

# AMICUS

UNIVERSITY OF COLORADO LAW SCHOOL

VOLUME XXIV, NUMBER 2, FALL 2008

## *The Entrepreneurial Spirit*

### **Inside:**

- *\$5 M Gift for Schaden Chair in Experiential Learning*
- *Honor Roll of Donors*

# AMICUS



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Electronic copies of AMICUS are available at [www.colorado.edu/law/alumdev](http://www.colorado.edu/law/alumdev).  
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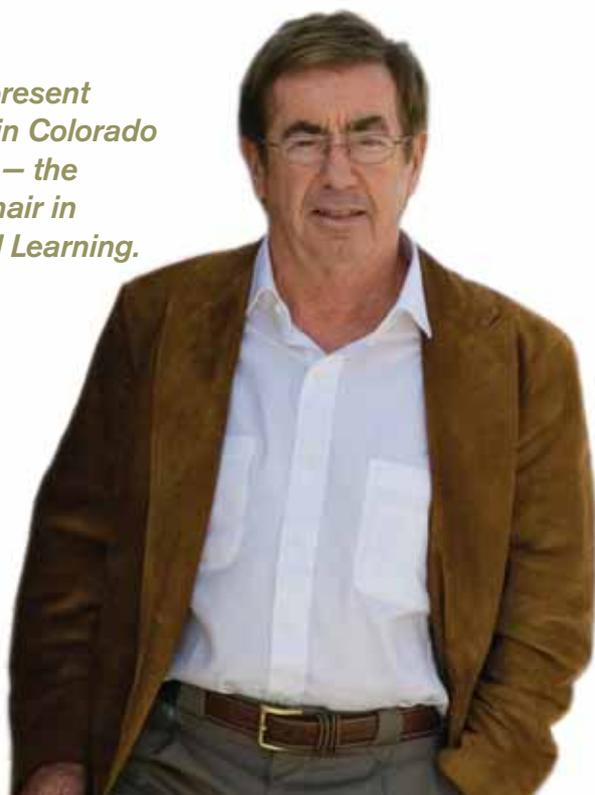
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*Schadens present largest gift in Colorado Law history – the Schaden Chair in Experiential Learning. Page 16.*



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## The Entrepreneurial Spirit

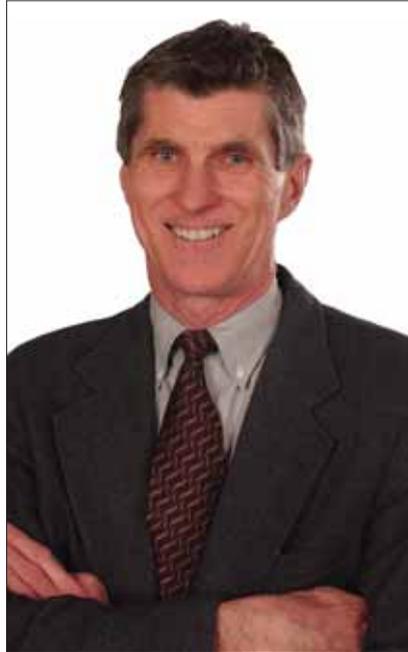
It should be no surprise that a law school education precedes so many successful business careers.

What makes a successful entrepreneur? In the end, it is a willingness to put ideas together with hard work, to apply knowledge of what is with a vision of what could be. Good judgment and a competitive spirit are critical to success, and ethical practices are essential to sustained success.

If we do our job well at Colorado Law, we help develop, in already motivated and intelligent people, the kind of critical thinking and communication skills that are necessary for problem solving, and we reinforce ethical values. Of course, law school includes courses relevant to business development and operation—Taxation, Business Associations, Mergers and Acquisitions, Securities Regulation, Bankruptcy, and Commercial Transactions. But today, we offer more variations and specialized courses related to business than ever—advanced versions of the basic courses and courses such as Venture Capital, Deals, Commercial Drafting, and Entrepreneurial Finance. Moreover, Colorado Law has developed areas of excellence in fields that are among the most lively areas of activity for law firms and businesses today, such as energy, natural resources, and telecommunications and high technology.

The growing popularity of Colorado Law's entrepreneurial and technology law studies is particular testimony to the attraction law students feel toward business advising and hands-on entrepreneurship. Today, our students can work with budding business ventures to develop their financing and business organization through the Entrepreneurial Law Clinic directed by Professor Brad Bernthal '01.

For years, Colorado Law has produced students who have committed an extra year to their legal studies and earned an MBA degree while they pursued their JD. Some graduates use this rich



educational background to advise clients; others go into business and express their creativity by taking new ideas to market.

The success stories of Colorado Law alumni in business run deep. Of course, some lawyers blessed with keen business minds run successful law firms, which are increasingly defined as complex businesses. But many prosper in business by embracing their own ventures.

This issue of *Amicus* highlights some of the most innovative and unusual paths that have been followed by our graduates. We feature the stories of alumnus Steve Ehrhardt, pursuing his passion for sports to a position of leadership in the field, Libby Cook, as a pioneer in the natural foods industry for which Boulder is a prolific incubator, Stan Dempsey, learning mining literally from the ground up and creating a new model for investment in royalty ownership, and Glenn Jones, starting his cable

television empire out of a Volkswagen. We also mention many other examples of the influential business people who began at Colorado Law and found success in the business of food, entertainment, technology and telecommunications, natural resources, and other areas.

I am proud to see that several of the business leaders featured in this issue testify to the value of their legal education in giving them tools and discipline to pursue their business interests. In the end, they would never have succeeded without an innate entrepreneurial spirit and work ethic. But we believe that if we continue to foster broad interests of our students and faculty and to diversify our curriculum as it relates to entrepreneurship, we are likely to spawn more graduates who themselves blaze trails by starting and operating businesses, as well as many who represent successful entrepreneurs.

David H. Getches

# Entrepreneurs

## *Leading the Way*

University of Colorado Law School alumni profiled on the following pages embody a bold spirit of entrepreneurship. They had the ability to see possibilities and the initiative to follow where inspiration led them. These dynamic individuals let creativity take flight, propelled by their drive to succeed. The discipline and focus fostered while attending Colorado Law has served them well in their endeavors and has helped advance our mission as “a supportive and diverse community of scholars and students that advances the rule of law by inspiring the vigorous pursuit of ideas, critical analysis, and civic engagement.”



# Colorado Mountains to Memphis Delta

## Steve Ehrhart Blends Law, Business, and Sports

It was a bittersweet moment for Steve Ehrhart '72.

Standing at the 50-yard line in Folsom Field on a sunny September day this year, surrounded by fans and former teammates, he paid tribute to the late Eddie Crowder, a legendary CU football coach and athletic director—and the man who years before had convinced Ehrhart to stay in law school.

At the memorial, Ehrhart joined football players who had competed at the Liberty Bowl in 1969 and '70 to reminisce about Crowder—players Ehrhart knew when he was a graduate football assistant under Crowder.

“There was a time when I wasn't sure if I wanted to finish law school and Coach Crowder told me that if I didn't, it would be the biggest mistake of my life. Wise words from a wise man,” said Ehrhart, executive director of the Liberty Bowl and president and former co-owner of the Colorado Rockies.

He came to realize that combining a law degree with his interest in athletics would set the foundation for a career that could take him successfully into the business and operations areas of sports. He never regretted his decision to get his law degree, because it opened numerous doors that led to his preferred career.

Ehrhart attended Colorado Law School on a post-graduate scholar-athlete scholarship from the National Collegiate Athletic Association. He coached football while at law school and then practiced law in Boulder, specializing in representing coaches and athletes.

An experienced sports executive, Ehrhart has served as executive director of the United States Football League (USFL), president and co-owner of the Memphis Showboats, commissioner of the World Basketball League, general manager of the Canadian Football League's Memphis team, co-owner of the Colorado Rockies, and president of Sports Consultants Inc.

