March 2022

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Featured Article - CAMP Mentoring Program

New Section! Criminal Law Corner

PIKES PEAK LAWYER
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I suspect many attorneys have never given this question much thought. We leave law school knowing little about the practice and learn as we go. My theory is that our advocacy style is shaped during the first few years of our practice based on the lawyers with whom we practice and observe those we perceive as successful. As we gain experience, and perhaps specialize in a different area of the law than in our first job, we gravitate toward the familiar with respect to our style of advocacy without any further thought.

A review of dictionaries and other sources support the conclusion that there is no one definition of advocacy. The word means different things depending on the author or context. The word “advocacy” derives from the Latin word “advocare” which literally means to call out for support.1 The origins of advocacy date back to ancient Rome and Greece when well-established orators would perform as advocates or wrote orations specifically for the purpose of pleadings someone’s cause. Think Cicero and Caesar – two great Roman lawyers. Merriam-Webster defines advocacy as “the act of pleading or arguing a case or position with forceful persuasion.”2 Ritu R. Sharma of the Academy for Educational Development describes advocacy as a tool for “putting a problem on the agenda, providing a solution to that problem and building support for action on both the problems and the solution.”3

During the past few years, I’ve noticed in a number of my cases that the lawyer representing the other party and I have completely different views of effective advocacy. This difference of opinion about what it means to represent our clients effectively, at a minimum, complicates the dispute resolution process. It often leads to positional bargaining and creates an inefficient process that is costly for the parties. At its worst, it damages relationships both between the parties and the lawyers.

If we accept that there is no one definition of advocacy and that we each adopt the style that rings true for us as individuals, how can we minimize the impact of our differences on the dispute resolution process? What if we…

1. Commit to a civil process. In a prior column, I discussed the work of Teresa Behan who suggests that we reframe and focus on the concept of “merely civil” which is a virtue that allows us to discuss issues with someone with whom we don’t agree.”4

...
2. Recognize the value of developing a working relationship with the attorney for the other party in the current case and future cases. Put some effort creating and maintaining a relationship. Separate the problem from the person.

3. Work hard at clear and frequent communication. Listen more, talk less.

4. Put in the time required to understand the facts of the situation as early as possible in the case. Avoid commenting on the strengths and weakness of a case until all of the facts are known and verified.

5. Appreciate that perceptions, even if ill-founded, are real and need to be dealt with. Spend some time in the shoes of the other side.

6. Recognize that strong emotions are often part of our cases. Acknowledge emotions. Allow the other side to let off steam and don’t take it personally.

7. Debrief at the end of the case to learn what went well and what didn’t.

I would love to hear your thoughts regarding the issue of advocacy. Last month, I wrote about the value of mentorship and mentioned the CAMP program. See page 8 in this issue for more detailed information about this valuable program. Be sure to read the profile of Elvin Gentry in the new Criminal Law Corner for insight into the career of a well-respected and effective advocate.

Happy St Pat’s,
Message from the President

If an action is taken and there are no legal sanctions associated with that action, then the action is not a crime. If sanctions are attached, it is a crime. It sounds simplistic, but seems to hold true, and if the existence of a sanction is such an essential and relevant factor, then why aren’t juries informed about sentencing ramifications in every criminal action?

In a 2019 opinion, the United States District Court, District of New Mexico, acknowledged that courts are prohibited from informing the jury about the ramifications of sentencing unless the jury’s participation in sentencing is required. *United States v. Young*, 403 F.Supp.3d 1131, 1155 (D.N.M. 2019), citing *Shannon v. United States*, 512 U.S. 573, 586-87 (1994) ("as a general matter, jurors are not informed of mandatory minimum or maximum sentences, nor are they instructed regarding probation, parole, or the sentencing range accompanying a lesser included offense"). Nevertheless, the *Young* court concluded that withholding sentencing information from jurors is contrary to the intent of the Framers and those who ratified the Sixth Amendment, stating:

> The courts’ practice today is inconsistent with the jury trial right as the Framers understood that right, because withholding knowledge about the sentencing ramifications of a jury verdict from contemporary juries leaves jurors without knowledge that, at the Framer’s time, would have been important in reaching the verdict. *Id.*

Of course, bound by precedent, the *Young* court was forced to deny Defendant Apache Young’s motion to inform the jury about the consequences of a guilty verdict. In hopeful tones, however, the *Young* court pointed toward possible change on the horizon evidenced by the U.S. Supreme Court’s fairly-recent consideration of the intent and understanding of the Framers in analyzing the requirements of the Sixth Amendment. See *Blakely v. Washington*, 542 U.S. 296 (2004). Because Colorado courts routinely rely on both *Shannon* and *Blakely*, the analysis in *Young* seems equally applicable to Colorado courts.

