September 2024

# Boulder COUNTY BAR ASSOCIATION

# BENCH BAR RETREAT

Please join us on Thursday, September 19 as we host the BCBA Bench-Bar Retreat in the Wolf Law Building at CU Boulder. **Special thanks to event sponsors The W Law, Helen P. Towlerton, Esq, Sloat, Nicholson & Hoover, P.C., Dietze and Davis, P.C., and Berg Hill Greenleaf Ruscitti LLP.**

This event will include three separate CLE presentations, starting with a discussion on DEI led by Colorado District Court Judge Jon J. Olafson.

For the second hour, Colorado Supreme Court Justice Maria Berkenkotter and Court of Appeals Judge Craig Welling, will present on protocols in the Colorado Supreme Court and Colorado Court of Appeals.

For the final hour, several Boulder District Court judicial officers, including District Court Judges Robert Gunning, J. Chris Larson, and Thomas Mulvahill, in addition to Magistrate Thomas Ward, will lead informative breakout sessions in civil litigation, criminal litigation, and domestic relations. You will be able to choose which breakout session you wish to attend.

We hope you will be able to attend and enjoy this valuable bar retreat. **Please click here to register**.

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# BENCH BAR RETREAT

**BENCH BAR RETREAT AGENDA**

5:15 – 5:40 pm - Registration & Welcome Reception

5:40 - 6:30 pm – DEI presentation - Judge Olafson will present on di-biasing the courtroom (1 DEI credit & 1 General Credit).

6:35 – 7:25 pm – Colorado Supreme Court and Court of Appeals - Justice Berkenkotter and Judge Welling will present on the Colorado Supreme Court and Court of Appeals (1 General Credit).

7:30 – 8:20 pm – Breakout sessions (1 General Credit)

- Family Law presentation- Judge Gunning
- Civil Litigation presentation- Judge Larson and Magistrate Ward
- Criminal Law presentation- Judge Mulvahill

**Thank you to our event sponsors**

THE W LAW

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PERSONAL INJURY ATTORNEYS

BHGR BERG HILL GREENLEAF RUSCITTI LLP

DIETZE AND DAVIS, P.C.
ATTORNEYS AT LAW

***Helen P. Towlerton, Esq***

# CALENDAR OF EVENTS

**Tuesday, September 10**
**Solo/Small Firm Section Lunch**
12:00 - 1:00 PM @ BCBA Office (3269 28th Street)
Free for BCBA Members
Please click here to register
Please click here to sponsor

**Wednesday, September 11**
**BCBA Pickleball**
4:30 - 6:00 PM @ Boulder Pickleball (3550 Frontier Ave Unit C)
$10 for BCBA Members
Please click here to register
Please click here to sponsor

**Tuesday, September 17**
**Employment Law CLE Webinar**
**Special thanks to CLE sponsor *Berg Hill Greenleaf Ruscitti, LLP***
Presented by Paul Maxon
*1 General Credit*
12:00 - 1:00 PM @ BCBA Zoom Meeting Room
Free for BCBA Members
Please click here to register

**Thursday, September 19**
**Bench Bar Retreat**
**Special thanks to our sponsors *The W Law*, *Helen P. Towlerton, Esq*, *Sloat, Nicholson & Hoover, P.C.*, *Dietze and Davis, P.C.*, and *Berg Hill Greenleaf Ruscitti, LLP***
CLE Credits Available: 3 General & 1 EDI
5:15 - 8:00 PM @ Wolf Law Building (2450 Kittredge Loop Dr)
$50 for BCBA Members
Please click here to regsiter

**Tuesday, September 24**
**Paralegal Webinar**
**Presented by Junie Joseph**
12:00 - 1:00 PM @ BCBA Zoom Meeting Room
Free for BCBA Members
Please click here to register
Please click here to sponsor

**Tuesday, September 24**
**Longmont Happy Hour**
4:30 - 6:00 PM @ Boostrap Brewing (142 Pratt St., Longmont)
Free for BCBA Members
Please click here to register
Please click here to sponsor

**Wednesday, September 25**
**Natural Resources CLE Webinar**
**Presented by Daniel Cordalis**
*1 General Credit*
12:00 - 1:00 PM @ BCBA Zoom Meeting Room
Free for BCBA Members
Please click here to register
Please click here to sponsor


**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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# PRESIDENT'S PAGE

## CAROLYN STEFFL



"Powerful" and "compelling" are two words that Bouder County District Attorney Michael Dougherty used to describe the Democratic National Convention, in which Kamala Harris was introduced to the nation, with a big focus on her three decades as a prosecutor and her historic role as the first black, first woman, and first Asian American elected to be the attorney general of California. Regardless of your political views and which candidate you support, it was extraordinary to watch a celebration of attorneys and our judicial system play out on a national stage. One theme of the convention was to explain the role of a prosecutor to the American public, so I took this opportunity to reflect on the role of prosecutors in Boulder and in Colorado.