As director of the AutoZone Liberty Bowl Football Classic, Ehrhart coordinates with the two universities whose teams are headed to Memphis, TN, to compete in the bowl game, which is one of the oldest postseason games in college football. He won't know who this year's two competing teams are until December 7, and then it's a three-week blitz to complete arrangements for radio and television coverage, ticket distribution, vendors, and travel preparations for more than 40,000 out-of-town players, families, and fans who will descend on Memphis for the game on January 2, 2009. This year marks the Liberty Bowl's 50th anniversary and Ehrhart's 15th year at the helm.

Part of the Liberty Bowl's mission is participating with St. Jude Children's Research Hospital in Memphis, and Ehrhart takes every opportunity to champion the hospital's cause.

“St. Jude is on the cutting edge of cancer treatment for children,” said Ehrhart. “If you have a child in need, go to St. Jude immediately and you'll get the best treatment in the world, regardless of your ability to pay.”

Ehrhart has drawn on his legal expertise for numerous career highlights.

In a shot heard round the gridiron, a notable achievement for Ehrhart was signing Heisman Trophy winner Herschel Walker with the USFL. Walker left the University of Georgia while an undergraduate to play professional football, which at the time was forbidden by National Football League (NFL) rules.

“The ramifications of that signing were dramatic. It led to congressional testimony and the law recognized that the NFL was illegally trying to bar a player from earning a living,” said Ehrhart. “The result was that today undergraduates can't be barred from earning a living playing professional football. The law and real life went head-to-head on that one.”

In 1986, the USFL filed an antitrust lawsuit against the NFL, arguing that the NFL had pressured TV networks not to televise USFL games in the fall. Although the jury ruled in favor of the USFL, they awarded a paltry \$1 (trebled to \$3) in damages. Subsequent appeals were unsuccessful and in 1990, the USFL received a check for \$3.76. The 76 cents was for interest accrued during the appeals process. Because the USFL did actually win the case, the NFL had to reimburse the USFL's attorney fees of more than \$6 million.

“I never cashed the \$3 check. Maybe someday I'll donate it to the Football Hall of Fame,” he said. “But I did cash the \$6 million dollar check.”

Ehrhart formed the business entity that brought a professional baseball team to Colorado. He and the other potential co-owners, including Jerry McMorris (CU '62), put together a campaign to sell season tickets and get contracts in place to demonstrate good financial stability. Ehrhart negotiated numerous long-term deals with sponsors for the concessions and equipment for what would become Coors Field. Denver beat out other cities vying for the franchise, and in 1993, the Colorado Rockies joined the National League as an expansion team to become the first major league baseball team in the state.

Looking back, Ehrhart admits that his career has been a successful blend of law, business, and sports, and he credits his mentor and friend, Eddie Crowder, who advised him to stick with it all those years ago.

“There's a great reward in working with people who are competing in an athletic world,” said Ehrhart. “What I came to appreciate is that I applied my legal background to all facets of the business of sports.”



*“There’s a great reward in working with people who are competing in an athletic world. What I came to appreciate is that I applied my legal background to all facets of the business of sports.”*

—Steve Ehrhart '72

# Natural Foods Pioneer

## Elizabeth Cook Co-Founded an Industry

Beginning with a small neighborhood convenience store on Boulder, Colorado's University Hill, Elizabeth "Libby" Cook '82 helped grow Wild Oats into one of the largest natural foods companies in the country—and has left an indelible mark on the grocery industry in the process.

After spending the first 20 years of her career building a company that epitomized the natural foods market, Cook now wants to dedicate the next two decades to giving back to the global community through philanthropic work.

"Wild Oats certainly exceeded our wildest expectations," said Cook.

Cook and Mike Gilliland invested in their first store in 1984 and renamed it Stella's Market. Because they did not have enough money to hire employees, Cook and Gilliland worked all the store hours themselves.

The early years were lean, but Cook and Gilliland learned and adapted and had fun along the way.

"We didn't even know how to operate a cash register when we started," she said. "The work was hard and the hours were long, but the employees were fun to work with and the customers were appreciative and forgiving of our mistakes."

To stay afloat until the business took off, they borrowed money from their parents and operated on credit cards. They later added Randy Clapp as a third partner.

In the beginning, the couple handled all tasks in running the store, but Cook managed the myriad legal and financial operations for the company.

"We would work backwards and see how much inventory we could afford to buy based on the cash we had in the bank," said Cook. "We had to keep close reins on the bank account back then."

In quick succession in the mid-1980s, the three partners opened Lolita's Market (which Cook and Clapp still co-own), Delilah's Pretty Good Grocery, and French Market. They tried to make French Market a one-stop shopping experience that sold conventional, gourmet, and natural foods, but ultimately just confused customers—and themselves—instead.

"That became a mess, because we couldn't figure out what were doing," she said.

They narrowed their business focus to vegetarian and natural foods and in 1987 opened Crystal Market. With the success of that store, they converted French Market's confusing format to exclusively natural foods and changed the name to Wild Oats. A phenomenon was born.

"We realized that people wanted natural foods, but in a conventional store atmosphere and not a hard-core hippie health food atmosphere," she said. "Of the three of us, I was the most driven to natural foods because I'd always been involved in athletics and was interested in nutrition."

The company expanded as more consumers became interested in eating healthier and the demand for natural and organic foods increased.

But the company wasn't focused only on growth and profits. Wild Oats was often recognized for supporting local charitable organizations with "five percent days" and for paying employees to do charitable work. The company was committed to environmentally and socially responsible business practices, such as selling fair trade coffee, bananas, and sugar, and using compostable deli containers made from corn.

By the time the couple stepped down from the Wild Oats board in 2001, the company had 110 stores—some as large as 40,000 square feet—and was worth \$2.2 billion. In 2007, Wild Oats was bought by its closest rival, Whole Foods.

"The grocery business is a tough and competitive business. To be successful you have to have an eternal optimism and do whatever it takes—mopping floors, stocking shelves, doing the dirty work alongside your employees," she said. "You can't assume that because you're the owner you get to sit back and watch your employees do all the work while you count the money."

In 2001, Cook and Clapp founded Sunflower Market, which sells natural and organic foods at low prices in a year-round farmer's market setting. They opened their first store in New Mexico and branched into Arizona and Colorado. Gilliland joined the new venture after his non-compete agreement expired.

Today, Cook is removed from the day-to-day operations of Sunflower Market, concentrating instead on Philanthropiece, a 501(c) 3 operating foundation that focuses on health, education, economic opportunity, the environment, and women's and children's issues. Originally formed in 1997 as the Wild Oats Community Foundation to provide holistic health care education and nutritional counseling, the foundation broadened its scope and in 2007 became Philanthropiece, which addresses underserved global needs by doing hands-on work in underserved countries.

"It was fun being in the natural foods business and it was great setting standards for other businesses to model," said Cook. "Now, I hope to have an even greater impact with Philanthropiece in creating beneficial and lasting change."

*"It was fun being in the natural foods business and it was great setting standards for other businesses to model. Now, I hope to have an even greater impact with Philanthropiece in creating beneficial and lasting change."*

—Elizabeth Cook '82



# From Visiting a Coal Mine to Leading a Virtual Gold Company

## Stan Dempsey Strikes It Big with Royal Gold

Maybe it was the thrill of lighting fuses to blast loose the coal in an Indiana coal mine. Maybe it was the adventure of discovering a rich vein buried amidst tons of rock. Or perhaps it was the satisfaction of riding from the mine's gloom into the daylight atop carts loaded with coal collected from the day's gritty work.

Whatever fueled his passion for mining, one thing Stan Dempsey '64 knew for certain as a boy visiting his uncle's coal mine, it would sure be swell to find a gold mine.