The justification given for withholding sentencing information from jurors was that such information “invites [jurors] to ponder matters that are not within their province, distracts them from their factfinding responsibilities, and creates a strong possibility of confusion.” *Shannon*, 512 U.S. at 579. However, the court’s analysis in *Young* demonstrates that knowledge of sentencing ramifications was entirely within the province of the jury at the time the Sixth Amendment was ratified. Furthermore, it is likely that modern juries would also consider the consequences of a potential guilty verdict to be highly relevant information in connection with the charges being deliberated. The Framers fought to protect the rights reserved to the jury in the Sixth Amendment, and openly feared “that the jury right could be lost not only by gross denial, but by erosion.” *Jones v. United States*, 526 U.S. 227, 247-48 (1999). There is nothing to indicate that, during the period between the ratification of the Bill of Rights (December 15, 1791) and today, the citizens of this country determined that jurors were no longer entitled to such sentencing information. This power reserved to the jury in 1791, should properly be within the province of the jury today.
In addition to the contention that sentencing information is outside the province of the jury, the Shannon court asserted that sentencing information would prove distracting and confusing to jurors. If this justification means that the convoluted interplay between the criminal sentencing statutes is too complex for the average juror to understand, then isn’t that fact also a problem? Shouldn’t the laws applicable to the people in our country, and the consequences of breaking those laws, be comprehensible to the average person? If, instead, the reluctance to inform jurors about sentencing ramifications stems from a desire to shield citizens from the realities of the excessive and egregious sentencing outcomes often mandated by the application of our network of complicated sentencing statutes, then that seems a lot like Jack Nicholson’s testimony in A Few Good Men - that we “can’t handle the truth.” Jurors can handle, and undoubtedly deserve, the truth.

Clearly, the practice of informing jurors about the consequences of a guilty verdict would be time-consuming and arguably inefficient. Appreciating that our judicial system is already overburdened, Constitutional requirements might feel like bothersome rocks in our wheels, slowing our progress by making us check unnecessary boxes. However, it is important to remember that “the Constitution is not about efficiently convicting defendants.” Young, 403 F.Supp.3d at 1163. “[L]et it be again remembered, that delays, and little inconveniences in the forms of justice, are the price that all free nations must pay for their liberty in more substantial matters.” Jones, 526 U.S. at 246, quoting 4 W. Blackstone, Commentaries on the Laws of England 372 (1769) at 342-344.

There is loud and regular debate about what the Constitution does or does not protect - the right to purchase guns without regulation, the right to terminate a pregnancy, the right to refuse a vaccine. We wrap a tight fist around certain rights, but perhaps we do not grasp tightly enough those Constitutional provisions that we do not perceive as directly, or immediately, impacting our interests. Those protections are susceptible to falling from a loose grip, and being unintentionally left behind.

It boils down to the concept of reciprocity, a philosophical ideal whose roots run deep throughout our Constitution. A dialogue included in The Analects of Confucius asks:

‘Is there any single word that could guide one’s entire life?’ The master said: ‘Should it not be reciprocity? What you do not wish for yourself, do not do to others.’

Analects, 15.24. In Leys, 1997. Let’s treat defendants like we would like to be treated if we stood accused of a crime, and let’s give jurors the information we would want to know if we held the fate of an accused in our hands. Having unjustifiably ignored the steady build-up of this legislation, it is shocking to absorb the tsunami of mandatory sentencing statutes which now exists. Juries, at least, need to be informed about the consequences of their verdicts.
“I have a caller who needs 20 minutes of legal advice – can you take the call?” That type of email is my entire impression of The Justice Center, our very own nonprofit that takes in the clients that can’t afford us and need help. Britt Kwan, the former Executive Director at the Justice Center, emails with a request for a one-off phone call, asking for me to give advice to a Spanish speaker who’s trying to navigate the DR docket. She knows that one call at a time is all that I can give right now, and that I’ll take the call almost every time.

