May 2025

Boulder COUNTY BAR ASSOCIATION

BCBA ANNUAL MEETING 2025

The BCBA will be holding the Annual Meeting on Thursday, June 5 from 5:00 - 7:00 PM at the Boulder County Bar Association office. This will be a casual gathering with food and drinks, and is free for all members!

President´s Page on Law Day Page 3-4

Current president Carolyn Steffl and incoming president Jodi Martin will be presenting brief remarks on the accomplishments of the bar over the past year, and a look to Jodi Martin's presidential year. This will be followed by the introduction of our new members of the BCBA Board of Directors.

Carolyn will then pass the gavel to Jodi, and we will appreciate outgoing board members. We will also award the Sonny Flowers Award of Merit and the Outstanding Young Lawyer Award.

Thank you to **Berg Hill Greenleaf and Ruscitti** for sponsoring this event. We are seeking 2 additional sponsors. Your firm will be prominently featured on all event materials and throughout the office, and will allow us to produce a dynamic Annual Meeting. Please contact Bay if you are interested in becoming an event sponsor.

Please click here to register

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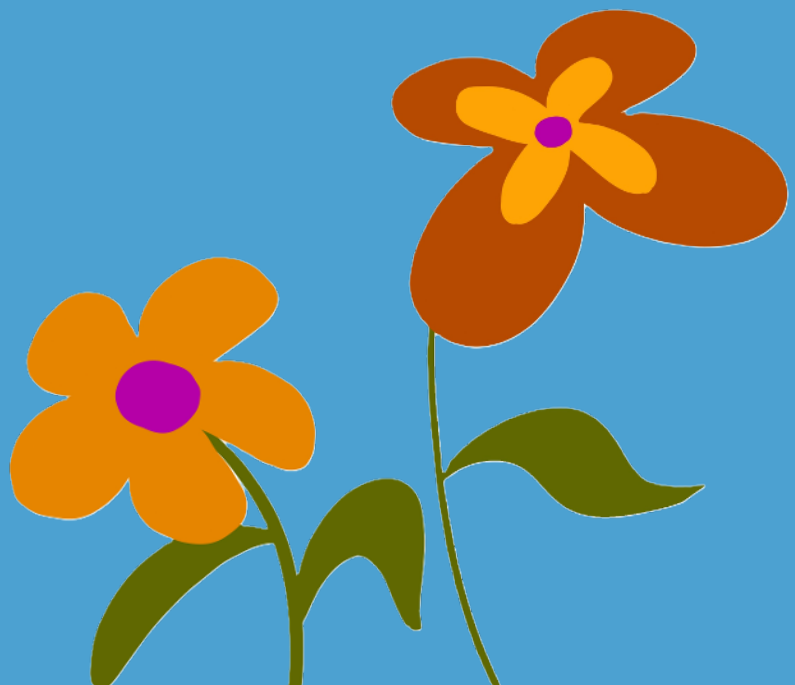
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CALENDAR OF EVENTS



Thursday, May 1
National Law Day of Action
12:00 - 1:00 PM @ Boulder County Justice Center
Please click here to RSVP

Tuesday, May 6
Environmental Reviews and Project Permitting CLE
12:00 - 1:00 PM via Zoom
Free for BCBA Members
Please click here to register

Thursday, May 8
Criminal Law Section CLE
Addressing Vicarious Work Trauma
12:00 - 1:00 PM via Zoom
Free for BCBA Members
Please click here to register

Tuesday, May 13
NRE Section Membership Lunch
12-1 PM @ BCBA Office (3269 28th Street)
Free for BCBA Members
Please click here to register

Every Wednesday
Bagels with the Bar
8:30 - 10:00 AM @ BCBA Office (3269 28th St.)
Free for BCBA Members

Wednesday, May 14
Live, In-person CLE
Discussion with 20th Judicial Bench: Diversity and More
5:30 -6:30 PM @ BCBA Office (3269 28th Street)
Free for BCBA Members
Send questions here by May 9
Please click here to register

Thursday, June 5
BCBA Annual Meeting
5-7 PM @ BCBA Office (3269 28th Street)
Free for BCBA Members
Please click here to register
Special thanks to our current event



PRESIDENT'S PAGE

CAROLYN STEFFL

Every day is a holiday – whether it is National Talk Like a Pirate Day, Pi Day, or (your favorite dessert / hobby / pet) day, as CBA's the Loop reminds us. But lately there has been a lot of talk about one holiday that you probably didn't know about until this year – Law Day on May 1st.

