October 2016

Boulder County Bar Association Newsletter

A SUMMARY OF COLORADO'S NEW "GROCERY STORE" LIQUOR LAW

MIKE LASZLO

BCBA Judges Dinner November 2. Register on page 5

As you have likely heard, on June 10, 2016, Governor Hickenlooper signed SB16-197, a bill that has and will continue to have a very big impact on Colorado's liquor industry. While there are many items within SB16-197 that became effective July 1, 2016, this article will focus primarily on the laws relating to sale of liquor in grocery stores aka "Liquor Licensed Drugstores" which will go into effect on January 1, 2017.

Currently Colorado grocery stores may only obtain a single license to sell full strength beer (1), wine and liquor at a single license. With the recent influx of new residents from states like Arizona and California, where every grocery store has a wide selection of beer, wine and liquor, Colorado's system seemed outdated and to many, silly. However, many residents consider(ed) the system, while often inconvenient, as partly responsible for Colorado's craft alcohol boom – allowing small producers to sell their craft beer, spirits and wine to consumers via local "mom and pop" retail liquor shops. Thus, Colorado has been stuck in a debate over if and how to reform Colorado's liquor laws. Many, *many*, articles could be written on the debate over free market

(1) Also in the new law is the elimination of language relating to "3.2 beer", which will have the effect of eliminating 3.2 beer altogether as manufacturers will naturally stop making 3.2 beer.

IN THIS ISSUE

LIQUOR LAW 1-3

CALENDAR OF EVENTS 4

SPECIAL EVENTS 5

PRESIDENTS PAGE 6-8

SOFTBALL LEAGUE & SOCIAL 9

PROFESSIONALISM & PRO BONO PAGE 10

LAWYER ANNOUNCEMENTS 11-12

COURT ANNOUNCEMENTS 13

CLASSIFIED ADS 14



LIQUOR LAW CONTINUED

approach versus protectionist approach to this issue – but I will not go deeper here.

In the past, reforming Colorado laws to allow for full liquor sales in grocery stores has been defeated at the ballot box. However 2016 was primed to be different. A coalition of grocers led by King Soopers and Safeway formed "Your Choice Colorado" – a very well-funded organization that pushed for a ballot initiative that would permit full strength beer and wine sales in grocery stores. Your Choice Colorado appeared to be "winning" the debate and was well on its way to obtaining the approximately 99,000 signatures required to get on the November 2016 ballot.

Then the Colorado legislature (and a lobbyist or two) stepped in. In the spring of 2016, seemingly out of nowhere, the legislature crafted a sweeping reform to many Colorado liquor laws. Many of the reforms were designed to directly address and usurp the progress made by Your Choice Colorado. While there were many drafts, the common goal was to protect Colorado retail liquor stores. One draft even included a requirement that in order to obtain a liquor license, a grocery store would be required to buy out a local retail liquor store for a "minimum purchase price" of $350,000.00. As an aside, I found this provision to be absurd and begging for immediate litigation. Cooler heads prevailed and that provision, among others, was not included in the final draft. Thus, Governor Hickenlooper was presented with a bill that would provide for the most comprehensive reform of Colorado's liquor laws since Prohibition era – and he signed it. Your Choice Colorado dropped its campaign shortly thereafter.

So, what does that mean for Colorado consumers? Well, it depends who you ask, but in my opinion, not much for the next 10 or so years. Beginning on January 1, 2017, the new law will gradually (over a *20-year period*) allow grocery stores to sell full strength beer, wine and liquor in more than one Colorado location. Here is the schedule:

January 1, 2017 - 2022 – up to five licenses;

January 1, 2022 - 2027 – up to eight licenses;

January 1, 2027 – 2032 – up to 20 licenses;

January 1, 2037 and beyond – unlimited licenses.

Given the number of grocery stores with many locations in Colorado, allowing chains like King Soopers and Safeway to have five liquor licenses seemingly will have little effect for Colorado consumers. But, we shall see.