Coal mining in Indiana launched Dempsey on a lifelong search for precious minerals that took him from the mountains of Colorado, into remote locales around the world, and finally, back to Colorado. Today, Dempsey is executive chairman of Royal Gold, Inc., one of the world's leading precious metals royalty companies, which owns royalties in some of the world's most productive gold mines.

"As a little boy, I dreamed about coming out west and finding a gold mine," said Dempsey. "And I actually did."

However, Dempsey is quick to add that finding, drilling, and mining gold takes teamwork. One person cannot do it alone.

His childhood vision of gold mining led Dempsey to the Colorado School of Mines for a year. He finished his undergraduate degree in geology at CU-Boulder. After graduation, he worked for a year as an engineer at Climax Molybdenum Company, a division of Amax, one of the world's largest mining companies, before going on to Colorado Law.

To pay for college and law school, Dempsey mined tungsten and uranium in Colorado and Wyoming. He soon realized the business opportunities that leasing mines could provide.

After graduating from Colorado Law, Dempsey returned to Climax Molybdenum Company where he handled legal matters pertaining to water rights, land acquisition, labor law, and developing compliance arrangements for new environmental laws.

Amax promoted him to lead environmental compliance at the company's sites and then moved him into operations as vice president overseeing exploration and production in Australia, Papua, New Guinea, and Indonesia.

Exploring the earth's wild places for gold, uranium, and molybdenum fostered in Dempsey an abiding appreciation for the environment. When the molybdenum-rich Henderson Mine was discovered west of Denver more than 30 years ago, Dempsey took a personal interest in Experiment in Ecology, a pioneering project at Amax that integrated environmental input from conservationists into the planning stages of the mine. This project was years ahead of the National Environmental Policy Act that established policies for the protection of the environment.

For 10 years, Dempsey and Amax engineers and executives worked with representatives from conservation groups on how to minimize the environmental impact of developing what would become one of the 10 largest underground mines in the world. His success in environmental compliance provided the model for the mining industry throughout the world.

"It was an exciting and fulfilling project because we worked together to find common ground, and I think the mine was made better with the input of the environmental community," he said. "They learned that people in the industry were sincerely interested in doing a good job with the mine and protecting the environment."

With the economic collapse of the mining industry in the early 1980s, Dempsey ended his nearly three-decade career with Amax and joined the Denver law office of Arnold & Porter as a partner handling mining transactions and public lands work.

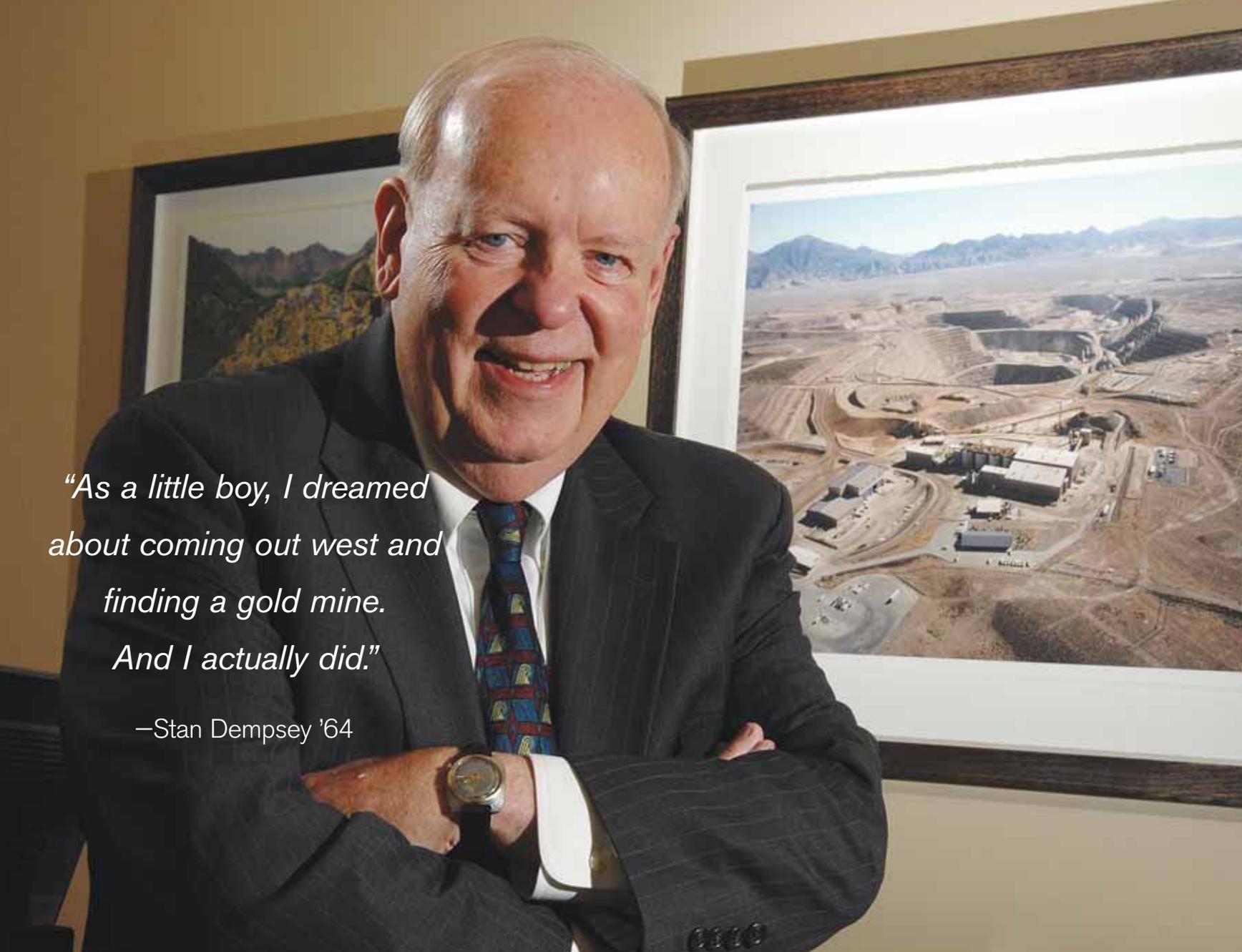
An opportunity to take his mining experience in a new direction led Dempsey to co-found Denver Mining Finance Corporation (DMFC), a merchant bank that provided merger, acquisition, and funding services to mining firms. One of DMFC's first clients was Royal Resources, a Denver-based oil and gas exploration company. In 1986, when crude oil plummeted to \$10 a barrel, Royal Resources sought Dempsey's advice about what to do in the dismal oil market.

Again, Dempsey saw an opportunity to make a bold leap—back into gold. Drawing on his extensive knowledge of the mining business and his experience building a successful gold company in Australia for Amax, he sold Royal Resources' oil interests and invested in gold. DMFC developed the strategy for Royal Resources to become a gold mining company, and Dempsey was asked to help manage the new company, renamed Royal Gold.

At Dempsey's direction, Royal Gold underwent another transformation after stock markets around the world nearly collapsed in 1987 on what became known as Black Monday. He created a business model for acquiring and managing royalties of gold properties operated by major mining firms. Along the way, the company discovered one of the largest gold mines in Nevada, and then sold it to a major mining company, keeping a royalty in it.

"Finding gold is always a good thing," Dempsey said. "It was a major discovery."

A prolific writer of historical articles, Dempsey co-authored a book about the rowdy gold rush days in Colorado titled *Mining the Summit: Colorado's Ten Mile Mining District*. The 10-mile district was formed north of Leadville and is where the Climax Mine is now located.