Law Day has been in effect since 1958, enacted by President Eisenhower to celebrate the rule of law as the foundation of freedom and democracy. However, this year, the holiday has been elevated to a "National Law Day of Action" by the American Bar Association, in partnership with state and local bar associations, including BCBA. Attorneys and judges throughout the country are subject to daily attacks, on an unprecedented scale, including threats, calls for impeachment, phone searches at the border and--in the case of Hannah Dugan--even arrest. So, many of us are taking the opportunity on May 1st to speak out in support of the constitution, attorneys and judges and the right to a fair, impartial judicial system.

How are attorneys celebrating Law Day 2025?

In Boulder:

With BCBA members, Boulder attorneys, judges and community members will



gather at the Boulder County Justice Center at Noon on May 1st to celebrate the Constitution, in support of the bedrock American principles of the Rule of Law, the independence of the judiciary, the protection of attorneys and law firms from unlawful attacks, due process of law, and freedom of speech and association. Specifically, participants will be reading the US Constitution and related statements, at the same time as attorneys gather in Denver and throughout the nation to do the same.

In Denver:

In addition to the gathering at the Courthouse, the Colorado Bar Association is also participating in Law Day, hosting a virtual and in person CLE on "The Constitution's Promise: Out of Many, One." The CLE talk explores the premise:

PRESIDENT'S PAGE CONTINUED

As the rule of law and our civil liberties increasingly come under attack today, we must place those attacks in context, and acknowledge that our legal and political institutions have never truly protected or represented everyone. Thus, we must not dream of a return to "normalcy." Instead, we must make a new promise to each other, work together to build institutions that truly work for all of us, and settle for nothing less than true collective liberation.

Nationally:

The ABA will be hosting a virtual event featuring Justice Stephen Breyer, American diplomat Richard Haass and ABA President Bill Bay, among others.

May 1st is just a start. We need to speak up for the Rule of Law every day, continue to educate yourself, keep your eyes open, post on social media, talk to your neighbors, support local and national judges. The news about attacks on attorneys and the judiciary is balanced by reports of judicial processes that are working and that are achieving justice. That gives me hope..




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35 YEARS AND COUNTING OF INSTREAM FLOWS IN BOULDER COUNTY

JESSICA PAULT-ATIASE

The City of Boulder has a long-standing environmental ethos that incorporates instream flows into its water supply planning and operations.This article discusses how the city, in collaboration with neighboring water users, other municipalities, and state agencies, has worked to preserve and support environmental stream flows in Boulder County since 1990.

Water Rights and the Prior Appropriation Doctrine in Colorado

The prior appropriation doctrine governs the ownership and use of water and water rights in Colorado.In simple terms, the prior appropriation system is described as "first in time, first in right."A water user that has a demonstrated intent to put water to beneficial use first has a vested and prior right to use water in that amount against subsequent water users.This system developed out of necessity and was influenced by Native Peoples, Spanish settlers and early miners to allocate water in the arid West, as an alternative to the more common riparian system of water rights based on land ownership abutting water ways.*See gen.*,Coffin v. Left Hand Ditch Co., 6 Colo. 443, 447 (1882).

The prior appropriation doctrine has been enshrined in the Colorado Constitution.Article XVI, Section 5 dedicates water in Colorado as public property for use by the people, subject to appropriation, and Section 6 provides the right to appropriate water for beneficial use in priority.The 1969 Water Rights Determination and Administration Act ("1969 Act") provides the legal framework for surface and ground water distribution and use under the prior appropriation doctrine.

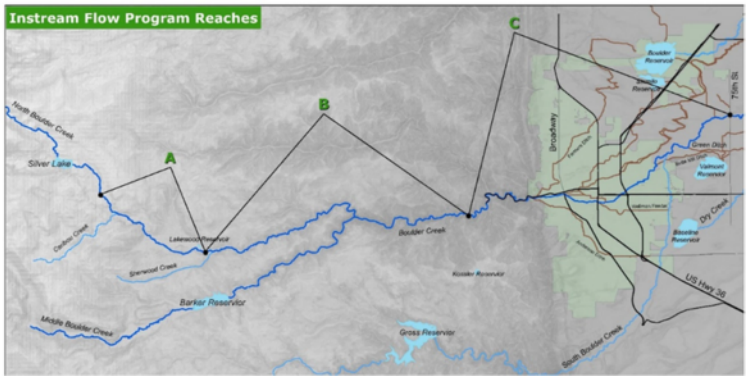
Beneficial use of a water right is defined under the 1969 Act as "the use of that amount of water that is reasonable and appropriate under reasonably efficient practices to accomplish without waste the purpose for which the appropriation is lawfully made..." C.R.S. Section 37-92-103(4).Beneficial uses were originally limited to diversions of water from the stream system for uses such as domestic or municipal, irrigation, and manufacturing or industrial activities.*See*Section 6 of Article XVI, Colorado Constitution.