Don’t follow my example though – follow the example of Mikayla Shearer over at Burnham Law. Mikayla takes on pro bono cases, volunteers at Wednesday legal nights, and donates her hard-earned dollars to The Justice Center. Why does she do it? Mikayla wants to make a difference in our own community. “Some people don’t have the money for an attorney, and they are up against so much!” she says, “Maybe they are finally taking steps to get away from an abusive partner or filing for divorce, and this gets them past barriers that they couldn’t get past without an attorney.” Mikayla is happy to help take some of the burden of off her pro bono clients’ shoulders so that they can move their lives forward. When asked how she manages the stress, Mikayla explained that volunteering gives her life, a desire to do more, and makes her feel like she is giving back in some way!

The Justice Center takes cases involving family law, landlord/tenant issues, uncontested probate, bankruptcy, guardianship, etc. Criminal cases are only considered for the Modest Means Program. They do not take contested probate, medical malpractice, or personal injury cases. Post-decree cases are only considered when the applicant fits one of their priority audiences. The Justice Center also offers a Modest Means program so that you get credit for being a do-gooder, and the client gets a fee schedule that they can afford.

The Justice Center doesn’t have attorneys on staff. Instead, it relies on us to volunteer. We help by attending Wednesday legal nights (did I mention that you can volunteer by phone, in your sweatpants?), taking pro bono cases, and taking Modest Means cases. Before cases are assigned to volunteers, they are prioritized for placement. Specifically, The Justice Center serves victims of domestic violence, senior citizens, immigrants and refugees, persons with disabilities, veterans and active service members, and persons with landlord/tenant issues. Also, pro bono services are only offered to El Paso and Teller residents whose household income is below 200% of the Federal Poverty Line. Clients whose household incomes are below 275% of the Federal Poverty Line are also eligible for the Modest Means Program.

The Justice Center needs volunteers! Even after some prioritizing and triaging, the waitlist is miles long. There are many more people in need than there are volunteer attorneys, and sometimes clients are waiting a year or more before a volunteer attorney can be found!

Britt works tirelessly at triaging clients and recruiting attorneys, and she has lots of options for us! For lawyers taking pro bono cases, she can help take care of court fees, pair you up with a mentor, and keep you fueled with pie and Starbucks gift cards! She’s also come up with ways to help attorneys who can only handle pro bono in smaller doses, like Ask-a-Lawyer nights (weekly, by telephone, while drinking coffee) and the Modest Means Program (so you can get paid something, even if you don’t have the bandwidth to take on a case entirely pro bono). You can also donate money. Did I mention that Britt is not afraid to bribe volunteers with holiday pie and Starbucks gift cards?

Britt’s latest ask: The Justice Center has run weekly legal clinics since early 2020 and fields about 60 incoming calls each week. She needs YOU to volunteer at one clinic a month for the next 6 months to help with any/all of these areas that feel most comfortable to you (family law, criminal law, employment law, civil law (contracts, traffic accidents, etc.). To get involved, email Britt Kwan at britt@justicecentercos.org or go to https://www.justicecentercos.org/.

Mary Daugherty
DAUGHERTY LAW LLC
Good mentoring relationships are important from the very start of a legal career. Effective mentors help new lawyers tailor their career paths to align with their aspirations and values. Mentors provide practical knowledge and expertise to assist all lawyers in both developing practice competencies and navigating the unwritten rules of the legal profession. Additionally, mentors help lawyers in transition as they change practice area, environment, or location to expand their professional networks and put themselves on a pathway to new opportunities.

It used to be that in the legal profession, experienced lawyers were expected to provide mentoring and professional development to newer lawyers as their professional obligation, whether through apprenticeships, clerkships, or informal mentoring relationships within firms. In today’s legal profession, many new and transitioning lawyers lack opportunities for face time with seasoned attorneys, and the notion of legal apprenticeships has all but disappeared. For some new lawyers, personal relationships with veteran lawyers who model competency and professionalism may be inaccessible or unfeasible.

In an effort to meet the needs of lawyers without access to meaningful mentoring or those seeking to supplement their informal mentoring relationships, states throughout the country began creating mentoring programs available to all lawyers, regardless of firm affiliation and in many cases, regardless of years of experience. The Colorado Attorney Mentoring Program (CAMP), created in 2013, has evolved into one of the leading such programs in the nation.

The broad objectives of CAMP are to: promote professional pride and identity in the legal profession; promote the pursuit of excellence in service to clients; and promote strong relationships between the bar, courts, clients, law schools and the public. These are accomplished through teaching the core values and ideals of the legal profession, and training on the best practices for meeting those ideals.