Watching the DNC from an airplane flying from NYC to Denver, I was reminded of how many Americans have skepticism and distrust of prosecutors and courts these days. As attorneys, we hold sacred the need for enforcing the rule of law, balanced with the belief that everyone is entitled to a competent effective defense counsel. We have all seen many examples of times when prosecutors or courts abused their power, but that doesn't shake our fundamental trust that the system can work as we strive to make it fairer.

Michael Dougherty explained that, nationally, the last four to five years have been a difficult time for prosecutors. Since the death of George Floyd, there has been a lack of trust in the police, prosecutors and judicial system. Here at home, Michael explained that the Boulder County DA's office places a big emphasis on rebuilding trust, engaging in community events with a focus on crime prevention, like visiting senior centers to teach them how to avoid being a victim of fraud, visiting high schools to teach about bullying, gun safety and drugs, and attending community events like the Boulder farmer's market and Boulder Creek Fest to just listen.

At the Democratic National Convention, it was clear that the Harris campaign is also on a mission to rebuild trust, especially with communities of color. "If you told 15-year-old me would be on stage supporting a prosecutor and a teacher…there's no way that I would've believed you," DL Hughley quipped at the Democratic National Convention (DNC) where he apologized to Kamala Harris for past assumptions (and criticism) of her based on her history as a prosecutor.

Convention speakers included attorneys who had served as colleagues of Kamala in district attorney offices and at least three attorney generals. The speakers emphasized the role that prosecutors play in "protecting the vulnerable and giving the victims a voice", per Amy Resner, a former prosecutor. Kamala explained "As a prosecutor, when I had a case, I charged it, not in the name of

# PRESIDENT'S PAGE CONTINUED

the victim, but in the name of The People, for a simple reason. In our system of justice, a harm against any one of us is a harm against all of us. . . . Everyday in the courtroom, I stood proudly before a judge and said five words, Kamala Harris, for The People."

Colorado Attorney General, Phil Weiser, explained "State AGs play a critical role in protecting our freedoms, defending the rule of law, improving public safety, and fighting for consumers. The nomination of Vice President Kamala Harris—and the focus on her record as California State AG---has spotlighted the importance and impact of this work."

Speakers at the DNC also talked about the oaths that Kamala took as a prosecutor. I also Michael about that, and he confirmed that in Colorado prosecutors do take an extra oath before they begin service, adding that they also have ethical responsibilities specific to prosecutors. (CRPC 3.8 Special Responsibilities of Prosecutors). Attorney General Weiser added "we [prosecutors] have ethical responsibilities to act thoughtfully, carefully, and based on the evidence."

Overall, Michael Doughtery was impressed by the commitment to the rule of law that was expressed, and the juxtaposition of a prosecutor with a convicted felon. He emphasized that the Boulder County DA's office is committed to justice and doing the right thing to the best of their abilities, rather than racking up convictions like notches on a belt. He is excited and hopeful about the campaign's commitment to the rule of law, integrity and fairness, values that he believes are needed more than ever. Michael also expressed how grateful he is to live and work in Boulder County and to have the support of our community.



# PAY TRANSPARENCY LAWS ON THE RISE

## MICHAEL J. LASZLO



Pay transparency laws require employers to disclose compensation information to applicants and potential employees, and impose job notice requirements and record keeping regulations. The goal of pay transparency laws is to promote fairness and equity in the workplace as well as reduce pay disparities based on factors like race, gender, or ethnicity. While there is no federal pay transparency law, 11 states have current or pending pay transparency laws including California, Colorado, Connecticut, Hawaii, Illinois, Maryland, Nevada, New York, Rhode Island, Washington, and Washington D.C. 13 other states have proposed legislation including Alaska, Kentucky, Maine, Massachusetts, Michigan, Missouri, Montana, New Jersey, Oregon, South Dakota, Vermont, Virginia, and West Virginia and changes in these states may be forthcoming.

Some state laws, like theWashington State Pay Transparency Law, require employers to disclose the wage scale or salary range, and a general description of all benefits and other compensation offered for each job posting. A "posting" can be defined differently under each state law. For Washington state employers, a "posting" means any solicitation, electric or in printed form, intended to recruit job applicants for an available position that includes qualifications for desired job applicants. The requirement to provide a "wage scale or salary range" also obligates employers in Washington to determine the wage before the job is posted, ensure it is not open-ended, and if there is a starting range, both the starting range and general range must be included. It applies to employers with at least 15 employees including out-of-state employers with one or more Washington-based employees. Washington's Department of Labor and Industries can issue a


SAVE THE DATE!