Colorado Instream Flow Protection

The Colorado Water Conservation Board ("CWCB") was established by the Colorado Legislature to protect and develop Colorado's water resources for the benefit of present and future generations.In 1973, Senate Bill 97 established the Instream Flow and Natural Lake Level Program.C.R.S. Section 37-92-102(3).This legislation amended the 1969 Act to define beneficial use to include use for instream flows for environmental protection and preservation without a diversion of water from the stream.*See*Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd., 594 P.2d 570, 576 (Colo. 1979).The CWCB is "vested with exclusive authority, on behalf of the people of the state of Colorado, to appropriate...such waters of natural streams...as the board determines may be required for minimum streamflows...to preserve the natural environment to a reasonable decree."C.R.S. Section 37-92-102(3).

n addition, the CWCB "may acquire, by grant, purchase, donation, bequest, devise, lease, exchange, or other contractual agreement,

INSTREAM FLOWS IN BOULDER COUNTY CONT.



[Photo: Map depicting locations of instream flow protected reaches along Boulder Creek.]

from or with any person, including any governmental entity, such water, water rights, or interests in water…in such amount as the board determines is appropriate for streamflows…to preserve or improve the natural environment to a reasonable degree."*Id*.In other words, only the CWCB can hold a water right for instream flow uses in Colorado and may appropriate a water right or acquire existing water rights for instream flow, provided that it makes a determination that such water rights are appropriate to preserve or improve the natural environment to a reasonable degree.

Because the majority of Colorado's waters are already over-appropriated, meaning there are more water rights for the use of water than there is physical supply of water, the instream flow program is a viable and practical mechanism that works within the prior appropriation system and without injury to other water rights to keep water in the stream system and protect such flows for environmental support.

Boulder Creek Instream Flow Program

In the early 90's, Boulder donated a suite of valuable senior water rights to the CWCB to establish a year-round instream flow program on North Boulder and Boulder Creeks.This was one of the first donations of its kind to the CWCB for instream flow purposes.As part of its Raw Water Master Plan dated September 15, 1988, the city committed itself to the goal of supporting instream flows in Boulder Creek.The need for instream flow protection was in response to observed dry-up periods in the creek during the 1980s that city planners forecast would become more severe and frequent with increased water demands.Subsequent city water supply and land use planning documents have included similar goals in support of balancing instream flows and environmental preservation with municipal water supply demands and operations.

The Boulder Creek instream flow program has three protected segments from below Silver Lake Reservoir near the headwaters of North Boulder Creek to 75thStreet in Boulder County.The donated rights include reservoir releases, bypassed diversions, and changed irrigation ditch shares to provide instream flows throughout the year.The city and CWCB entered into a series of donation agreements to govern the donation of water rights from the city to the CWCB for instream flow uses.In addition, the city and CWCB, as co-applicants, received a decree in Case No. 90CW103 from the Division No. 1 Water Court to confirm the instream flow uses of the donated water rights.

The city's donation agreements with the CWCB include a reservation by Boulder for the right to use water available under the donated rights for municipal purposes under certain conditions, including drought and emergency conditions in its municipal water supply.

INSTREAM FLOWS IN BOULDER COUNTY CONT.

The reservation by Boulder further allows the city to use the donated rights for municipal purposes anytime they are not needed to meet instream flow amounts, and the right to use water under the donated rights downstream of the instream flow reaches.This provides operational flexibility for the city's municipal water supply while also supporting instream flows in most years.

In addition to the reservation by Boulder, the city has an agency relationship with the CWCB pursuant to the donation agreements that authorizes Boulder to act on behalf of the CWCB for administration and monitoring in the specified reaches for the instream flow uses.Boulder is responsible for monitoring all stream gauges and working with the water commissioner to call for administration.This has allowed the city to take on much of the administrative burden and work in partnership with state agencies for operation of the program.