CAMP generates meaningful and relevant mentoring relationships through 10 distinct mentoring programs. Each of these programs encourages mentoring pairs to incorporate principles of professionalism, ethics, law practice management, access to justice, and lawyer well-being into every mentoring relationship. CAMP also offers informal coffee mentoring, group mentoring programs, and co-counseling mentoring opportunities.

We believe that education and mentorship reinforce each other and that the best attorney mentoring programs bring innovative coaching and relevant instruction together. CAMP distinguishes itself with its unique mentoring curriculum and the close working relationships between mentors and mentees. Innovative training that recognizes the value of lawyer-centered learning at all levels – new, mid-level, and veteran – is fundamental to CAMP’s distinction.

CAMP’s innovative matching techniques include a comprehensive mentee profile and a pre-match interview to determine your professional goals and objectives and to identify the type of lawyer best suited to meet your
mentoring needs. CAMP’s holistic, one-on-one approach will connect you with a vetted, expert mentor.

CAMP also hosts educational speaking engagements across the state and produces monthly in-house professional development webinars through uniquely tailored CLE courses spanning topics related to Leadership Development, Practice Readiness, Practical Skills Training, and Professionalism & Wellness. These events occur via live stream webinar to participants around the state. The webinars are recorded and accessible via the CAMP website for lawyers to view at their convenience.

CAMP is structured intentionally to be decentralized so that individual organizations can carry out the program on a local level in a manner that fits the needs of the members they serve. By encouraging the development of “grassroots” efforts to conduct mentoring programs, Colorado lawyers achieve more successful integration with their organization, local bar association, or geographic region. For example, CAMP works closely with the Colorado Women’s Bar Association to facilitate the LIFT! Mentoring Program, a unique opportunity for CWBA members to engage in mentorship experiences geared toward women lawyers.

CAMP is a place where reflection, ambition, and constructive relationships lead to legal careers of purpose and positive consequence. The CAMP approach is to catalyze the power of collaboration among individuals with different perspectives, backgrounds, and areas of expertise to foster training and education with meaningful positive influence on legal practice in Colorado. CAMP cultivates an environment of thoughtful and informed professionalism and invests in the long-term intellectual, professional, and social growth of Colorado lawyers.

Additionally, CAMP is proud to be the new home of Colorado’s legal incubator Legal Entrepreneurs for Justice (LEJ). LEJ is a small business incubator for socially conscious lawyers providing affordable legal solutions to low and middle-income people in Colorado. This target market includes those people who fall into the so-called “justice gap”: individuals who make too much money to qualify for free legal services, but not enough to pay traditional market rates and assume the risk and inherent uncertainty of the traditional legal pricing model, the billable hour. LEJ provides the training, mentoring, resources, and support these lawyers need to establish and their own socially conscious law practices.

The opportunity to acquire and grow the LEJ program will add to CAMP’s robust portfolio of programming and allow CAMP to continue to expand its reach and resources for all participants. The curriculum, training, partnerships, and technology adopted to facilitate the LEJ program will serve to benefit all CAMP participants in the office’s ability to interweave those resources and partnerships into CAMP’s mentoring plans, group mentoring experiences, and professional development offerings.

The next LEJ cohort begins in January 2023. Applications are accepted year-round. To learn more about LEJ and apply to join please visit www.lejco.org.

Join us today to develop personal and professional relationships with others in the Colorado legal community who can help you learn and grow. If you are looking for community and peer guidance, you’ll find participating in CAMP to be a rewarding part of your experience in the profession. Visit www.coloradomentoring.org to find a mentoring partner, register for an event, and connect with our community. We look forward to working with you!
In *In re Marriage of Flanders*, 2022 COA 18, the Colorado Court of Appeals considered payment of child support by a non-parent. The Court determined that a parent allocated parental responsibilities out of a dependency & neglect case is not a “psychological parent” and, thus, cannot have a child support obligation to a natural parent.

This follows *In re the Parental Responsibilities of A.C.H.*, 2019 COA 43, where the Colorado Court of Appeals determined that a “psychological parent” (a non-parent who acts in a parental capacity and who can be allocated parental responsibilities under domestic relations law) can be ordered to pay child support.