*“As a little boy, I dreamed  
about coming out west and  
finding a gold mine.  
And I actually did.”*

—Stan Dempsey '64

Before the General Mining Act of 1872, miners were in a legal vacuum for acquiring and protecting mining claims on public land. “Until the federal law was passed, miners in Colorado banded together and made up their own rules, and laid out little district governments,” he said. “This reflected our constitutional heritage from the Magna Carta to the U.S. Constitution.”

The historical image of a grizzled old prospector panning for gold has given way to today’s miner who may have a PhD in geology and looks for gold using technological tools and scientific methods. Gold is a particularly good mineral for individuals to search for, according to Dempsey, because it can be found in numerous places in the world and the processing technology is fairly simple.

“The hard part is figuring out where gold is located in economic concentrations,” said Dempsey.

Prospectors and geologists approach Royal Gold with properties they think have gold. Royal Gold will put up the money for the next stage of work. If it doesn’t work out, the prospector loses and Royal Gold loses, but if it does work out, everybody gets a piece of it. Royal Gold is a

sizable company, but if it wants to put the gold discovery into production at a billion dollar level, it will bring in another company and keep an interest.

“There are always a lot of people involved in the chain of events after a discovery,” he said. “But the industry is structured to reward individual activity. It would be hard to start your own car manufacturing company, for example, but you can actually find a gold mine and keep some of it.”

Constantly drawing on his legal background, Dempsey sees enormous promise in mining law. He feels it’s fortunate that the University of Colorado Law School founded the Natural Resources Law Center in 1982 as an academic program to educate law students about resource issues and policy research, because of the world’s voracious need for raw materials and minerals.

“The natural resource industry is going to be at the forefront for years, so mining law will be an excellent field to be in,” said Dempsey. “Mining and exploration take you to the ends of the earth. When you build a mine, you overcome a lot of obstacles. It’s a big adventure and I’ve loved every minute of it.”

# *Cable Pioneer Becomes* Online Learning Pioneer

## *Glenn Jones Creates First Accredited Fully Online University*

The journey to success for Glenn Jones '61 began 40 years ago with a \$400 loan against his Volkswagen Beetle—which he was living in at the time—and an audacious idea to launch a cable company. From humble beginnings, Jones has gone on to found more than 20 technology-driven companies and a groundbreaking online university.

“Ideas are in the air,” said Jones. “What I set out to do, more than just an economic venture, was to evangelize the concept of what could be done using cable and the Internet and education.”

Called the “poet of technology,” his folksy poetic works are infused with philosophical reflections that hold a mirror on his early entrepreneurial experiences. In addition to his poetry, he has published the books *Free Market Fusion*, *Cyber Schools*, and *Make all America a School*.

*To some bankers the balance sheet*

*Is a block of ice that lies,*

*To the entrepreneur it's a magic lantern,*

*Filled with fireflies.*

More than anything, Jones has been a restless, creative spirit, tenaciously seeking new challenges and wondering what's over the next horizon. In 1964, he decided to enter the political fray and ran for U.S. Congress. After losing his bid, he decided to head for the Colorado mountains to try to make some money. Cash strapped, his most valuable possession his Volkswagen, the attorney traveled from town to town—Vail, Breckenridge, Leadville, and Georgetown—where by day he practiced law in the local cafes, and at night he slept in his car.

In the winter of 1967, he persuaded the owner of a Georgetown cable system that was on the brink of going under to accept \$1,000 down on a purchase price of \$12,000. The infrastructure of the small cable system was in place, but the business was saddled with 200 non-paying subscribers.

Jones borrowed against his Volkswagen and raised the rest of the down payment by going door-to-door to collect on the delinquent accounts.

*Foraging in the financial forest,*

*Flim-flamming with the stock floggers there,*

*Trying to make up his mind,*

*To be a bull or a bear.*



“I rented a small TV and knocked on every door to show them that the signal was there,” he said. “It wasn’t good, but it was there. They could get Denver channels, Wyoming on a good day.”

The first piece of business equipment he purchased was a sleeping bag for his car.

With eight feet of snow on the ground, Jones had trouble getting up the mountain behind Georgetown to check on the cable equipment. He had met a recluse living in an old miner’s shack and struck a deal with him to keep an eye on things in exchange for a bottle of Chivas Regal at Christmas.

Jones wanted to set poles to run cable, but he couldn’t penetrate the frozen ground. He tried burning tires to thaw the ground so he could dig, but two inches was as deep as he could get. Undaunted, he went around town stringing cable where he could—through lilac bushes, over picket fences, and so on.

*Agonizing,*

*And deploying assets to comply,*

*With government regulations, That only multiply.*

Realizing that financing for his fledgling cable system would be the key to success, Jones sat down at Georgetown’s Alpine Inn with a cup of coffee, a doughnut, and a yellow notepad and began writing a plan.

“I was trying to figure out how to leverage the system in Georgetown to raise enough capital to build the rest of America,” he said. “On my notepad, I figured out it would cost more than \$10 billion to build America.”

His financial roadmap for connecting the country with his cable system was so innovative and complex that both the law firm and the accounting firm he was working with claimed it could not be done. Convinced that it could be done, he changed law firms and showed the accounting firm how he could accomplish his idea. It became the financial model for the cable industry.

The first company in the cable industry to use public limited partnerships as a financing strategy, Jones Intercable, Inc. went on to raise more than \$1.3 billion in equity for acquisitions. At its peak, Jones’s company had 22 full reporting entities to the Securities and Exchange Commission and hundreds of thousands of limited partners.

“I couldn’t have done it if I hadn’t been a lawyer,” he said. “At any rate, it all worked.” From his early days in Georgetown, Jones parlayed the small mountain cable system into one of the top 10 cable companies in the world.

---

*I'm an entrepreneur,*

*Why do I feel like a gunslinger on the frontier of free enterprise...*

Looking over the next horizon, Jones saw an opportunity to fuse education with communications, first with his cable network and later with digital technology. Always a supporter of higher education, his vision to take education to the people has generated numerous business ventures.

In 1987, he founded Mind Extension University, a cable network that provided college courses and degree programs from 30 universities. During the next few years, he created Knowledge TV, a 24-hour cable and satellite television channel; the Knowledge Store, a virtual store offering learning products; and Jones Knowledge, Inc., providing software, technical support, and training to universities for online courses.

In 1993, Jones pioneered total online learning when he founded the world's first academic institution created solely for the Web—Jones International University. The virtual campus allows students to learn from anywhere in the world, 24 hours a day. It is the first online university to receive regional accreditation, the highest accreditation a U.S. university can obtain.

"Education is the magic loom through which people build their lives and their value systems and their civilizations," he said. "I believe technology democratizes education. It underpins all that I'm doing."

He has aggregated digital communications into a mass medium making it available to learners everywhere.

Jones is a member of the National Digital Strategy Advisory Board whose members provide input toward the Library of Congress's preservation initiative to save digital information. It's possible for information printed on paper to survive for centuries, but only be in one location at a time, while information stored digitally may be accessible to millions of people simultaneously. More than 12 million items have been digitized so far.

He is also chairman of the education committee of the Madison Council at the Library of Congress, which is participating in the World Digital Library's massive project to make materials from libraries around the world available at no cost on the Internet.

By searching and pondering the ever-changing technological and networking landscape, Jones continues to discover and invent new ways to bring information and education to people.

"For the first time in the history of the world we've been able to communicate with billions of people throughout the world," he said. "The most significant distribution device now is the cell phone. When you combine the Internet with the mobile environment, it's awesome."

*Poetry excerpts by Glenn Jones writing as Yankee Jones.*

*"Education is the magic loom through which people build their lives and their value systems and their civilizations. I believe technology democratizes education. It underpins all that I'm doing."*

—Glenn Jones '61

# *Law Student Embodies* Entrepreneurship

## *Julie Penner Combines Law and Cutting-Edge Technology*

Third-year law student Julie Penner doesn't just want to operate on the leading edge of new technology. Instead, she wants to be out on the bleeding edge, where entrepreneurs must create strategies to bridge the chasm between early adopters of technology and the mass market.