Boulder has worked extensively with ditch companies and other water users within the protected reaches, as well as the water commissioner for District 6 and other state water officials, to create transparency and collaboration for operation of the instream flow program.The Boulder Creek instream flow program has operated for over 35 years without the need for bypass structures or requirements to measure water in and out of the stream past diversions, which would defeat in many ways the intent and benefits of the instream flow use.Boulder has made its water rights accounting readily available, sponsored projects to update and automate diversion structures, installed real time measurement, and supported the installation and maintenance of a comprehensive network of stream gauges through the protected reaches.The Boulder Creek instream flow program also provides water quality and riparian health benefits to the larger basin and downstream diverters and serves as a longstanding example of how instream flow operations can be integrated into existing river administration to complement and benefit the system as a whole



[Photo: Boulder's Water Resources Project Manager, Isabelle Lheritier, measuring stream flow in Boulder Creek.]

LEGAL CLINIC VOLUNTEERS NEEDED

Did you know the BCBA sponsors a Free Virtual Legal Clinic for Boulder County? This started during the pandemic and was so successful we have continued it to help further our commitment to access to justice. To date, we have helped over 1700 community members!

We have a small group of incredibly dedicated volunteers who give 15-20 minutes of their time approximately once every few weeks. We would like to get that number to once a month, but we need more volunteers! **Can you help with 20 minutes once a month in service to your community?**

Please let us know that you are available to help once per month (or more!) along with your practice areas. We could not provide this service without all of our amazing volunteer attorneys! Please contact Bay for more information about attorney.participating as a volunteer

Please click here to sign up

THANKS TO OUR CLINIC VOLUNTEERS

Ainagul Holland	3 calls last month	Mike Rafik	1 call last month
Ben Wilson	3 calls last month	Jennifer Arnett	1 call last month
Doug Hamilton	3 calls last month	Connie T. Eyster	1 call last month
Kevin Miller	2 calls last month	Jessica Catlin	1 call last month
Jennifer Terry	2 calls last month	Carmen Danielson	1 call last month
TJ Willard	2 calls last month	Patricia Riley	1 call last month
Julia Morganthau	2 calls last month	Lucy Walker	1 call last month
Karen Burns	2 calls last month	Peter Fabish	1 call last month
Jacob Rubinstein	1 call last month	Jennifer Landry	1 call last month
Susan Spaulding	1 call last month	Micheal Travers	1 call last month
Brittany Frisbie	1 call last month	Ugyen Tshering	1 call last month
Andy L. Gitkind	1 call last month	Christopher M. Ernst	1 call last month
Scott Hamerslough	1 call last month	Adam Sher	1 call last month
Dipak Patel	1 call last month	Stephen Miller	1 call last month
Alison P. Gordon	1 call last month	Meghan Hungate	1 call last month
Graham Fuller	1 call last month	KC Cunilio	1 call last month

BCBA HOME STUDY WEBINARS

A benefit of BCBA CLE offerings moving to webinars is that we are able to record the programs and make them available to view after the live presentation. We also submit the majority of our recordings for home study CLE credit, which allows our members to view them as needed to fulfill the credits needed for their reporting periods. Please see a list of our current home study offerings below, and if there is a program you're interested that you don't see here, the full list of our video recordings is available for BCBA Members only on our Webinars page. If there is a program that is not currently accredited for home study that you're interested, please contact Bay and we can work to get a recording re-accredited.

Ethics Courses

Creating Effective and Ethical Environments for Colleagues and Clients with Intellectual Disabilities
Presented by April McMurrey, Zoey Tanner, and Judge Chris Larson
Video recording here
Course ID# 850525

Moving from Ignorance to Terror: Engagement Letters for Estate Planners
Presented by Connie Eyster
Video recording here
Course ID# 853868

Getting Your Firm's Affairs in Order: Part 2
Presented by Jodi Martin
Video recording here
Course ID# 838332

EDI Courses

Introduction to Racial Equity: A Lawyer's Responsibility
Presented by Judge Dea Lindsey
Video recording here
Course ID# 847136

A Primer on Disability Advocacy
Presented by Franklin Erickson
Video recording here
Course ID# 853822

A Focus on RMIAN
Presented by Mekela Goehring
Video recording here
Course ID# 853866

The Importance of Pro Bono Service
Presented by Gregor MacGregor
Video recording here
Course ID# 853867

Lessons for Mediators from the EDI Roundtable
Presented by Melora Bentz and Wesley Parks
Video recording here
Course ID# 853869