The Honorable
Harlan R. Bockman

The Honorable
James C. Klein

The Honorable
Frank N. Dubofsky

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LIQUOR LAW CONTINUED

The rollout comes with significant protections for current non-grocery retail liquor stores:

- No new licenses can be issued for a grocery store within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population greater than 10,000 people.
- No new licenses can be issued for a grocery store within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population less than 10,000 people. This will greatly impact grocers' ability to obtain (cost effectively) liquor licenses in Colorado's rural and mountain areas.
- Additionally, in order for a grocery store to obtain a liquor license, it must transfer ownership (i.e. must purchase) at least two licensed retail liquor stores (in some circumstances a store that has applied for a license) and change the location of at least one of the stores.
- A licensed grocery store cannot sell clothing or accessories imprinted with advertising, logos, slogans, trademarks, or messages related to alcohol beverages. As an attorney who loves to argue, the phrase "related to alcohol beverages" is concerning.
- Retail liquor store may now offer for sale many more non-alcohol products as under the new law up to 20% of gross proceeds can come from the sale of non-alcohol products. This is significant as in the past, retail liquor stores' ability to sell items has been extremely limited.

Now, what does this mean for Colorado craft alcohol producers? That too remains to be seen. In the immediate future, it appears not too much will change. Strong retail liquor stores that offer wide ranging craft beer (for example) will likely not be for sale, or will be far too expensive to be purchased by a grocery store. In time, craft producers will need to learn how to maximize their presence in the changing retail liquor landscape.

The Colorado Department of Revenue Liquor Enforcement Division is currently in a rule-making phase with regard to 16-197 and has created "working groups" to assist in the process. I expect relevant rules to be adopted in later 2017 and beyond. In my recent experiences with the LED and local licensing authorities on issues relating to 16-197, it is clear that the implementation of the new law will be a long road – and will almost certainly be a bumpy road. I expect to see lawsuits and challenges to aspects of the law. I do not think it would be out of the question to see aspects of the statute to be re-written to avoid such litigation and unintended consequences.

ABOUT THE AUTHOR: Mike Laszlo represents local and national companies in the areas of business, commercial, alcohol beverage law, start ups, and trademarks. He is actively involved in a wide range of litigation including complex commercial, trademark, alcohol beverage, toxic tort and products liability.



CALENDAR OF EVENTS

Wednesday, October 5
PARALEGAL
Posts, Pins and Tweets - The Legal Impacts of Social Media
Presenter: Katie Pratt
Noon @ Bryan Cave
$25 CLE, $15 New/Young Lawyer, $12 Lunch
Register and pay online here

Wednesday, October 12
BUSINESS
Counseling Clients in Copyright Matters
Presenter: Justin Konrad
Noon @ BCBA Conference Room
$25 CLE, $15 New/Young Lawyer
Register and pay online here

Wednesday, October 12
CRIMINAL
Time Computation for Indeterminate Sex Offense
Presenter: Mary Carlson
Noon @ Justice Center Training Room West
$25 CLE, $15 New./Young Lawyer
Register and pay online here

Thursday, October 13
INTELLECTUAL PROPERTY
Patent Claim Intent vs. Interpretation
Presenter: Shireen Marshall
Noon @ Lathrop & Gage
$25 CLE, $15 New/Young Lawyer,
Register and pay online here

Friday, October 14
AVAILABILITY OF LEGAL SERVICES
Monthly Brown Bag Lunch
Noon @ Boulder County Legal Services

Tuesday, October 18
IN-HOUSE COUNSEL
Happy Hour with ACC
5:00 @ License One. First drink and apps free!