Penner is pursuing a dual JD/MBA degree with an emphasis on entrepreneurship from Colorado Law School and the CU-Boulder Leeds School of Business.

According to Penner, businesses operate within a legal context, so combining the two degrees adds a deeper dimension to understanding the problems that technology businesses face. And she's building a résumé to back up what she believes.

"Business law is dynamic and it rewards ingenuity and creativity, both of which are important to the success of a business," she said. "Entrepreneurship is translating the cutting-edge into an opportunity. It's not enough to invent it, an entrepreneur can see how to enable it."

Before moving to Colorado, she worked for a consumer product start-up founded by college students in Providence, Rhode Island. There she witnessed the blunders of the young company in multiple areas, such as in equity, vesting agreements, and board structure.

"I've learned about the mistakes a start-up can make," she said. "I understand now what's important."

Penner is now program director of entrepreneurial initiatives for the Colorado Law's Silicon Flatirons Center for Law, Technology, and Entrepreneurship where she facilitates monthly new technology "meetups." She is also an analytics intern at Lijit Networks, a company that provides search-powered applications to publishers to increase their online readership. And she's interning at CU's Technology Transfer Office where the intellectual property generated from university research is protected and licensed to business. Recently, she picked up a short-term research project with the Rocky Mountain Venture Capital Association, which represents venture capital and private equity firms.

If all that weren't enough, she's also helping organize a cross-campus business plan competition, which law students are participating in for the first time this year.

"Innovation in how we communicate and collaborate is speeding up, so keeping up with the newest technologies means being more efficient and having more information at your fingertips," she said. "In a world where information is powerful, who wouldn't want that?"



*"Entrepreneurship is translating the cutting-edge into an opportunity. It's not enough to invent it; an entrepreneur can see how to enable it."*

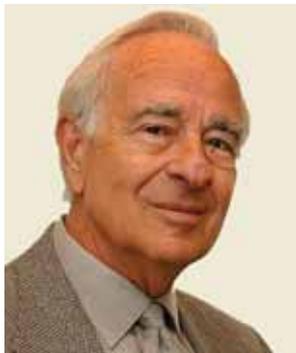
—Julie Penner, JD/MBA student

## Alumni Strengthen Colorado Law

*"We shape our buildings, and thereafter our buildings shape us."*  
— WINSTON CHURCHILL

Among our many generous friends and alumni, the following alumni demonstrate the entrepreneurial spirit and have invested significantly in enhancing Colorado Law's learning environment and experience.

### Marvin Wolf '54



Dedicated philanthropist Marvin Wolf, together with his wife Judi, brother Erving and wife Joyce, and late brother Melvin and his wife Elaine, pledged the lead gift in honor of his parents, Leon and Dora, to build the Wolf Law Building. Wolf has supported numerous programs throughout Colorado including Opera Colorado, the Denver Symphony Orchestra, the Denver Art Museum, and the Anti-Defamation League.

In 1970, Wolf, along with his brothers, founded the private Denver-based oil and gas company, Wolf Energy Company. He received the Distinguished Alumni Award for Executive in Industry in 1988 and the Knous Award in 2003.

### William Wise '65



The Wise Law Library, made possible thanks to the generous support of Colorado Law alumnus Bill Wise, features the largest physical collection of legal information resources in the Rocky Mountain region and one of the most complete in the country. The library also is a regional archive for federal government materials and is open to the public.

Wise was chairman, president, and CEO of El Paso Corporation and led it through a number of iterations. After a takeover in the early 1980s by Burlington Northern, El Paso was restructured and spun off as a separate company in 1992. From 1992 until Wise retired in 2003, the company was rebuilt into the largest natural gas pipeline company in the United States with attendant natural gas production and commodity price risk management. Since then, Wise has joined a group of investors who own automobile dealerships in Brazil and China, and bought a wheat and soybean farm in Argentina. In 1989, Wise received the law school's Distinguished Alumni Award for Executive in Industry.

Wise commented, "My career is an example of how you can work within the strictures of a publically traded company and take pieces of the company apart, rebuild them, and reassemble them in new ways, and then end up with an entrepreneurial approach to running a publically traded company."

### John Wittemyer '65



John Wittemyer's accomplishments as a distinguished alumnus, a respected water attorney, and a successful businessman will be remembered by all who use the courtroom in the Wolf Law Building that he and his wife Nancy made possible. The 250-seat Wittemyer Courtroom is a venue for symposia, classes, conferences, and ceremonial events.

Wittemyer was a founding principal in the firm of Moses, Wittemyer, Harrison & Woodruff in Boulder. In addition to his legal practice, he served as a director of Flavorland Industries, Foxley & Company, and Foxley Cattle Company. In 1975, Wittemyer became general counsel for the Platte River Power Authority, a position he held until discontinuing active law practice in 2002. In 1999, he was awarded the Distinguished Alumni Award for Private Practice.

### John Schultz '53

John H. Schultz and his wife, Cynthia H. Schultz, have ties to CU extending over half a century. Together for Colorado Law they support the annual John and Cynthia Schultz Scholarships, endowed the second largest scholarship fund of the law school—the John and Cynthia Schultz Law Scholarship Fund, funded the Schultz Lectureship in Oil and Gas, Energy, or Natural Resources, and contributed the The Wildcatters' Lecture Room in the Wolf Law Building.

The term "wildcat" describes a well drilled in an area not previously proven to be productive of oil and gas and requires risk well beyond that of a developmental well. The entrepreneurs who assumed that risk in the Rocky Mountain Region drove the engine of much of the economic activity that occurred there during the latter half of the 20th century, reawakening a regional industry that had lain nearly dormant for decades. John, in his private practice as an oil and gas lawyer for 37 years, was privileged to represent many of those who took a lead role in the area's development as a significant oil and gas producing region.





## CEO Pay at a Time of Crisis

FACULTY EDITORIAL BY MARK LOWENSTEIN  
NICHOLAS A. ROSENBAUM PROFESSOR OF LAW

The recent, and continuing, turmoil in the world's financial markets, together with reports of munificent financial rewards for those at the helm of the nation's most troubled financial institutions, have cast a bright light on the question of executive compensation. As Lehman Brothers wallowed in bankruptcy court, its former chief executive officer (CEO), Richard S. Fuld, was challenged by a congressional committee and the media to defend his compensation package (which paid him a reported \$256 million between 2003 and 2007) and made severance payments to three former Lehman executives amounting to \$23.2 million just days before the bankruptcy filing.

In response to these and other reports of "excessive executive compensation," Congress included provisions seeking to limit such compensation in the Emergency Economic Stabilization Act of 2008—the "bailout" bill passed on October 2, 2008. These rather complex provisions, noted below, are hardly the first legislative response to the widely held perception that corporate executive are overpaid, and probably not the last either. The size of the payments combined with the dire state of our economy, however, invites a broader examination of executive compensation and what role, if any, government should play in limiting it.

### CEO Pay in Perspective

Are CEOs overpaid? To some, the fact of overpayment is self-evident. CEO pay has increased from about 42 times the pay of the average worker in 1982 to 140 times in 1991 to more than 500 times today. Michael Ovitz was hired to be Disney's president on October 1, 1995, and left 14 months later with a severance package valued at approximately \$140 million. Other examples abound; everyone seems to have his or her favorite. In any case, CEO pay packages amounting to tens of millions of dollars and more are not uncommon and considerable scholarship suggests that the link between pay and performance is a loose one, at best. Why?

One popular theory for the seemingly endless surge in executive compensation is the so-called ratchet effect. Many observers believe that compensation committees are reluctant to pay their CEOs less than the median in their industry. The effect is a leapfrog or ratcheting effect. Pay can only go up.