Advocacy Requires Allyship: Conscious Representation of LGBTQ+ Clients
Presented by Kevin Miller
Video recording here
Course ID# 836005

General Credit Courses

Tax / Estate Planning: Final Regulations of SECURE and SECURE 2.0 What Practitioners Need to Know
Presented by Robert Keebler
Video recording here
Course ID# 858856

Drafting and Using Arbitration Clauses: Tips from a Litigator & Arbitrator
Presented by Paul Schwartz
Video recording here
Course ID# 847138

An eDiscovery Update for 2024
Presented by Kelly Twigger
Video recording here
Course ID# 853823

Fall 2024 Tax & Estate Legislative Update
Presented by Scott Challinor
Video recording here
Course ID# 853824

Tips on Having a Successful Mediation
Presented by Hon. Patrick Butler
Video recording here
Course ID# 853870

Law of the Colorado River
Presented by Gregor MacGregor
Video recording here
Course ID# 812690

RETIREMENT CELEBRATION FOR CHIEF JUDGE BAKKE

Please join us on July 11, 2025, as we honor the retirement of Chief Judge Ingrid Bakke who has served the 20thjudicial district for over 14 years.

Ceremony to commence at 3:30 p.m. in the Boulder District Court Jury Assembly Room

Reception to follow from 5:00 p.m. to 6:30 p.m.

If you would like to say a few words at the retirement ceremony, please contact Judge Judith LaBuda atjudith.labuda@judicial.state.co.us



CLASSIFIED ADS

Finance Associate Attorney. Stinson LLP's Banking and Financial Services division in the Denver office is looking to hire an associate attorney with 4-6 years of experience representing lenders and borrowers in financing transactions. Candidates must have drafting and negotiating skills and significant experience with credit agreements, security agreements, other collateral documents, and closing documentation. High level of academic achievement and law firm experience is required. Ability and desire to work as part of a team is essential. The salary range for this role is $205,000 – $225,000. Please click here for full job responsibilities and requirements.

Associate Attorney: Medium-size, legacy Boulder law firm seeks an associate attorney with 0-5 years of experience. The position will support all of the firm's practice areas, which include real estate, energy, municipal law, employment, and water law, probate litigation, civil litigation, and domestic relations. The firm has reasonable billing expectations and emphasizes work-life balance and office culture. The selected applicant will have immediate opportunities to work with multiple attorneys and participate in a broad array of tasks, cases, and client management. Candidates should have strong academic credentials and research and writing skills. Judicial clerking experience is desired but not required. Please email a cover letter, resume, writing sample, transcript, references, and salary expectations *here*.

Salary range for 0-5 years of experience: $80,000 - $125,000

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For more information or to schedule a tour, please contact Samuel Ronquillo - 720-838-6572 -*sronquillo12@gmail.com*

MEDIATION

Domestic Landlord/Tenant Personal Injury Business Employment

Morgan O'Brien, MBA
mobrien@fobrienlaw.com
(303) 725-9549

Fern O'Brien, JD
fobrien@fobrienlaw.com
(303) 579-3559

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SUPER LAWYERS COLORADO 2025 X

PROFESSIONALISM ON CALL

May 05	Trip DeMuth	303.447.7775
May 12	Peggy Goodbody	303.440.5736
May 19	Tim O'Neill	303.682.7292
May 26	Steve Clymer	303.530.2137

The Professionalism Committee assists lawyers, clients, and other members of the community with questions or complaints about behavior by lawyers that fails to meet generally accepted standards of professionalism and courtesy, or that is contrary to the BCBA Principles of Professionalism.

The Professionalism Committee does not address allegations of criminal or ethical violations by lawyers, as regulated by the Colorado Rules of Professional Conduct, and any such violations should be addressed to the Office of Attorney Regulation Counsel.

BOULDER COUNTY FREE LEGAL CLINIC

The Boulder County Free Legal Clinics have been replaced with our Virtual Legal Clinic until further notice. We are always seeking new volunteers to assist the public: Please email Bay if you are interested in participating.

PRO BONO REFERRALS

There were no pro bono referrals in the month of March

PRO SE VOLUNTEERS

Shana Beggan

Kathleen Franco

WILLS CLINICS

Jodie Gilbert x2

PRO BONO CORNER

Interested in a Pro Bono case? Please call Alisiana Medina at 970-499-1003. CLE credits available for pro bono service.

c

Boulder COUNTY BAR ASSOCIATION

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