Tuesday, October 18
EMPLOYMENT
Recent Updates in Employment Law
Presenter: Cristina McGarr
Noon @ BCBA Conference Room
$25 CLE, $15 New/Young Lawyer
Register and pay online here

Wednesday, October 19
FAMILY
Separation Agreements
Presenter: Robin Beattie & Peter Franklin
Noon @ Justice Center Training Room East
$25 CLE, $15 New/Young Lawyer, $12 Lunch
Register and pay online here

Thursday, October 20
REAL ESTATE
Colorado Real Estate Contracts 101
Presenter: Thomas Scott
BCBA Conference Room
$25 CLE, $15 New/Young Lawyer
Register and pay online here

Thursday, October 20
BANKRUPTCY
Monthly Lunch at Kathmandu

Tuesday, October 25
ALTERNATIVE DISPUTE RESOLUTION
Effective Mediation Practices: The Do's and Dont's
Presenter: Jamie Klein
Noon @ BCBA Conference Room
$25 CLE, $15 New/Young Lawyer
Register and pay online here

Thursday, October 28
NATURAL RESOURCES/ENVIRONMENTAL
City of Longmont vs. Colorado Oil & Gas Assn.
Presenter: Dan Kramer
Dickens Tavern Longmont
$25 CLE, $15 New/Young Lawyer, $13 Lunch
Register and pay online here

BOULDER IDC

Thursday, October 13
Financial Control
Presenters: Chris Jeffers, Tara Moore, and mental health professional TBA
11:30 @ Dairy Arts Center
$27 IDC Members, $32 Non-Members, $35 Walk in
2 General CLE and 1 Ethics To RSVP, go to boulderidc.org

SPECIAL EVENTS

Please join us for the 2016 Annual Judges Dinner

Wednesday, November 2, 2016

St. Julien Hotel, 900 Walnut Street, Boulder, CO 80302

Cocktails 6:00 p.m. Buffet dinner 7:00 p.m.

Please RSVP that you will be attending by **October 26.**

Click here to register and pay online

Join the Boulder County Bar Association and the Denver Bar Association Young Lawyers Division for a screening of Strong Sisters: Elected Women in Colorado on October 25th at the Boedecker Theater.

Refreshments will be provided starting at 5:30pm with the film to begin at 6pm. This locally produced documentary has aired on PBS and was featured at the Breckenridge Film Festival. Senate Minority Leader Lucia Guzman will also speak about her experience serving in Colorado.

Suggested donations of $15 ($10 for YLD/Students) will be collected at the door. RSVP to Laura Ruth at the BCBA laura@boulder-bar.org by October 20th. Seating for this event is limited, and we expect to reach capacity quickly. Please make your reservations early so you don't miss out!

The Dairy Arts Center, 2590 Walnut St., Boulder, CO

Save the Dates!

Help us celebrate the release of the riveting untold story of Jean Dubofsky's trailblazing journey that helped change America.

Appealing for Justice

One Colorado Lawyer, Four Decades, and the Landmark Gay Rights Case: Romer v. Evans

BY SUSAN BERRY CASEY

Tattered Cover Denver LODO: Tuesday, 10/18 @ 7pm
Boulder Bookstore: Thursday, 10/20 @ 7:30 pm

PRESIDENTS PAGE

ABIGAIL SMITH



Every morning, I pause on my way into the office to read the words etched into the wall. "Injustice anywhere is a threat to justice everywhere," reads the Martin Luther King, Jr. quote. This morning ritual helps to focus my mind, and serves as a daily reminder that the practice of law is both a great honor and a great responsibility. As we enter October, we are encouraged to reconsider our responsibilities as part of Legal Professionalism Month. As I read this year's proclamation, I was struck by the third clause: "WHEREAS, members of the legal profession are public citizens having special responsibility for the quality of justice, the improvement of the law, the access to the legal system, the administration of justice, and the quality of service rendered by the legal profession…"

My original intent was to focus the October President's Page on access to justice, highlighting the services available in Boulder County. However, the generosity of my interviewees, both with their time and their expertise, convinced me that each subject deserved to be more fully developed. Consequently, this will be the first in a series focusing on those who dedicate their careers to providing access to the legal system.

