figures in Espionage: The Good, the Bad, & the Booty* is a collection of biographies of key figures in espionage. *Timeline Iran: Stone Age to Nuclear Age* is a brief, digestible history of Iran, focusing on the past few decades and recent events.

Howard O. Bernstein ('94) was installed as the 57th president of the American Academy of Attorney-Certified Public Accountants. Bernstein is the president of Howard O. Bernstein, P.C., a boutique law firm in Boulder.

1995

Kimberly Craven ('95) joined the American Civil Liberties Union of South Dakota as legal director for South Dakota, North Dakota, and Wyoming. Craven is an Indian law and policy expert with experience assisting tribal peoples in protecting their rights, saving their homelands, and improving their standards of living.

1996

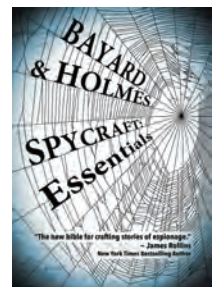
Timothy B. Scull ('96) started a new role as partner at Faegre Drinker Biddle & Reath LLP. Scull's work involves patent prosecution and



Kleiman ('80)



Flaminia ('90)



Book by Miller ('94)



Craven ('95)



Scull ('96)



Submit a Class Action
lawalumni@colorado.edu

Please send your submissions by **June 30** for inclusion in the next issue. If your contact information or communication preferences have changed, update them at

colorado.edu/law/reconnect.



Stoll-DeBell ('98)

analysis, along with trademark work. He specializes in software and information technology.

1997

Kent Lembke ('97) joined the Denver office of Snell & Wilmer L.L.P. in its intellectual property and technology practice group. Lembke focuses his practice on patent preparation, prosecution, and enforcement and IP due diligence support of transactions.

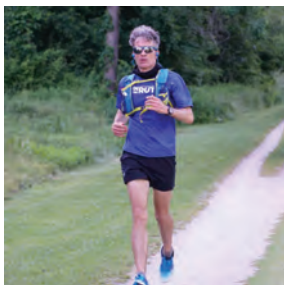


Cordova ('02)

Kate Schroepfer ('97) joined Armstrong Teasdale LLP as a partner in Denver, focusing on commercial finance transactions. Schroepfer represents lenders and borrowers in matters involving asset-based financings, cash flow financings, secured and unsecured acquisition financings, real estate financings, leveraged buyouts, mezzanine financings, recapitalizations, and refinancings.

1998

Randi M. Grassgreen ('98) joined Hutchinson Black and Cook, LLC as of counsel. A member of the firm's trust and estate team, Grassgreen's expertise in family wealth planning has been honed through 25 years of experience as a lawyer, accountant, and advisor. She is an adjunct professor at Colorado Law.



Cappelloni ('04)

Kirstin Stoll-DeBell ('98) joined Faegre Drinker Biddle & Reath LLP as partner. She protects and defends patents and trademarks of computer software and technology clients.

2001

Darla Daniel ('01) became vice president and trust counsel at Alpine Bank. Daniel also serves as co-legislative liaison for the Trust and Estate Section of the Colorado Bar Association.



Pouzeschi ('07)

2002

Stacey Cooper ('02) joined Jackson Lewis P.C. as a principal in its San Diego office. Cooper focuses her practice on employment law with an emphasis on wage and hour cases. Her practice also includes matters involving wrongful termination, harassment, discrimination, breach of contract, and violations of the ADA.

Amber Cordova ('02) joined the T-Mobile Privacy Legal Team as a senior director. Cordova and her team are responsible for advising the business on CCPA implementation, digital advertising, HR, privacy policies, and data use. Her family will be moving to Bellevue, Washington.



Coombe ('09)

2004

Corey Cappelloni ('04) ran 220 miles over seven days from his home in Washington, D.C., to Scranton, Pennsylvania, to see his 98-year-old grandmother from outside her window at the Allied Services Skilled Nursing and Rehabilitation Center. Cappelloni, who raised nearly \$25,000 for Allied Services, wanted to uplift his grandmother and

other residents of skilled nursing facilities during the coronavirus, and thank the heroic staff who serve them. The story was covered in *The Washington Post* and *Runner's World*.