At first read, these cases are in tension with each other. Under the current state of the law, two similarly situated parties could have different legal obligations. For example, a grandparent who agrees to share custody with a natural parent after allegations of abuse or neglect in the juvenile court case may not be ordered to pay child support to the...
natural parent, but the same grandparent who does so in the context of a domestic relations case (e.g., a divorce or custody case) can be ordered to pay child support.

There are some legal and policy reasons this makes sense. A grandparent in a dependency & neglect case (i.e., a grandparent who agrees to take a child because the state has intervened due to a parent's unfitness) is differently situated from a grandparent who petitions into a private custody case. In the former situation, there may be less agency on behalf of the non-parent; they may be reluctant to act but ultimately willing to do so to prevent permanent family separation. In the latter, the non-parent has involved him or herself in a private custody case and affirmatively asked for parent-like rights to which attach attendant financial responsibilities.

In addition, policy reasons may support this distinction. In dependency & neglect cases, there is benefit to keeping family involved, and fear of a child support situation may scare off an otherwise willing relative.

It is worth troubling that concept a little bit, however. Dependency & neglect cases often see officious intermeddlers and family members who intervene, pay lawyers, and advocate strongly against parents for all sorts of reasons. Some of these are altruistic and child-focused; others are not. And non-parents often involve themselves in domestic relations cases because they can help the parents raise the children, even when issues have not yet escalated to the point of state intervention.

Judge Tow, in dissent in Flanders, disagreed with the Court's line-drawing between a “psychological parent” from the A.C.H. case and the situation in Flanders. In short, Judge Tow argued that it is not the “psychological parent” doctrine that should drive the caselaw. Judge Tow appears to believe the difference between the A.C.H. case and the Flanders case is too thin to support the distinction drawn.

Flanders is a published decision with a dissent, and there is now a “division split” with the panel of the Court of Appeals that decided A.C.H. The chance of review by the Colorado Supreme Court is high, here. And even without Supreme Court review, there is a lot of law to be made in the gap, now. Watch this space.

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WHY DO THEY CALL IT A PARALEGAL?

Let me start with my usual digression. Since I was young, there existed a debate whether television really transmits subliminal messages to your brain. Well, I discovered how important it is to switch off the boob tube after I dozed off the other day during the afternoon spate of lawyer ads. When I awoke, I began musing over the following questions:

Do all of the Ramos Law Firm attorneys have to wear lab coats when meeting with clients? If Doctor Ramos were a proctologist, would he advertise in the same way?

If Gordon Heuser is hurt falling off that large truck and he sues the truck owner, who will he hire to represent him? Is he comparatively negligent for getting up there in the first place?

If you hire Frank Azar, will he be mad at you if he finds out that you called another attorney first?

So in an effort to avoid napping during the day and experiencing such a trauma, I turned to reading the newspaper, and discovered that there is yet another crisis facing the legal profession: paralegals practicing law!

O.K. stop me right there. Yes, I know that you know that paralegals practice law every day; otherwise, there would be no such things as lawyers. So how exactly did this become newsworthy?

The news account I read indicated that a paralegal in Boulder (where else?) had sued the Office of Attorney Regulation for relief from a sanction imposed upon her for practicing law without a license. In this instance, a federal magistrate dismissed what appears to be a civil rights complaint based on lack of jurisdiction but still reviewed the basis for the Complaint.

Let me break this down a bit because of the shocking nature of the article.

At first blush and beyond, it isn’t a surprise that a judge would dismiss any lawsuit. Fewer cases mean less work; always has.

Second, I’m surprised that the Office of Attorney Regulation...
why do they call it a paralegal?

would even bother with such a case, since it spends more important time chasing people like me who haven’t accumulated sufficient CLE credits every three years.

But most significantly, there must be some seriously lack of understanding here about how a law office functions. Excoriating a paralegal for practicing law? Who thought that one up?

Naturally, any competent legal staff accepts that a paralegal has to maintain a calendar of deadlines and file documents on time, as most attorneys think they are above such things. Furthermore, we understand that if a mistake is made, it is acceptable to blame the legal assistant. That is how the law works; plausible deniability, which is the legal equivalent of “My dog ate my homework.”

Then there’s filing something with the court. Even formatting the caption of a case is perplexing. Why is in those little boxes, instead of just typing the whole thing out in one or two sentences? How do you type in each section without deleting the entire first page?