Another popular theory to explain CEO pay is that the committee members are themselves often chief executives of other companies or they have a business or social relationship with the CEO. In either case, the objectivity of the committee is "co-opted," resulting in excessive pay.

While the ratchet effect and the co-opted committee may account for some distortion in CEO pay, they really do not go very far in explaining an enormous pay package, such as that garnered by Michael Ovitz. We must consider two other explanations. First, the market for highly skilled chief



executives is a thin one. Ovitz was recruited by Disney from Creative Artists Agency (CAA), a privately owned Los Angeles talent agency.

Ovitz was already highly paid when he agreed to jump ship for Disney. The board that recruited Ovitz was not co-opted by him and probably was not much influenced by the ratchet effect. The simple fact is that they had to pay that much to get him to leave CAA, and thought the price was worth it. While it turns out that they were terribly wrong, it would be a mistake to ignore market factors as an explanation for high pay. (Remember, the Yankees agreed to pay Alex Rodriguez \$275 million over 10 years, a reflection of his market value and a lot more than most CEOs earn.)

Finally, the prevalence of stock options has had an enormous effect on pay. Believing that corporate executives would act in the shareholders' interests if the executives were motivated to increase share prices, nearly all publically held companies awarded generous

stock options to those executives. While options have proved to be less than ideal as an incentive structure, they have had the lasting effect of raising level of CEO pay.

### Solutions Tried but Untrue

A number of tactics have been employed to curb excessive compensation: litigation, tax penalties, and disclosure obligations. Obviously, these "solutions" have failed individually and collectively. The bailout bill takes a new, more aggressive approach. The law authorizes the secretary of the Treasury to require participating institutions to fix executive compensation in accordance with certain standards. Compensation over \$500,000 at certain institutions participating in the bailout would not be deductible to the corporation for tax purposes and there are severe limits in golden parachutes. As with so much of the legislation, the provisions relating to compensation are complex. The important point, however, is that the legislation represents the most direct effort yet to limit compensation, albeit in this instance in a narrow slice of the economy.

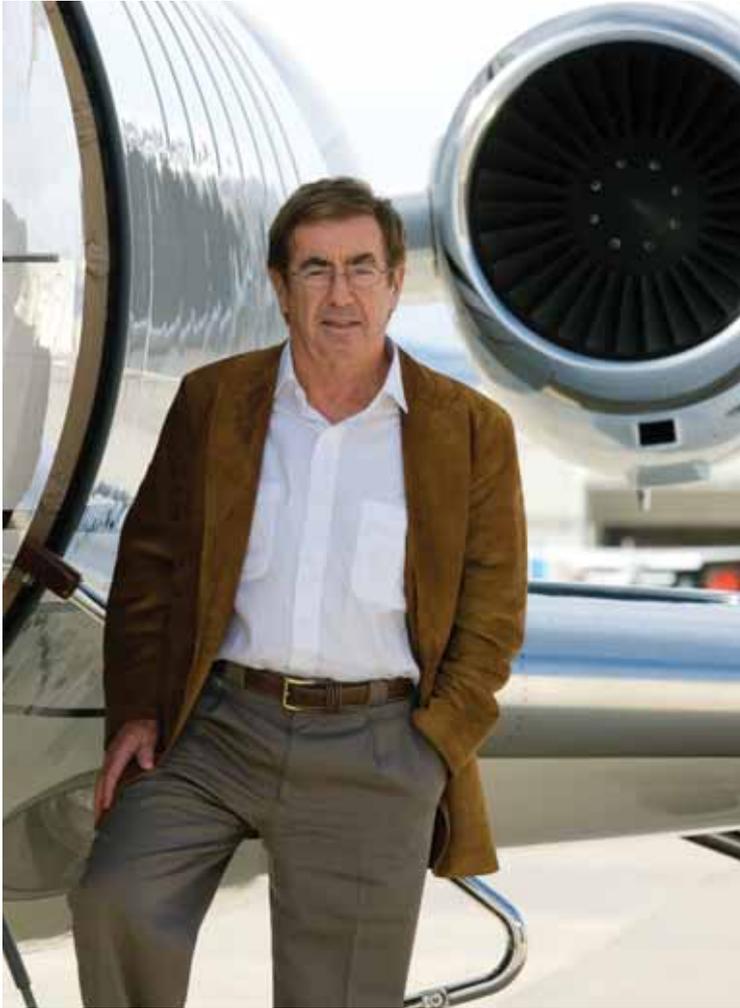
### Conclusion

I've been writing about executive compensation for over a decade. People react strongly and negatively to CEO pay and often lobby for some sort of governmental response. The government—including Congress, the courts, and various administrative agencies—have been active but ineffective. It remains to be seen whether a sharp economic downturn will have an equally dramatic and sustained effect on CEO pay.

Lowenstein's most recent book is *Agency, Partnership, and the LLC: The Law of Unincorporated Business Enterprises* (with J. Dennis Hynes).



## \$5 Million Gift Creates Schaden Chair in Experiential Learning



Richard Schaden of Schaden, Katzman, Lampert, and McClune, an internationally recognized aviation and public-interest law firm, and his son, Denver businessman Rick Schaden, presented Colorado Law this November with the largest gift in the school's history. An endowment of \$5 million will establish the Schaden Chair in Experiential Learning.

Dean Getches said, "This visionary gift enables Colorado Law to lead the way in American legal education in applied learning—using the skills of lawyers to employ the doctrines and ideas they learn in the classroom."

Richard Schaden has generously supported Colorado Law's student moot court competitions and donated the funds for the Student Commons in the Wolf Law Building. He is a frequent judge in moot courts and is a guest lecturer in Trial Advocacy. He and his son are known for their generous philanthropy and are founding partners of Consumer Capital Partners.

The Law School is beginning a national search for a top lawyer and legal educator to fill the chair and coordinate the program.

### **Experiential Education at Colorado Law**

What's new in legal education? The case method and teaching by Socratic dialogue have been around for 160 years. And we still use them effectively to teach critical analysis—thinking like a lawyer, as we sometimes put it. There have been changes, such as the wide variety of specialized classes now in our curriculum. Surely the greatest change in legal education has been the introduction of multiple opportunities for practical experience.

Experiential education encompasses lawyering activities in which students receive experience outside the classroom—clinics, externships, appellate and trial competitions, and voluntary public service work. We use these hands-on methods to help students learn the skills and satisfaction of law as a service profession.

Colorado Law's clinical education program offers experience representing actual clients who otherwise could not afford legal representation. Students learn the skills of a lawyer under a seasoned clinical professor while assisting underserved client communities. The school's growing variety of clinics include American Indian Law, Appellate Advocacy, Civil Practice, Criminal Defense, Entrepreneurial Law, Juvenile Law, Natural Resources Litigation, Technology Law and Policy, and Wrongful Convictions.

Through the externship program, about 70 students a semester perform substantial legal work (unpaid, but for credit) under attorney supervision in the public and private sector. Their written work product is reviewed by a law professor.

Court competitions have grown in number and sophistication. The tradition of the Rothgerber Moot Court Competition and the Carrigan Cup trial competition continue. But Colorado Law students are also involved in national competitions in 14 different programs. They do well—last year's teams placed first in the American Constitution Society's national competition and second in the National Moot Court competition.

Within the building, trial advocacy courses teach essential skills that equip students for litigation work through simulations, videotaping, and critiques by expert lawyers and faculty.

The newest experiential opportunity is co-curricular. Through Colorado Law's new Public Service Pledge Program, students who pledge at least 50 hours of pro bono, law-related service during their time at the school will have their public service noted on their transcripts.