2005

Frank Crociata ('05) was promoted to shareholder at Gallagher & Kennedy. Crociata joined the firm in 2017 and practices tax law, government affairs law, and Native American law.

Crisanta Duran ('05) joined Democrats for Education Reform and Education Reform Now as New York state director. In this role she leads the organization's mission to improve educational equity in New York, with a priority focus on supporting students—particularly low- to middle-income students and students of color—during the COVID-19 pandemic and throughout their eventual transition back into the classroom. Duran served in the Colorado legislature from 2011 to 2019 and was Colorado's first Latina speaker of the House.

Eric Gunning ('05) was named deputy chief legal officer of Molson Coors Beverage Co. In this capacity Gunning is a legal and business advisor to the CEO, CFO, CLO, and other members of the leadership team. He provides legal advice and counsel on a broad range of legal, transactional, risk, compliance, governance, securities, regulatory, finance, and tax topics.

Laura Martinez ('05) joined Messner Reeves LLP as a partner in the firm's litigation practice. Martinez will continue practicing liquor licensing and civil litigation, with an emphasis on commercial litigation and insurance defense.

Richard Miller ('05) retired in 2019 as permanent law clerk to U.S. District Judge Ramona V. Manglona (D. N. Mar. I.) in Saipan, Northern Mariana Islands. Miller has been named senior counsel in the Saipan law firm of O'Connor Berman Horey & Banes, which became Banes, Horey, Berman & Miller, LLC.

2007

Andrew T. Pouzeschi ('07) joined Faegre Drinker Biddle & Reath LLP as partner. He advises computer, telecommunications, health care, and financial services clients on programs and tactics to maximize the business value of intellectual property, with a particular focus on software and electrical technology.

2008

Patrick Thiessen ('08) became a shareholder at Frie, Arndt, Danborn & Thiessen P.C. Thiessen will continue to focus his practice on estate planning, elder law, and probate.

2009

Alisha Taibo Coombe ('09) joined the commercial litigation team at Burg Simpson Eldredge Hersh & Jardine, P.C. as an associate. Coombe joined

the firm after many years running her own practice where she served as a court-appointed guardian ad litem representing children in dependency and neglect cases and delinquency cases, and represented clients in general civil litigation, complex construction cases, domestic relations, criminal defense, and probate.

Matthew J. Weeber ('09) rejoined Bayer & Carey, P.C. as an associate. A member of the firm's civil litigation practice, Weeber will emphasize defense of insurance policyholders and their insurers.

2010

Jeff Boxer ('10) founded Boxer Law, LLC. The firm capitalizes on Boxer's diverse career experience to aid businesses, individuals, and fellow attorneys in pursuing legal goals and navigating risk in all its forms. Whether a prospective client seeks primary counsel, local assistance, or dispute resolution, the firm uses the knowledge gained through years of litigation experience to help facilitate deals and resolve disputes.

Stephanie Kanan ('10) was promoted to partner at Snell & Wilmer L.L.P. Kanan focuses her practice on complex commercial litigation.

Jonathan Rivinus ('10) was elected to partnership at Cooley LLP. His practice focuses on taxation of partnerships and corporations in a variety of contexts, including mergers and acquisitions, insolvency and restructurings, and structuring and drafting partnership and limited liability company agreements.

2011

Benjamin Howe ('11) was promoted to partner at Holland & Knight LLP. He practices in the firm's Boston office. Howe represents startup company clients through all aspects of their life cycle, and also advises both financial and strategic venture capital investors.

Anna-Liisa Mullis ('11) was promoted to shareholder at Brownstein Hyatt Farber Schreck, LLP. Practicing in the firm's litigation department, Mullis specializes in serving clients in the health care industry.