Same deal for the business at the end of the document. I don’t care if I affirm that we copy opposing counsel; let them look online themselves to see if something is going with that particular case; I don’t work for them, too, do I?

And don’t let me get started on that “Comes now the Plaintiff, by and through his attorneys…” That makes no sense at all, but the paralegal seems to understand it.

Numbering paragraphs? Forget it.

I, for one, have attempted such a mind-bending feat as filing documents online with no hint of success. This requires a primary familiarity with the Internet, and not merely for checking last night’s basketball scores. A lawyer simply cannot aspire to this without blowing up the system, and nobody wants that.

Let’s move on to the serious stuff, however. The disciplinary action stemmed from, of course, a marriage gone bad (there is no other, incidentally), with a paralegal helping an acquaintance prepare divorce documents because she (the paralegal) “had legal experience” to provide “everything [the acquaintance] wanted.” Okay; she also drafted motions and gave legal advice, too, but after the trial court ruled repeatedly in favor of the soon-to-be ex-husband, the wife who hired the paralegal contacted the Office of Disciplinary Counsel, thus affirming two tried-and-true principles of life: 1. No good deed goes unpunished, and 2: Hell has no fury like a former spouse of any gender scorned.

While a domestic food fight would not ordinarily rise to the level of engaging the federal court system, this case means that paralegals across the state should take note.

Are the attorneys you work for:

1. Asking you to lie to clients or opposing attorneys by stating they are “in conference” or out of the office when they are not?

2. Insisting that you record your time as theirs when billing the client for services rendered?

3. Having you draft a Motion for Extension of time based upon claims that the deadline could not be honored because you, not them, failed to take note of the document that required a Response?

4. Draft a Motion for Extension of Time based upon claims that you, a family member, or someone you met at the mall one time is ill and requires your constant attention, even though you are healthy, you have no relatives, and you have no close friends, and in fact the attorney ignored your repeated advisements that the Response was due before taking a vacation out of the country?

Did something I just listed sound familiar?

Be afraid; be very afraid.
“Accuracy and diligence are much more necessary to a lawyer than great comprehension of mind or brilliance of talent.” Daniel Webster.

My friend Lisa Dailey suggested I write an article about some of the attorneys that a lot of us in the bar have looked up to and admired throughout our careers. My first submission is Elvin Gentry.

Elvin was born in Granite City, Illinois in the year of our lord 1937. His father served in WWII and was in the Marines during the historic battles of Iwo Jima. Like most who saw significant combat, he did not talk about what he saw. Later in life, after prodding, he told Elvin his worst order during the war was “take no prisoners”. The battle of Iwo Jima was one of the fiercest and bloodiest of the war.

Elvin grew up on a farm milking cows before and after school. He played a little football and was told by a coach “he was not big, but he was slow”. After his football career fizzled, he dove for the swim team. His career path was that of a professor of Literature. He obtained a Fulbright scholarship in Mexico where he researched the Mexican Revolution. He worked multiple jobs including factory work and at radio station KVND in Ohio. In the 1960s he got a break and landed a job as a professor of Literature at Illinois Wesleyan and then moved on to Colorado College.

Shortly after coming to CC he decided to change careers again. He went to law school at CU where he obtained his degree in 1969. His friend Jerry Tolley then gave the District Attorney Bob Russell a call. It just so happened Bill Hybl was leaving so he was interviewed by Tom Henley and was promptly hired at the District Attorney’s Office. He quickly moved up the ranks to #2 in the office.

His biggest case as a DA was a case involving local attorney George Silvola who was accused of laundering money through his Coltaf account. The scheme involved a crime syndicate that was stealing airplane parts. It involved hundreds of thousands of dollars and hence the need for laundering. The case went to trial and Elvin and co-counsel Peter Susemihl convicted Silvola. He also was tapped to go down to the Canon City DA’s office and restructure the whole office which was in chaos. Some would argue things have not changed that much.

After leaving the DA’s office, Elvin has tried a multitude of cases and is a fixture in the courthouse. His biggest case of his career was representing Jennifer Reali. Ms Reali was convicted of murder along with her boyfriend Brian Hood. To add to the juicy nature of the case, Hood and Reali were married and it was dubbed the “Fatal Attraction Killing”. Reali wore a ski mask and camo when she snuck up on Dianne Hood in an attempt to make it look like a robbery. Dianne Hood threw her handbag...
at Reali who then shot her with a 45 killing her. This was likely the most notorious and sensationalistic killing in Colorado Springs history and was presided over by one of our greatest Judges, the iconic Jane Looney. The prosecutor, Bill Aspinwall was top notch, hard driving and a worthy opponent. Reali testified against Brian Hood in his trial that he was the mastermind of the murder, and he was found guilty. As a sidenote John Suthers wrote a letter to the Governor to commute Reali’s sentence which was ultimately done, however she died within six months of release.