The Boulder County Justice Center has recently added a Resource Center, which is where you will generally find Michelle Haynes, Donna Powell and Tania Papp. Michelle is a Family Court Facilitator who provides case management for pro se parties in domestic cases such as dissolution of marriage and child custody. In her role as Family Court Facilitator, Michelle manages cases by keeping people aware of deadlines and scheduling their trials. Tania and Donna are Self-Represented Litigant Coordinators, or Sherlocks, who provide more general information, such as forms, procedures, statutes and rules, about all manner of civil cases. As Sherlocks, Donna and Tania make sure pro se parties have the necessary forms completed on time for their meeting with Michelle or the judge. Each district has at least one Sherlock and one Family Court Facilitator. Together, they decide how they want that program to proceed. Asked to describe the Boulder County program, Donna tells me that "Boulder goes with the flow, in true Boulder tradition!"

Our Sherlocks offer a robust range of programs. Every week, they provide a divorce and custody form workshop, where people can work on their forms in a study hall-like environment. Donna and Tania are available to assist pro se litigants as they complete their forms, including services such as writing, if clients are unable to fill out their own forms. Tania is bilingual, enabling her to provide special assistance the Hispanic community, who may not be able to write in English. More importantly, Tania can translate while she is writing for pro se litigants, thereby providing an important service for the court and the community. They also review and develop forms and processes to facilitate the completion of the forms, especially in small claims and domestic relations cases. The most common area of assistance is domestic relations, accounting for about 60-65% of what Donna and Tania do.

The Sherlocks cannot offer legal advice, but they can, and do, create opportunities for pro se litigants to

PRESIDENTS PAGE CONTINUED

seek legal advice. In conjunction with the form workshop, the Sherlocks offer a weekly "Ask an Attorney" session for family law issues, a program which began in July. Pro se litigants are able to attend one of four 30 minute sessions, where they can seek legal advice from a volunteer attorney provided through the Boulder County Bar Association (BCBA). The Sherlocks also coordinate free legal clinics, which are held every 5-6 weeks in Boulder and in Longmont. When a pro se litigant needs legal advice, the Sherlocks advocate that clients attend these clinics.

In addition to form completion and facilitating access to legal advice, the Sherlocks provide a mediation program, where they coordinate the parties and the attorneys or mediators who are going to be volunteering for the mediation. The Boulder County Sherlocks have created a lot of programs, which keep them extremely busy. The key to getting it all done? Teamwork! Michelle is a former Sherlock, and she and Donna created many of the existing programs. With the addition of Tania, they are working to expand the programs and services they offer to pro se litigants.

If you want to know the impact of the programs the Sherlocks provide to our community, you need only look at the numbers. The Sherlocks keep a very strict log of every kind of assistance they provide by phone, email, or in person. Every time they talk to someone in the Resource Center, the Sherlocks log the type and subject of the assistance. In August of this year alone, the Sherlocks assisted 633 people! Incredibly, that number doesn't adequately reflect the number of people the Sherlocks assist. For example, that number does not include people who attend the free legal clinics. Last month in Longmont, 95 people attended the free legal clinic, and the Boulder clinic typically has 35 to 50 people. The clinics are very important for pro se litigants, so the Sherlocks ensure that the clinics are broadly advertised, and, as a consequence, they are always well attended. In addition to the assistance logged above, the Sherlocks add an additional 700 people per year that they contact for small claims mediation coordination. And these statistics do not include the amount of people who are assisted by attorneys in the domestic relations "Ask an Attorney" program that happens every Thursday afternoon.

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PRESIDENTS PAGE CONTINUED

When I ask what motivates them to do this work, Michelle replies, “Personally, it is a mission that when parties are unable to afford attorneys they have a meaningful way to access the justice system, and so that’s part of my motivation. I feel that we can make a big impact doing that here at the court resource center.”

As for Tania, “We have so many people that thank us. I have been working for the Colorado Judicial Department for 11 years and this is the most amazing position I have ever had. It is so purposeful, so meaningful. We don’t provide legal advice, but we give the parties confidence so that they leave the Court knowing that their case has been taken care of. Even though we don’t provide legal advice, they feel that they are assisted. They navigate the system, they understand the system, the procedures and they leave very happy. Indeed, we receive people here from other counties because they really enjoy the one-on-one customer service. There is a feeling of accomplishment of this position, when they think, ‘Now I’m calm, I’m feeling better.’ They come in very tense – this is an environment of conflict. They come really tense, they are sad, they cry. It’s money, it’s a child they want custody of, or to pay less child support or have child support. When they come and receive the explanation of the procedures and how to navigate the system, they feel confident in the system and leave with a sense of accomplishment.”