Jennifer L. Parker ('11) was elected partner at Wheeler Trigg O'Donnell, LLP. Parker represents companies and individuals in a variety of complex commercial litigation matters. She dedicates a significant portion of her practice to defending hospitals, physicians, and nurses in medical malpractice lawsuits.

Eric L. Robertson ('11) was elected partner at Wheeler Trigg O'Donnell, LLP. Robertson focuses his practice on complex commercial litigation, especially class action defense, at the trial and appellate levels.

Gabriella Stockmayer ('11) was promoted to shareholder at Dietze and Davis, P.C. Stockmayer's practice includes energy and utility law, water law,

real estate law, environmental law, and general civil litigation.

Dmitry Vilner ('11) joined Wheeler Trigg O'Donnell, LLP as an associate. Vilner represents sophisticated clients in complex professional liability defense matters, with a focus on legal professional liability.

Sierra R. Ward ('11) joined Childs McCune. An experienced litigator, primarily in the field of health care regulation and professional licensure, Ward came to Childs McCune most recently from the Colorado Attorney General's Office, where her practice focused on litigation of complex medical and legal cases, and she served as both general and litigation counsel to the Colorado Medical Board.

2012

Candye Choi Cline ('12) joined the U.S. Attorney's Office, District of Colorado, as an assistant U.S. attorney. Cline was assigned to the office's criminal division. Previously, Cline served as an associate municipal judge for the Westminster Municipal Court in Colorado.

Beth Ann Lennon ('12) was promoted to partner at Sherman & Howard L.L.C. Lennon counsels Colorado employers and national companies in all aspects of their labor and employment law needs, from drafting policies and contracts to providing guidance and representation when faced with agency action or litigation in state or federal court.

Caitlin McHugh ('12) was promoted to partner at Lewis Roca Rothgerber Christie LLP. McHugh's practice focuses on complex civil and commercial litigation at the trial and appellate levels. She also provides advice on malpractice, health care, construction, and secondary liability.

2013

Mike Wagner ('13) was promoted to partner at Merchant & Gould P.C. Wagner, a registered patent attorney in the firm's Denver office, has experience across all areas of IP, with an emphasis on patent prosecution, post-grant proceedings, licensing, opinions, litigation, and due diligence.

2014

Adam Brown ('14) is now director, legal counsel at Charles Schwab. In this role, Brown advises on various matters and manages employee transition cases, restrictive covenant and trade secret litigation, and securities and class action litigation on behalf of the company.

Megan Garnett ('14) started a new job as corporate counsel at Simply Good Foods, a healthy snacking company that owns Atkins and Quest Nutrition. Garnett's responsibilities include commercial contracts, privacy, and compliance.

Amanda Hoberg ('14) joined the Denver office of Woods Aitken LLP as a member of the firm's litigation team, working with clients in the



Kanan ('10)



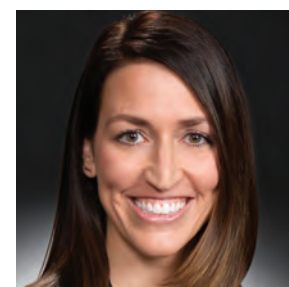
Rivinus ('10)



Howe ('11)



Mullis ('11)



Parker ('11)



Robertson ('11)

construction law and commercial litigation practice areas. Previously, Hoberg served as Jefferson County deputy district attorney.

2015

Carmen Feldman ('15) joined SonderMind as legal counsel in March 2020. Her role includes developing a compliance program to support the company's efforts to redesign behavioral health to be more accessible, approachable, and utilized.



Vilner ('11)

2016

Jennifer Sisk ('16) and Justin Kutner welcomed a baby boy, Charles Julian Kutner, in March. Having a baby in the middle of a pandemic was not exactly the plan, but everyone is happy and healthy.

2017

Ayshah Ibrahim ('17) joined Collins Cockrel & Cole as an associate. She brings litigation and regulatory experience. Before joining the firm, Ibrahim represented railroad companies at a regional Denver-based law firm.