BOULDER COUNTY
Senior Law Day
www.bocoseniorlawday.org

**Saturday, September 21, 2024, 9 am-Noon**

**Longmont Senior Center, 910 Longs Peak Avenue, Longmont, CO**
For more information and updates, go to *www.bocoseniorlawday.org*
Facebook: *www.facebook.com/bouldercountyseniorlawday/*
**Interested in being a sponsor? Email *sponsorship@bocoseniorlawday.org***

**CALL FOR VOLUNTEERS!**

Boulder County Senior Law Day is **in person** again this year and will feature our popular **Ask-A-Lawyer** event, where attendees can sign up for a free consultation with an attorney on a walk-in basis.

**We need volunteer attorneys** who specialize in Benefits, Estate Planning, Family Law, Real Estate, Consumer Law, and Landlord-Tenant, who can take on a minimum 1½-hour shift (9:00-10:30, or 10:30-noon) on September 21st.

Email Brett Landis of CO Legal Services, Boulder if you're interested, and **mark your calendars**!

**BECOME A SENIOR LAW DAY SPONSOR!**

Visit our website or email to sponsor today!

# PAY TRANSPARENCY CONTINUED

citation for any non-compliance for statutory damages equal to the actual damages or $5,000, whichever is greater, interest of one percent per month on all compensation owed, and costs and reasonable attorneys' fees to an employee as a result of a violation.

Some state laws extend to internal posting.California's Pay Transparency Actrequires employers to disclose a pay scale in external and internal job postings including remote jobs for employers with 15 or more employees with at least one working in California. It also requires an employer to disclose a position's pay scale to current employees. A "pay scale" is defined as the salary or hourly range that the employer reasonably expects to pay for the position which does not include benefits or other forms of compensation. Additionally, California law requires private employers of a certain size to submit annual pay data reports to the state. Employers who do not submit reports may face penalties up to $100 per employee with subsequent failures incurring penalties of $200 per employee.

Employers can also face civil penalties of $100 to $10,000 from the California Labor Commission as well as injunctions and class action lawsuits for non-compliance.

Other states' laws continue to emerge with additional requirements. Colorado's Equal Pay for Equal Work Act expanded on job opportunity notices, post-selection notices, and career progression notices. Notice of job opportunities must disclose compensation, benefits, and the application process. "Job opportunity" is now defined broader to include current or anticipated vacancies for which the employer is considering a candidate or that the employer externally posts. There are exceptions, for example, where an employer has a compelling need to keep an opening confidential because the position is held by a current employee. Certain non-competitive promotions such as career development, career progression positions or acting, interim, or temporary roles do not require job opportunity notices. In addition, employers not physically located inside of Colorado that have fewer than 15



# PAY TRANSPARENCY CONTINUED

employees working remotely in Colorado are also excluded from job opportunity notices. The post-selection notices require employers to make reasonable efforts to provide information to employees with whom the employer intends the person selected will work with regularly. For career progression notices, the amended law requires employers to inform employees with an objective career progression, the requirement for advancement, and what the potential compensation would be to just all eligible employees. Colorado employers must maintain an employee's job description and wage rate history records for up to two years following their termination. Employers who fail to comply may be imposed a fine by the Colorado Department of Labor and Employment between $500 and $10,000 per violation.

The takeaway for employers is that times are changing, and states are adopting robust laws to require employers to provide applicants with more information about compensation, regardless of whether that position is performed in that state. The pay transparency trend is widespread as almost half of the states have adopted or passed pending legislation to increase such laws. Understandably, employees now expect to see their potential compensation before applying for a position to compare it with other similar roles.

For more information regarding pay transparency laws and their application to your business, please contact Mike Laszlo.

## Welcome New Members

| | | |
|---|---|---|
| Michael P. Zqeibel | Ryan Dunn | Rachel Gilllette |
| Mary Uchida | Antonia Ozeroff | William Cale |
| Dean Lehman | Carlyn Williams | Coulter Bump |
| Steve Kelton | Gregory Szydlowski | Lynn Bird |
| Angela Hopkins | Jennifer Sullivan | Thomas Morales |
| Stephen Hladik | William Stuller | Renee Leone |
| Rachel Dane | David Strachan | Caroline Gecker |
| Christine Breen | Kristofer Simms | Sloane Dreyer |
| Peter K. Booth, Jr. | James Shanor | Lucas Schaffer |
| Scott Berdan | Daniel Lacomis | Melissa Barber |
| Stacy Margolin | Anne Jorgensen | John Konz |
| Jonathan Stigler | Hope Hamilton | John Thompson |

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# Congratulates

**Jonathan Boonin**
Employment Law - Individuals

**David J. Driscoll**
Commercial Litigation, Insurance Law,
Litigation - Insurance,
Personal Injury Litigation - Plaintiffs