All of these programs have grown in student popularity and quality. However, the linkages they have with one another and with our larger curriculum can be greatly improved. With the Schaden Chair in Experiential Learning, Colorado Law will establish and staff an Experiential Learning Program that builds linkages with faculty involved in experiential education and those doing traditional classroom teaching. This will give greater coherence to our entire curriculum and will fulfill the mission of making experiential education truly applied learning.

## Students Sign Public Service Pledge

Colorado Law has introduced a voluntary Public Service Pledge Program this year in which students volunteer a minimum of 50 hours of service to organizations performing law-related work. Upon completion, the service hours will be recognized on the students' transcript. This year's program coordinator Professor Melissa Hart stated that "public service is an integral part of a lawyer's professional obligation and an essential ingredient in a satisfying legal career." Law students can begin a lifelong commitment to public service and connect with local organizations that provide legal services to the community. Professor Hart is connecting law students with organizations and lawyers who need pro bono assistants. In addition, the program became one of four collaborative model projects for CU's Institute for Ethical and Civil Engagement.

*In keeping with the University of Colorado Law School's commitment to public service and the ethical responsibility of the legal profession to ensure access to justice for all, I agree to volunteer a minimum of 50 hours of law-related public service work not for credit or compensation during my time at Colorado Law.*

*I understand that when I undertake work to fulfill this pledge, I am taking on a job that requires the same kind of commitment and professionalism I would give to any other work obligation. I further understand that when I participate in the Public Service Pledge, I am representing the law school in the broader legal community. In keeping with these responsibilities, I commit to upholding the highest standards of professionalism in the work I undertake to fulfill this pledge.*

## Moot Court Team Wins National Championship

For the first time in its history, a Colorado Law team emerged victorious at the Constance Baker Motley National Moot Court Competition against 54 teams from 34 law schools. Two of the school's most accomplished advocates, third-year law students Cash Parker and Patrick Thiessen, beat the University of California-Berkeley School of Law team in the final round in Washington, DC. The competition was judged by Judge William Fletcher of the 9th Circuit Court of Appeals, Judge Richard Roberts of the U.S. District Court for the District of Columbia, and Justice Peter Rubin of the Court of Appeals of Massachusetts.

Can a state control the fundraising activities of judicial candidates, or their affiliation with political parties? Apropos of the recent general elections and the fact that in 38 states judicial candidates stood for election, students debated on state elections and their role in helping ensure a fair and independent judiciary. Parker and Thiessen argued that such restrictions are, in fact, constitutional.

"The issues addressed in the competition are those of national importance in understanding the American Constitution," explains Assistant Dean Lorenzo Trujillo.

"By all accounts, this was a truly phenomenal performance," complimented Professor Melissa Hart, the steering committee member for the Denver Lawyers' Chapter of The American Constitution Society and the faculty advisor for the law school's student chapter. Third-year law student Grant Sullivan, who served as a coach, said that the team did an exceptional job against some extremely strong competition.

"Legal advocacy competitions are important in preparing students for the practice of law. Our students and their professors and coaches have demonstrated excellence in winning national competitions," Dean Getches declared. "We are proud of their legal skills, which represent the highest caliber of analysis and presentation."

During the 2007–08 year, 30 Colorado Law students participated in 11 national moot court and mock trial competitions. Coaches included 13 professors: Al Canner, Mark Squillace, Colene Robinson, Jill Tompkins, Sarah Krakoff, Brad Bernthal, Melissa Hart, Todd Stafford, Hannah Garry, Gabi Stafford, Ann England, Dan Deasy, and Assistant Dean Lorenzo Trujillo.



## Winner of the 2009 Regional National Moot Court Competition

Colorado Law's Rothgerber Moot Court board proudly hosted the November Regional 11 round of the nation's most prestigious moot court competition—The National Moot Court Competition. To make it to the semifinals, a team had to be undefeated in both preliminary rounds, and Colorado Law was the only school to have both of its teams make it to the semifinals of the 12 teams from Arizona, Colorado, Nevada, Utah, and Wyoming law schools. Colorado Law's Petitioner's team was Amy Kramer, Melanie Jordan, and Ben Parrott. The Respondent's team of Don Andrews, Thea Mustari, and Joe Neguse won First Place and the Best Brief award. Neguse won the competition's Best Oralist award for his masterful performance arguing both sides of his issue. The two issues were 1) does Section 2 of the Religious Land Use and Institutionalized Persons Act exceed Congress's power under the Fourteenth Amendment and violate the Establishment Clause and 2) does the Individuals with Disabilities Education Act limit tuition reimbursement only to children who have received public special education and related services through attendance at a public school?

The final round against the University of Utah was judged by District Judge John L. Wheeler; the solicitor general for the state of Colorado, Dan Domenico; and attorney Alan Jensen. Mike Wautlet '08 of Faegre & Benson, who was a member of last year's regional first-place and national second-place team, expertly coached the two teams, assisted by student coach Tyrone Glover. Andrews, Mustari, and Neguse will travel to New York to represent Region 11 in February at Nationals. More than 50 attorneys, judges, and faculty participated in the competition, as judges and in scoring briefs. Hugh Q. Gottschalk '79 of the American College of Trial Lawyers presented the awards to the participants.

### Business Start-Ups Get Clinic Help

In the Colorado Law Entrepreneurial Law Clinic, now in its eighth year, third-year students provide free legal services to local start-ups and small businesses in need. Student attorneys, working under the joint supervision of Professor Brad Bernthal '01, Silicon Flatirons Center Fellow Jill Rennert, and attorneys from the Boulder office of Hogan & Hartson, cover the business law spectrum, including entity formation, intellectual property, employment, and contracts.

The success of the clinic lies in the variety of its clients and the quality of the student attorneys' services. Currently, students provide ongoing legal work for 12 local start-ups at their formative stages. Clients include a solar installation company, a company specializing in "green" cleaning products, and the Boulder Innovation Center (which supports area start-ups itself). In addition, students are conducting outreach presentations to area entrepreneurs, such as individuals who are enrolled in Mi Casa's "How to Start a Business" course. Mi Casa caters to Denver's Hispanic community.

### Cy Pres Award for Clinics

Alumnus Robert Hill '70 and co-counsel John Evans, Avi Rocklin, Tom McFarland, and Gabriel McFarland led a class action suit against Shelter Mutual Insurance Company for not disclosing all the terms of coverage to persons buying insurance. As part of the negotiated settlement, Hill and his co-counsel successfully requested that the court award about \$10,000 of cy pres funds to Colorado Law's Clinical Education Program. The clinics will use the money to support its legal work on behalf of indigent clients. Clinic Director Deborah Cantrell noted, "We are so grateful when Colorado Law alumni find opportunities to support the law school's public service tradition. Cy pres awards are integral to the Clinical Program's ability to fully represent its low-income clients."

### Civil Practice Clinic Takes on Asylum Cases

Six civil practice clinic students are representing three clients from Sudan, Nepal, and Eritrea seeking asylum in the United States. "These are really interesting and challenging cases," says Professor Norman Aaronson. The Sudanese client seeks political asylum after being arrested and harassed by the Sudanese government for his political views. The case will be heard in court this fall. The client from Nepal also seeks political asylum after being persecuted for his beliefs and the client from Eritrea fears persecution based on his religious views. Those two cases will be heard this spring. The clinic has been fortunate to have the assistance of an immigration attorney, Jim Salvator '91, on all three of these cases.



### Grants for Oil and Gas Surface Use Database

The Natural Resources Law Center's Research Associate Kathryn Mutz received a \$50,000 grant from Miller, Agro & Robbins and a \$5,000 outreach grant from the CU-Boulder Division of Continuing Education and Professional Studies for developing a comprehensive, free-access, searchable, web-based best management practices database for oil and gas surface use in the Intermountain West. The database addresses all of the resources affected by oil and gas surface use. It includes federal, state, and local regulatory requirements as well as voluntary practices currently in use and/or recommended for responsible resource management. Content is continuously being expanded in conjunction with project partners and advisors from government, industry, the conservation community, academia, and landowners. Website users will have easy access to regulatory mandates and the technologies and practices that will allow companies to continue to produce oil and natural gas efficiently and economically in the region. Go to [www.colorado.edu/law/centers/nrlc/projects/bmpDemo/index.htm](http://www.colorado.edu/law/centers/nrlc/projects/bmpDemo/index.htm) for a demonstration.