McHugh ('12)



Hoberg ('14)



Ibrahim ('17)

In Memoriam

Robert Charles Abelman ('75)

Valerie Kay Arnold ('00)

Roland E. Camfield Jr. ('61)

Forrest E. Cook ('59)

Steven W. Farber ('68)

Joseph Clyde French ('61)

Donald J. Horst ('56)

Ruth B. Lurie ('74)

William "Bill" H. McEwan ('73)

James "Tim" B.F. Oliphant ('66)

Victor Ray Palmer ('73)

Edwin E. Piper ('57)

Donald G. Roper ('55)

Carol A. Schmid ('86)

John H. Schultz ('53)

John R. Waggoner ('74)

Marvin E. Wolf ('54)

Dr. Paul Barash, Adopted Alumnus

Deaths reported Jan. 1–June 30, 2020.

John H. Schultz ('53)

John H. Schultz died at his home in Lafayette, Colorado, on April 5, 2020, at the age of 89.

Schultz was a distinguished lawyer who specialized in oil and natural gas and resources law for over 35 years. Throughout his career and after his retirement, Schultz's kindness, good humor, and generosity of spirit created an enduring legacy at Colorado Law. He was honest, successful yet humble, kind and funny, willing to lend a hand or offer advice, and full of life, his daughter Cynthia said.

Born in the charity ward at Denver General Hospital, he came from humble beginnings and poverty. He began supporting his family from a young age by working for Cherry Hills Country Club as a golf caddie and maintenance worker from age 10 into his early 20s, which helped him pay his way through law school and further his education. There, he met someone who recommended him for an interview with Texaco as a secretary. The company hired him, without knowing he was an attorney, because he could type 120 words per minute on a typewriter. As soon as they realized he had a law degree, his duties shifted to legal work and thus began his lengthy career in the law.

His career grew with opportunities to represent Sure Oil and Davis Oil Co. Throughout his career, Schultz came to believe that the connections made every day are the keys to building a strong business, friendships, and creating a life you love (as they did for him). His dedication to his clients allowed him to own and manage his own firm for over 35 years.

Schultz and his late wife, Cynthia, supported the University of Colorado Law School and CU through several avenues, including scholarships, capital contributions, an endowed lecture series, and contributing the Wildcatters' Lecture Room in the Wolf Law Building, which is named for them.

In 2004, they established the John H. Schultz and Cynthia H. Schultz Law Scholarship Fund, the second-largest scholarship fund at the law school. This includes the Schultz Wildcat Scholarship, a full-tuition scholarship awarded annually to a student interested in a career in natural resources law, environmental law, and/or energy law.

They also contributed to CU's graduate school, medical school, music school, and athletics. Their endowments, chairs, scholarships, lectureships, and Heritage Society commitments have supported over 70 students and will continue for future generations.

He and Cynthia also made an exceptional \$2 million contribution to create and endow Colorado Law's Loan Repayment Assistance



Program (LRAP), which helps alleviate student loan debt for those entering careers in public service. Schultz was also active as a Lunch & Learn mentor with incoming 1Ls, and he met with the deans and others regularly to support and further the goals of the students and school as a whole.

Schultz always stressed to each scholarship recipient that the help they receive today should be considered a loan that they need to repay to help future generations.

Throughout his life, Schultz believed in balance, pursuing more than just his work. He was an exceptional athlete and participated in many sports, including college gymnastics, water skiing, skiing, golf, bowling, and racquetball, and was an avid fly fisherman and accomplished oil painter, as well as being a loving and supportive family-focused man.

Schultz was humble when he received Colorado Law's Dean Edward C. King Making a Difference Award in 2013. He stated in his thank-you address: "I've always been immensely proud to be a University of Colorado graduate. It was my ticket out of poverty into what I considered a successful career." When asked why he had given so much to the university, he responded simply by saying, "Because it is necessary."