"We give them confidence," explains Donna, "but also the feeling that they are not going through this alone. We're there to hold their hands and let them know that 'yes, this is the proper form that you should be using for this situation.' That is so beneficial to a lot of the people we assist. They just don't even know where to start. A lot of people say 'I feel so much more at peace.' They know what's next, they have an idea of where the judge is going to sit,they know where they are going to be requested to sit. Simple things that we take for granted. It’s so stressful, and if we can help them with just knowing the little things, they’ve learned something new.”

Tania adds, “we work with a very diverse community in Boulder County. We are also developing cultural competence, patience, understanding the way that they are presenting themselves, the tone of their voice. Learning compassion and understanding. People are very happy to see indications in two languages; they never thought that they would be received like that and be able to enter the courthouse and understand enough to not feel afraid.”

Our conversation ends with an outpouring of gratitude for the attorneys of the BCBA. Michelle, Donna and Tania are so grateful to those of you who volunteer for the legal clinics, “Ask a Lawyer” and mediation program. For those of you who have not yet volunteered, but want to, please contact Laura or Christine to find out how you can get involved. The Sherlocks also welcome any help our members can provide to improve their forms or procedures. If you would like to help with such a project, please contact Christine our Laura and they can put you in touch.

Finally, I want to thank Michelle, Donna and Tania for taking a break from their very busy day to speak to me. I hope that by illuminating your good work, I can inspire each of our members to find a way to take “special responsibility for the quality of justice, the improvement of the law, the access to the legal system, the administration of justice, and the quality of service rendered by the legal profession…”

If you have clients in need of assistance, the Sherlocks can be reached at 303-441-4741 or by email at BoulderCourtSelfHelp@judicial.state.co.us

SUMMER SOFTBALL LEAGUE

RONALD D. JUNG

Congratulations to the Boulder County Bar Association Summer Softball Team, Scared Hitless, on successful completion of its first season. There were many men and women participants from local law firms. The record was 3 - 6. Even though the record was not as good as it could have been, it was our first season and fun was had by all. There were only minor physical injuries to report. Egos were bruised and ages were realized. The Bar hopes to sponsor a co-rec team for next summer. We will send out another reminder next spring. This was a great way to meet other people in the legal community which you might not otherwise get to know.

Interested in getting more involved with the BCBA and having some fun? Please come and participate in the Bar's Social Committee. The next meeting will be held on Thursday, October 13 at 5 pm. This month's meeting will be held at the Rayback Collective (2775 Valmont Road). If you have any questions, please contact Jennifer Lorenz at (303)447-1375 or jlorenz@dietzedavis.com

PROFESSIONALISM ON CALL

October 3	Peggy Goodbody	303.440.5736
October 10	Anton Dworak	303.776.9900
October 17	Steve Meyrich	303.440.8238
October 31	Mike Rafik	303.444.9292

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 dates have been set for the 2016 - 2017 Free Legal Clinics at the Sacred Heart of Jesus church (2312 14th Street) from 5:30 - 7:30 pm. Volunteers are always needed. Please contact Christine at christine@boulder-bar.org if you can help.

December 15
March 16
June 15

PRO BONO CORNER

Interested in a Pro Bono case? Please call Erika at 303-449-2197. CLE credits available for pro bono service.