Elvin Gentry is one of the true gentlemen of our business. His approach to the practice of law is something we should always aspire to do but unfortunately, we rarely achieve. He lives by the credence “Accuracy and diligence are much more necessary to a lawyer than great comprehension of mind or brilliance of talent.” Daniel Webster.
Winter in Colorado reaches a certain pitch in March, with the heaviest and most dramatic snows sometimes confining us inside and temperatures deterring us from several outdoor activities. Of course, the slopes call to those skiers and snowboarders among us, but many are affected by varying levels of Seasonal Affective Disorder or simply feel the dreariness that can come from leaving the office after dark. Our motivation can wane, and we can find ourselves lacking in energy, experiencing difficulty focusing, or overeating. It is at this point that we must educate ourselves on the chemical impacts of winter on our mental health and wellness so that we can power through to those longer summer evenings ahead.

In fact, less sunlight has a real and physical impact on the body. First, the reduced level of sunlight during the winter disrupts the circadian rhythm of your body’s internal clock which can lead to (or exacerbate) feelings of depression and/or lethargy.
Certainly, in a profession where depression is already so rampant, this disruption can have serious effects on our ability to cope with our subject matter or power through the intensity of our caseloads on a daily basis. Second, reduced sunlight can cause a drop in serotonin in the brain, a chemical that has direct effects on mood, cognition, and memory. Serotonin is a neurotransmitter that is released in the brain helps promote good sleep, regulate appetite, and increase learning, things that could prove useful in practice. Third, a change in season can disrupt the balance of the body’s level of melatonin, which plays a role in the body’s sleep patterns and mood. The body’s ability to regulate melatonin has a direct impact on your ability to fall asleep and stay asleep, crucial to focusing in court and crafting coherent legal arguments.

Luckily, winter’s impact on the body’s ability to regulate the release of critical chemicals and neurotransmitters, if understood and combated strategically, can be mitigated. Studies have linked reduced sunlight to Vitamin D deficiency, and the use of Vitamin D supplementation has been examined and recommended to treat seasonal and other forms of depression. Vitamin D can be found in many foods in high concentration, such as salmon, eggs, yogurt, cheese, or oranges, so go ahead and order the salmon at lunch next time you are out. Vitamin D is also increased by exposure to light. That seems like an oxymoron during the winter, but light therapy becomes a fantastic excuse during winter to walk the extra block to the restaurant you have been meaning to try. Walking the extra block also provides a few more steps, slightly increased blood flow, and an increase in oxygen to the brain. The effects of going the extra proverbial mile will quite literally have lasting impacts that will keep you focused, energized, and happier throughout the afternoon.

So, allow yourself certain pleasures in the name of wellness and mental health in winter, and remember to compartmentalize work and time off, building in any form of therapy that applies in your life. Winter just so happens to be a great time of year to focus on lunch time as your wellness hour, since that will be the warmest part of the day and the best time to catch the sun and increase your Vitamin D levels. Do so in the name of your ability to focus and recall facts. Your clients, colleagues, and judicial officers will thank you.

Elizabeth Vanatta

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MARCH

03

FAMILY LAW SECTION: CONTEMPT HEARINGS
Presenter: Magistrate Trujillo
CLE Credits TBD
11:45 AM - 1:00 PM  |  The Exchange  |  Register

10

PROBATE SECTION: ROUNDTABLE DISCUSSION
Top 10 Problems Facing Guardianship & Conservatorship led by The Fiduciary Committee
7:30 AM - 9:00 AM  |  Brakeman's Burgers  |  Register

16

SENTENCING & THE CASE OF TRUCKER ROGEL AGUILERA-MEDEROS
*RESCHEDULED DATE*
CLE Credit: 2 General
5:00 PM - 7:00 PM  |  The Warehouse  |  Register