Schultz's daughter Cynthia said her father's life represented the quintessential American story: If you work hard, you can become a great attorney. You can have balance and fun not only in your career, but your life as a whole. And that despite all that you have accomplished with that go-getter attitude, you must always be willing to give back to the people and places that helped you get where you are. He was a remarkable man, a true inspiration, and he will be dearly missed.

Marvin Wolf ('54)

Marvin Eli Wolf died March 15, 2020, in Denver. He was 89.

Wolf was born in Kimball, Nebraska, in 1931 to Leon and Dora Wolf and raised in Cheyenne, Wyoming, where his father was the tailor on the Francis E. Warren Air Force Base. Wolf's first jobs were on base delivering laundry and hauling ice blocks.

He earned his undergraduate degree from Northwestern University in 1952 and his law degree from the University of Colorado Law School in 1954. He was admitted to the Colorado bar and briefly practiced law, but was intrigued by the oil and gas industry. He and his brother Erving soon founded the Wolf Land Co., which later became the Inexco Oil Co. Under their leadership, Inexco discovered Wyoming's 4-trillion-cubic-foot Madden Gas Field, one of the largest natural gas reserves in the U.S., and the Key Lake Uranium Mine in Saskatchewan, Canada, which once produced 15 percent of the world's uranium. Inexco was acquired by Louisiana Gas, and while his brother continued on with the larger company, Wolf chose to remain independent and opened Wolf Energy in Denver. Many of the city's leading oilmen passed through the halls of his company, and it was often referred to as "Wolf University" for its ability to contribute high-quality professionals to the oil and gas industry. Wolf held leadership positions with the Rocky Mountain Oil and Gas Association and was inducted into the Colorado Oil and Gas Hall of Fame.

Though he was a practicing attorney for only a short time, Wolf maintained a deep affinity for the study and development of lawyers and law as a licensed attorney. He proudly carried his "bar card" for Colorado Attorney Registration #37 in his wallet every day. His connection to the University of Colorado Law School deepened over time and he counted among his close friends the school's successive deans and many faculty members over the years. In 1981, his challenge grant provided the funds for the law school's Natural Resources Law Center, which later became the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment.

Wolf and his wife of 37 years, Judi, have been among Colorado Law's most dedicated supporters of student scholarships and academic research. They established several scholarships that benefit Colorado Law students and faculty members. The Wolf Scholarship assists law students who are members of the *University of Colorado Law Review*, the Judi Wolf Scholarship supports law students committed to the advocacy of women's



issues, and the Jules Milstein Scholarship, named in memory of Judi's father, is given to faculty for excellence in published legal research.

Together with his brothers and their spouses, Wolf led the campaign to construct a new building for the law school. That new building, named for his parents, Leon and Dora Wolf, provided the law school with a bright future for the study of law in Colorado.

Wolf also provided generous discretionary support for fellowships and professorships under the names of Deans **Gene Nichol** and **David Getches**.

Wolf had a sustained dedication to education, and these combined scholarships and donations provided hundreds of people the opportunity to pursue excellence in legal scholarship. Over the years, Wolf received numerous accolades from the University of Colorado and Colorado Law, including CU's George Norlin Award in 1993, the honorary Order of the Coif award in 1997, and the William Lee Knous Award, the law school's highest alumni honor, in 2003.

Wolf was extraordinarily proud that his daughter, **Wendy Kaufman** ('84), stepson **Marco Chayet** ('97), and grandchildren **William Kaufman** ('17) and **Meredith Kaufman** ('18) graduated from his beloved Colorado Law.

Wolf is survived by his wife Judi; daughter, Wendy Kaufman, her husband, Bob Kaufman, and their children, John, William, and Meredith; and three stepsons: Lance Chayet, his wife, Barbara Chayet, and their children, Grant and Logan; Victor Chayet, his wife, Susan Chayet, and their son, Devon; and Marco Chayet, his wife, Paige Chayet, and their son, Caleb.