**Maureen E. Eldredge**
Corporate Law

**Constance T. Eyster**
Trusts and Estates

**Christopher W. Ford**
Personal Injury Litigation - Plaintiffs

**Glen F. Gordon**
Personal Injury Litigation - Plaintiffs

**John B. Greer**
Employment Law - Management

**Kimberly M. Hult**
Medical Malpractice Law - Plaintiffs

**Meghan C. Hungate**
Construction Law, Litigation - Construction,
Litigation - Real Estate,
Real Estate Law

**Justin Konrad**
Business Organizations
(including LLCs and Partnerships)

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# BCBA AUGUST PHOTOS



BCBA Summer Softball The Low Bar celebrating clinching 3rd Place with a playoff win



BCBA Louisville Happy Hour
Sponsored by Hofgard & Associates



BCBA Louisville Happy Hour
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# CLASSIFIED ADS

**Legal Assistant Position.** Lyons Gaddis is seeking a full-time Legal Assistant for its Litigation group. Work on a variety of exciting cases in a collaborative team-based work environment with professional and congenial colleagues. A great benefits package with a generous 401(k) match. The ideal candidate will have a strong interest in the legal profession, exceptional attention to detail, a great work ethic, and a desire to learn new things every day. *Please click here for more information*. Professional references are required after the initial interview. Background check required. Please email your resume, references, and salary requirements to careers@lyonsgaddis.com. The salary range is $22 - $24 an hour.

**Paralegal Position.** Great Paralegal Sought: Lyons Gaddis is seeking a full-time Paralegal for its Litigation group. Work on a variety of exciting cases and projects in a collaborative team-based work environment with professional and congenial colleagues. A great benefits package with a generous 401(k) match. The ideal candidate will have a strong interest in the legal profession, exceptional attention to detail, an outstanding work ethic, and an unremitting desire to learn new things every day. *Please click here for more information*. Professional references are required after the initial interview. Background check required. Please email your resume, references, and salary requirements to *careers@lyonsgaddis.com*. The salary range is $25 - $35 an hour based on experience.

**Part-time Legal Secretary Position.** Part-time in-office legal secretary with great typing skills approx. 24 hours/wk, M-Th 10-4, flexible. Projects involve transcribing audio dictation or integrating dictation into existing forms. Must be detail oriented, proofread documents, and navigate forms in WordPerfect and Word. Two-attorney office in Lafayette specializing in estate planning, probate, real estate, and business transactions. Cheery work environment, good parking, easy access to Boulder and Denver-metro area. Contact *gail@oshlaw.com*.

# PROFESSIONALISM ON CALL

| | | |
|---|---|---|
| September 2 | Lee Strickler | 303.443.6690 |
| September 9 | Connie Eyster | 303.442.6514 |
| September 16 | Meghan Pound | 303.443.8010 |
| September 23 | Tom Rodriguez | 720.931.3231 |
| September 30 | Karl Kumli | 303.447.1375 |

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 Kyle if you are interested in participating.

# THANKS TO OUR VOLUNTEERS

The BCBA Virtual Legal Clinic remains ongoing and has served over 30 people to date. Thank you to the attorneys who serve as volunteers:

| | | |
|---|---|---|
| Dan Droege | Amy Stengel | Beth Kelley |
| Jennifer Huston | Laura Herndon | Dipak Patel |
| Sherri Murgallis | Maki Iatridis | Lindsey Killion |
| Craig Small | K.C. Cunilio | Karen Burns |
| Scott Hamerslough | Fern O'Brien | Susan Spaulding |
| Starla Doyal | George Farmer | Chris Lane |
| Jeff Skovron | TJ Willard | Connie Eyester |
| Lila Sol | Meghan Hungate | Beth Montague |
| Georgiana Scott | Ann England | Kurt Hofgard |

# PRO BONO REFERRALS

More than 2 cases were referred in the month of August. Thank you to the following attorneys:

**Jennifer Terry**
**Jodie Gilbert**

# PRO SE VOLUNTEERS

There were multiple Pro Se Clinics held in the month of August thanks to the help of the following attorneys:

**Shana Beggan**

**Ricki Palmisano**

# WILLS CLINICS

There were multiple Wills Clinics held in the month of August thanks to the help of the following attorneys:

**Jodie Gilbert**

# 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

THE BCBA NEWSLETTER IS A MONTHLY ELECTRONIC PUBLICATION BY THE BOULDER COUNTY BAR ASSOCIATION. ARTICLES BY GUEST LAWYERS MAY NOT BE REPRODUCED WITHOUT PERMISSION FROM THE BOULDER COUNTY BAR ASSOCIATION OR THE AUTHORS.

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