PRO BONO REFERRALS

Twelve cases were referred during the month of August. Thank you to the following attorneys:

Norm Aaronson CULADP
Connie Eyster
Charles Martien
Rick Samson
Jeff Skovron

Craig Small

Thank you to the following mediators who accepted referrals in August:

Simon Mole

Michael Morphew

PRO SE VOLUNTEERS

Sabra Janko
Michael Morphew
Craig Small
Tucker Katz

BCAP VOLUNTEERS

Thank you to the following attorneys who accepted referrals for pro bono assistance for the Boulder County Aids Project in August:

Rick Samson

VOLUNTEER TO PROTECT THE VOTE

Protect the Vote is seeking Election Watchers, Election Hotline Workers, and other volunteers to serve in key roles across the state. Training and support to volunteers will be provided. Looking for attorneys willing to work shifts during early voting (October 24 to November 7) and on Election Day (November 8). Help is also needed before early voting begins and in the days following the election. If interested please contact Lenore Fox at Lenore@lenorefox.com or call her at 303-443-2757

LAWYER ANNOUNCEMENTS

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BCLS Welcomes Managing Attorney Brett Landis

Brett Landis has been practicing law since 2007 when she graduated from the University of Oregon School of Law. Most recently, she has worked as an associate with Warren, Carlson & Moore LLP in Niwot, Colorado, representing litigants in their domestic relations and landlord-tenant cases. Prior to that she worked for six years as a staff attorney with Legal Aid Services of Oregon, specifically focused on delivering civil legal services to low-income, rural survivors of domestic violence, sexual assault, stalking, and dating violence. She has also handled cases involving low -income tenant rights, including housing discrimination cases, and public benefits. She worked as both a certified law student and as a post-graduate fellow with the Survivor's Justice Center (then the Domestic Violence Clinic) in Eugene, Oregon. She is currently serving as a co-chair of the BCBA's Availability of Legal Services Committee. Brett looks forward to working with low-income residents of Boulder County on their civil issues, and she looks forward to meeting and thanking all the generous volunteer attorneys who take pro bono cases through the BCLS.