Steven Farber ('68)

Steven Farber died March 4, 2020, at age 76 in Denver.

Farber grew up in Denver, attending Colfax Elementary, Lake Junior High, and North High School. He completed his undergraduate and law degrees at the University of Colorado.

After graduating from Colorado Law in 1968, Farber teamed up with classmates **Norm Brownstein** ('68) and **Jack Hyatt** ('68) to found one of Denver's best-known law firms, Brownstein Hyatt Farber Schreck LLP, which today encompasses 13 offices and more than 600 attorneys and policy professionals across the country. The firm's ability to thrive for more than 50 years is a testament to Farber's leadership, work ethic, and entrepreneurial spirit.

Throughout his career, Farber was one of the most respected and accomplished leaders in the country. He inspired change not only at the firm, but throughout Colorado and across the nation. Farber was often the first call CEOs, politicians, and community leaders made because they knew he would find a way to get the job done, said Brownstein, Farber's lifelong friend and business partner for more than 50 years.

"For more than 50 years, Steve and I were partners on this incredible journey that started on the playground at Colfax Elementary. Who would have thought Steve, Jack Hyatt, and I, three kids from North Denver, could do all this?" Brownstein said.

Farber's practice at Brownstein Hyatt Farber Schreck, LLP encompassed corporate and partnership business transactions, public and private business transactions, acquisitions and mergers, real estate, business, and contract transactions.

Working closely with then-Mayor John Hickenlooper, he spearheaded fundraising efforts to bring the Democratic National Convention to Denver in 2008. His firm played a key role in the negotiations to build the Pepsi Center and helped secure airline contracts before the construction of Denver International Airport. In 1998, Farber appeared on the cover of *5280* magazine as the "most powerful person in Denver."

Farber was actively involved in many political, charitable, and community causes, including a long association with Rose Medical Center and the Rose Community Foundation. His battle with kidney disease in the early 2000s prompted Farber to launch the Denver-based American Transplant Foundation, of which he served as board chairman, to increase awareness about organ



donation and find a cure for the disease. He also co-wrote the book *On the List: Fixing America's Failing Organ Transplant System*, a memoir of Farber's own kidney transplant and an analysis of the technological and policy issues in organ transplantation.

"Steve believed that no one should die while waiting for a lifesaving transplant," the American Transplant Foundation wrote in a statement. "Through his own struggle of trying to find a living donor due to kidney failure, he realized how much needed to be done to help save lives here in America."

Farber also served as a member of the board of trustees for the Anti-Defamation League, Children's Diabetes Foundation, Race to Erase M.S. Foundation, and the Children's Hospital Foundation. He was a board member for Citywide Banks, Denver Health Foundation, Aurora EDC, and Alliance for Choice in Education (ACE), and was a capital campaign chair for Denver Hospice.

He was married to his wife, Cindy, for 49 years. He was an amazing father to his three boys, supporting and sharing in every endeavor each experienced in their successful lives, his obituary noted. Farber was the best Pops to his six grandchildren. He was the consummate gentlemen even when he was fiercely competing in sports and board games.

In 2016, Farber and Brownstein received the William Lee Knous Award, Colorado Law's highest alumni honor in recognition of outstanding achievement and sustained service to Colorado Law.

According to former Gov. Hickenlooper, "Steve has millions of friends but you always feel like you are the most important."

Farber is survived by his wife, Cindy; three sons, Gregg, Brent, and Brad; and six grandchildren.

Face Your Challenges With Willingness to Learn, to Fail, and to Find Courage You Never Knew You Had

By Meggin Rutherford ('09)

When I entered law school I had a plan for my career. It was a straight line of public sector career growth with no bumps. I had achieved everything I set my mind to thus far, and this would be the same. I am thankful every day that the plan failed, and that my straight line became a twisted path.