23

2022 ETHICS UPDATE
Presenter: Justin Walker
CLE: 1 Ethics
11:30 AM - 1:00 PM  |  Catalyst Campus  |  Register

31

BAR LUNCH: MARKETING FOR LAW FIRMS
Presenters: Nichole Sellden and Waverly McDaniel
CLE: 1 General Expected
12:00 PM - 1:00 PM  |  Virtual  |  Register
Downtown Office Space Available

Professional office located in downtown Colorado Springs and half a block from the Courthouse. Lease is $500.00 per month. Call 719-634-1848 with inquiries.
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PLEASE EMAIL ALL SUBMISSIONS TO: Lisa Dailey, Editor
Riley Gould, Design & Publication
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<thead>
<tr>
<th>Committee</th>
<th>Chair</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative Dispute Resolution</td>
<td>Hon. Joe Cannon</td>
<td>955-7899</td>
</tr>
<tr>
<td>Bench/Bar</td>
<td>Ed Gleason</td>
<td>386-3000</td>
</tr>
<tr>
<td>Fee Arbitration</td>
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<td>473-8282</td>
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<tr>
<td>Medical/Legal</td>
<td>Richard Ranson</td>
<td>593-2121</td>
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<tr>
<td>Membership</td>
<td>Ed McCord</td>
<td>590-9983</td>
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<td>Military Relations</td>
<td>Melissa Guggisberg</td>
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<td>Publication</td>
<td>Lisa Dailey</td>
<td>473-0884</td>
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## Section Chairs

<table>
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<tr>
<th>Section</th>
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<tbody>
<tr>
<td>Criminal Law</td>
<td>Dan Kay</td>
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<td>Employment Law</td>
<td>Ian Kalmanowitz/Glenn Schlabs</td>
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<td>Family Law</td>
<td>Elizabeth Vanatta</td>
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<tr>
<td>Immigration Law</td>
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<td>New Lawyers</td>
<td>Raquel Hernandez</td>
<td>471-8000</td>
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<tr>
<td>Solo/Small Firm</td>
<td>David Margrave</td>
<td>227-7500</td>
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<td>Probate</td>
<td>Mag. Evelyn Sullivan</td>
<td>471-9300</td>
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<tr>
<td>Real Estate</td>
<td>Steve Barr</td>
<td>264-6955</td>
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## Related Organization

<table>
<thead>
<tr>
<th>Organization</th>
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<tbody>
<tr>
<td>Colorado Legal Services</td>
<td>Sarah Lipka</td>
<td>471-0380 x132</td>
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<tr>
<td>Court Care</td>
<td>Diane Price</td>
<td>632-1754 x21</td>
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<tr>
<td>EPC Chapter of the CO Women’s Bar Association</td>
<td>Amber Blasingame</td>
<td>266-2797</td>
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<td>EPC Christian Legal Society</td>
<td>Theresa Lynn</td>
<td>885-748-4201</td>
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<td>EPC Bar Foundation</td>
<td>Lisa Dailey</td>
<td>473-0884</td>
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<td>Inn of Court</td>
<td>Andrew E. Swan</td>
<td>694-3000</td>
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<td>Lynn Lee</td>
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<td>Teen Court</td>
<td>Debbi English</td>
<td>475-7815</td>
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<td>4th Judicial District Access to</td>
<td>Debbie English</td>
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<td>Justice Chair</td>
<td>Sarah Lipka</td>
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<td>Media And Communications</td>
<td>Elizabeth J. Vanatta</td>
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## Officers

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<tr>
<th>Position</th>
<th>Name</th>
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<tbody>
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<td>President</td>
<td>Mary Linden</td>
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<tr>
<td>President-elect</td>
<td>Paul Hurcomb</td>
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<td>Secretary</td>
<td>Justin Walker</td>
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<td>Treasurer</td>
<td>Melissa Guggisberg</td>
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<td>Immediate Past President</td>
<td>Jennifer S. Knies</td>
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<tbody>
<tr>
<td>Ian D. Kalmanowitz</td>
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<tr>
<td>Erin Gardner</td>
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<tr>
<td>Jessica L. Showers</td>
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<td>Bobbie Collins</td>
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<td>Jessamyn Jones</td>
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<td>Kayla Banzali</td>
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<tr>
<td>Gary Kramer</td>
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<tr>
<td>Frances Johnson</td>
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<tr>
<td>Josianne Purchio</td>
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<td>Christopher Wilhelmi</td>
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<tr>
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<td>Director of Communication &amp; Marketing</td>
<td>Britt Kwan</td>
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<td>Design Director</td>
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