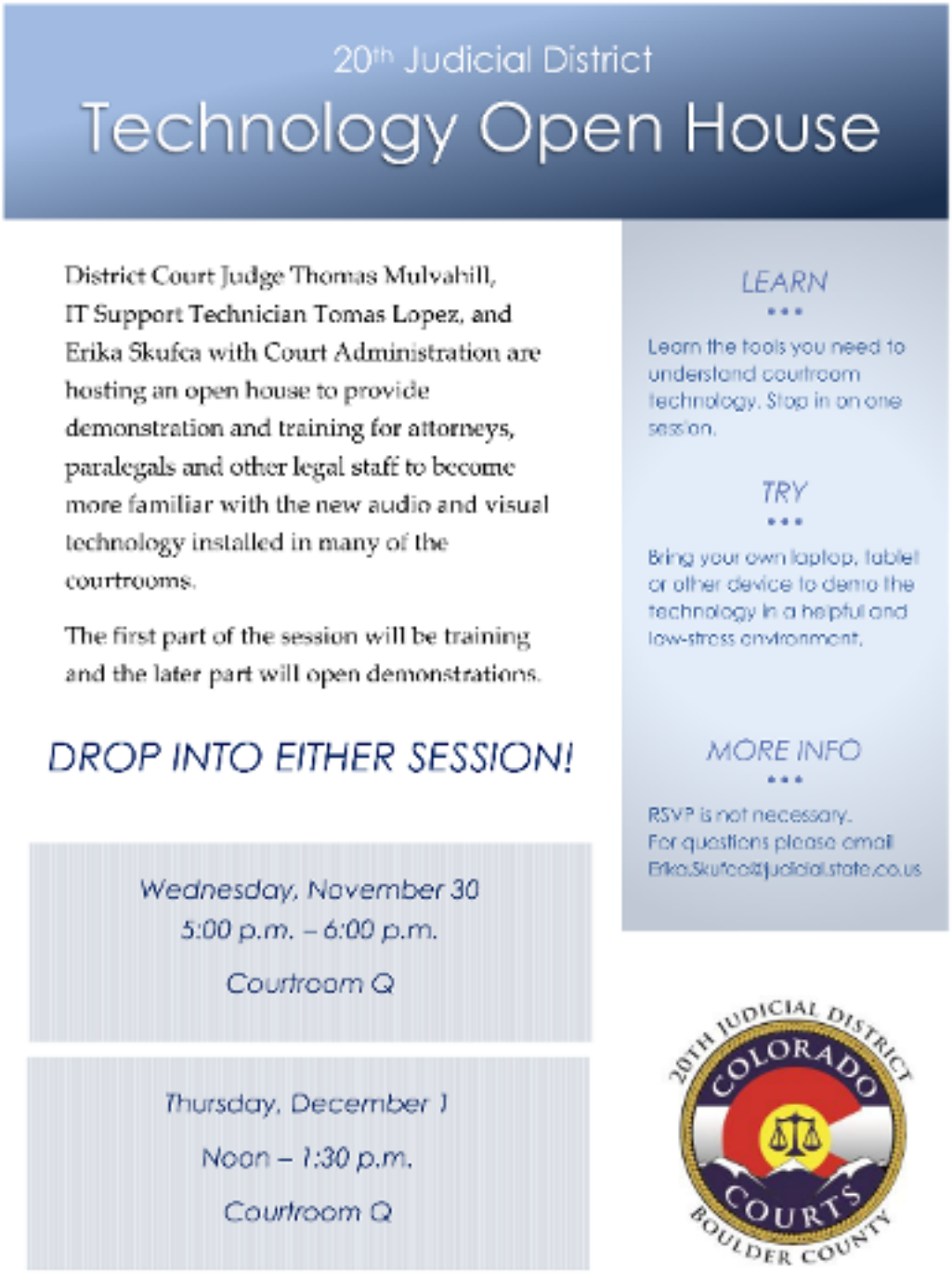
LAWYER ANNOUNCEMENTS CONTINUED

NOTICE SOMETHING DIFFERENT?

We've updated the format and style of our newsletter. Our new program gives more online functionality, such as being able to register for programs directly from the page. It is also easier to read and skim through pages.

One feature we love is the ability to download the newsletter as a PDF. Just click the icon in the lower left hand corner . This should solve any readability problems if your computer is looking fuzzy. Please send your comments to laura@boulder-bar.org.

COURT ANNOUNCEMENTS



Criminal E-Filing Starts Oct. 3 in 20th Judicial District

Administrative Order 03-106 related to electronic filing in the 20th Judicial District has been updated to require electronic filing of pleadings in criminal, misdemeanor, traffic, traffic infractions and juvenile delinquency cases effective October 3, 2016. The updated administrative order and an index of all 20th Judicial District administrative orders is available on the 20JD web page at: https://www.courts.state.co.us/Courts/County/Custom.cfm?County_ID=62&Page_ID=85. Please contact Debbie Crosser, Clerk of Court, (303) 441-3766, debra.crosser@judicial.state.co.us if you have any questions.

CLASSIFIED ADS

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OFFICE SHARING OPPORTUNITY AVAILABLE OCTOBER 1. Two offices plus secretarial station, copier, supplies, conference rooms, receptionist, other amenities. Stellar views, terrific location, plenty of off street parking. Easy access from anywhere. Contact gail@oshlaw.com for details.

WE ARE LOOKING FOR A LEGAL SECRETARY/ADMIN. ASSISTANT TO WORK IN OUR WATER LAW FIRM IN BOULDER, CO. Duties include e-filing, document processing and management, docketing, etc. Must be very familiar with the Microsoft Office Suite and Adobe Acrobat Pro. Experience with TABS/Practice Master, Worldox, Dropbox, and e-filing (ICCES and/or ECF) is preferred. We offer an excellent benefits package including 401k plan (with matching), health insurance, paid parking and EcoPass. Please submit resume with salary requirements to fdevore@pbblaw.com.

YOUR NEW BCBA CONFERENCE ROOM

AVAILABLE TO BOOK



The BCBA is always looking for ways to serve our membership. One big project that has been in the works for some time is obtaining a designated CLE space and conference room for our members.

We are excited to introduce our new space. It is the perfect location for meetings and depositions. There are seats around the table for 12 with additional seating for up to 16. A screen and projector are available for use.

As an incentive to generate interest in the room, we are waiving all rental fees until the month of January. We would like to have as many members as possible take advantage of this great benefit.

Please contact Laura Ruth to reserve your space - laura@boulder-bar.org or call 303-440-4758.

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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