I graduated in 2009, but the Great Recession wasn't going to be a problem for me. I interned in the public sector and was assured a job there. Then there were staffing changes and that sure thing was gone. So I did what all unemployed graduates do—I worked at Starbucks. Then my friend, who was in the same situation, told me something that changed my life—we have a career, we just don't have a job. We can make one. She took the brave first steps and started her own practice, and I followed a few months later.

I decided on family law because there are plenty of clients, and "it's easy to learn." (I laugh at that now.) I had absolutely no idea what I was doing. I jumped with two feet into the total unknown. I advertised on Craigslist. I took a lot of CLEs. I got a scholarship to the Family Law Symposium. I called the presenters with my questions, and they provided invaluable advice.

Those early cases still shine bright in my memory. One of my first clients became a friend who I still text with today. Another case taught me so many hard lessons that I'm glad that it happened early in my career, despite the disaster. All of them taught me more compassion and grit than I knew I had in me. It was hard. There were tears and sleepless nights. But I learned how to get through the uncertainty, anxiety, and falling flat on my face, and I'm better for it.

Stumbling into family law and having my own practice has been the biggest unintended gift in my life. I had little understanding of the real world before starting my practice. Life for me was very black and white, right or wrong. I discovered quickly that there are always at least two sides to any story. I also learned about the realities of marketing, overhead, billing, taxes, time keeping, and getting retainers. I discovered that I have an entrepreneurial spirit, and I really like this business-building thing.

I've been able to develop a practice that reflects what is important to me, not what someone else tells me to do. I strive to truly serve the community and my clients by reducing conflict and creating solutions instead of fighting. I don't have to go to court just to bill more hours because someone else wants more money. I (usually) have balance between my family life and my work. I allow the same for my employees. I can make a positive difference in the world through my business, and I love it.

I could have never dreamed of the personal growth and emotional intelligence that I would gain as a result of the recession. When I graduated I had little emotional intelligence. I could be abrasive and abrupt. That doesn't work when you're trying to help people who are in grief, traumatized, or terrified. But I was open to change and growth, I found mentors to guide me, and that



vulnerability was critical to my success. I didn't let my ego get in the way of becoming a better lawyer, and a better person. I attended the mediation training, which profoundly changed me. I became involved with the Colorado Collaborative Divorce Professionals and am now the state president. My daughter has challenges that I never could have met without these skills. It often feels like those struggles were to prepare me to be the best mom I can for her.

I am now a radically better human being than I was when I graduated, in large part because of the recession. I am thankful every day for what my life has become. Face your challenge with the willingness to learn, to fail, and to find courage you never knew you had. You will succeed beyond what you can even imagine.

Establish Your Legacy at Colorado Law

“For the last decade, I’ve supported Colorado Law in my annual giving, and have made provision for a long-term endowment in my estate plans. I recently established a summer fellowship fund for students interested in practicing alternative dispute resolution (ADR).

Through annual donations of no less than \$2,500, plus a long-term legacy gift, this fund is a starting point for an endowed ADR fellowship program.

I’m proud to support student opportunities in ADR, a promising practice area that I’m passionate about, at the school that, along with my wonderful wife, allowed me to become who I am in my professional career.”

— **The Hon. Mitchel R. Goldberg** ('68)

Retired Federal Bankruptcy Judge
Private Mediator

For more information about how you can include Colorado Law in your estate planning, please contact

Peter Sanders
Assistant Dean for Advancement
303-492-0752
peter.sanders@colorado.edu



Congratulations to the **2020 Alumni Award Banquet honorees.**

Watch this year's honoree videos and nominate a colleague at colorado.edu/law/banquet.



Hon. Nathan Coats ('77)
William Lee Knous Award



W. Harold "Sonny" Flowers Jr. ('71)
Distinguished Achievement—
Solo/Small Firm Practice



Mindy Sooter ('03)
Distinguished Achievement—
Private Practice



Steve Zwick ('77)
Distinguished Achievement—
Public Sector



Kristin Bronson ('97)
Dean Edward C. King Making
a Difference Award



Gordon Gamm
Richard Schaden Adopted
Alumnus Award