### Entering Class of 2011

"Tomorrow's trusted lawyers, judges, successful business people, and revered community and political leaders" were welcomed by Dean Getches and Colorado Law in August. Previous careers of the Class of 2011 include songwriters, professional athletes, a flight instructor, patent agent, database designer, state trooper, entrepreneur, and a journalist who was nominated for a Pulitzer Prize. Additionally, every branch of the military is represented. The dean underscored the importance of the rule of law in society and the newfound responsibilities students accept when choosing to enter the legal profession. "We are looked to by clients and the communities we live in to lead the way in solving problems and protecting rights. We are the watchdogs against abuses by government itself. Our ethos is the foundation of our society's deference to us, the system's empowerment of us." Read the welcome address at [www.colorado.edu/law/about/DeansWelcome2011.pdf](http://www.colorado.edu/law/about/DeansWelcome2011.pdf).

### Class of 2011 by the Numbers

171	students
48%	women
21 to 45	years of age
96	colleges and universities in the United States and Canada
26	from the University of Colorado at Boulder
4	PhDs
15	Master's degrees
1	with seven science-related publications
93	people speak a language in addition to English, including Mandarin Chinese, Arabic, Azerbaijani, Farsi, Dari, and Portuguese
3.66	average college GPA
163	average LSAT score (50% in the top 12% of national LSAT takers)

## How Does Colorado Law Compare?

### Reduced State and Campus Funding

As a state school, the University of Colorado Law School receives funding from the state of Colorado and the CU-Boulder campus. However, the law school revenue that came from the state and CU-Boulder was only 20 percent last year, compared to 40 percent just 10 years ago.

Growth in revenue has come primarily from increases in tuition and gifts. And since it is expected that state funding for graduate education will not increase in the near future, additional revenue must be brought in through giving. While law school tuition has increased dramatically, Colorado Law remains competitive for Colorado residents relative to its peer schools.

However, further growth without significant growth in scholarships would be overly burdensome on students.

### Increased Giving is Vital

Donations to Colorado Law go toward student scholarships, programs such as the legal clinics, professorships, and the Dean's Fund. Colorado Law's scholarship program has been modest, however. Many leading law schools offer full tuition and living-expense grants to the most qualified applicants. To remain a top public school, Colorado Law scholarship funds must increase dramatically to attract the most promising students, regardless of financial background.

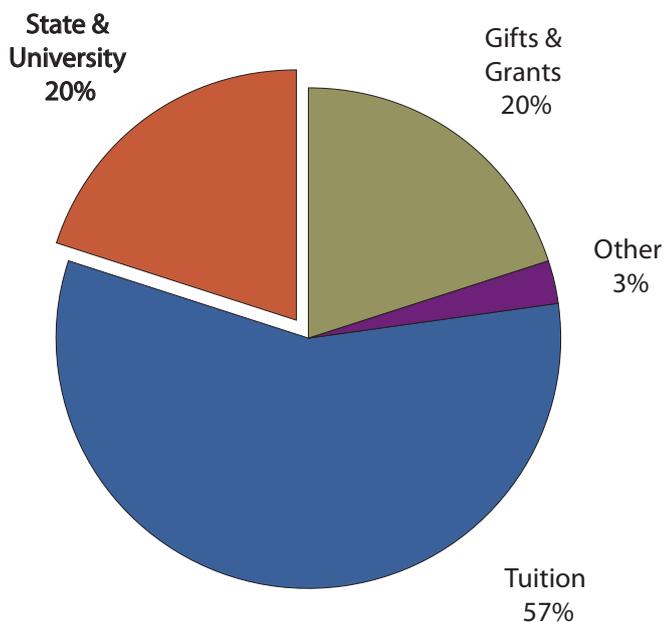
#### Compared to the top 20 public law schools, Colorado Law:

- provides 38% less in average scholarship/fellowship awards
- has a 62% lower endowment
- spends 17% less per student

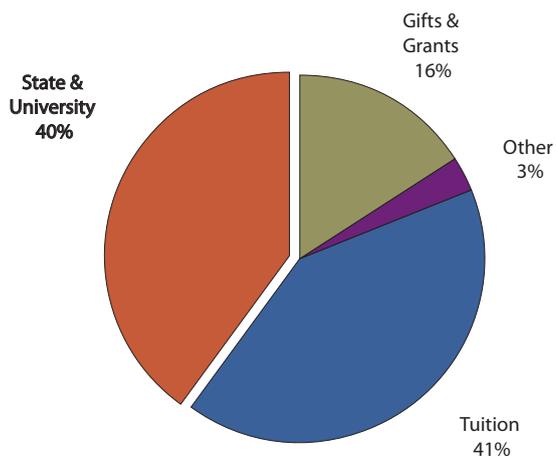
#### Average Scholarship Grant

\$15,015	Top 20 law schools
\$9,265	Top 20 public law schools
\$5,715	Colorado Law

Colorado Law Revenue 2007-08



Colorado Law Revenue 1997-98



### 94 Percent Bar Passage Rate

Congratulations to Colorado Law graduates who passed the Colorado bar exam for the first time this July, achieving a 94 percent passage rate, compared with the state average of 85 percent. In the past 27 years, Colorado Law's July bar passage rate for first-time takers has dropped below 90 percent only five times.

Also, congratulations to Celene Shepard '08, who attained the third-highest score on Arizona's July bar exam out of 723 examinees.

### Public Interest Law Ranking

*The National Jurist* ranked Colorado Law 28th best law school for public interest law in its November issue. The ranking was based on percentage of 2006 graduates who entered jobs in the public interest field, student activity, strength of clinical programs, pro bono graduation requirement, cost of tuition, and loan repayment assistance program. Based on these ranking criteria, Colorado Law expects to increase its ranking with the addition of the new Experiential Learning Program and the Public Service Pledge.

## Academic Partnerships

### Dual JD/MBA Degrees Benefit Alumni Long After Graduation

Students can earn two advanced degrees in four years, significantly less time than it would take to earn each degree separately. Colorado Law and CU's Leeds School of Business work in cooperation to design and select courses in each school for this interdisciplinary JD/MBA dual degree program. Many graduates from this dual degree program, such as David Mallery '99 and Christopher Wirth '97, go into business where they apply their broad legal and business education.

David Mallery, president of Caris MPI, is a co-founder of the company and oversees the financial, legal, and corporate development. With an undergraduate degree in human biology, he has used his three degrees to pursue careers that touch on many of his interests. He was the founding (pro-bono) CFO of International Genomics Consortium. He was also the former principal venture analyst for the Calvert Group's venture and equity fund investments, helping place investments in life sciences, biotechnology, and resource conservation.

Chris Wirth, who earned his MBA in finance and his JD in business and natural resource law, started Liberty Puzzles. The company makes and designs classic wooden jigsaw puzzles in Boulder, Colorado. Wirth has also worked as a financial analyst for Colorado companies. Currently, Mr. Wirth also serves as a board member for the Western Resource Advocates.

### New Dual JD/LLB Degree with Alberta Covers Transnational Law

Through an agreement with the University of Alberta enacted this fall, students at Colorado Law will be able to apply for a new and ambitious dual degree program to earn a JD and its Canadian equivalent, an LLB, spending two years at each school. A signing ceremony was held at Colorado Law in October.



In North America, a need for lawyers versed in multiple legal systems has emerged. According to the Office of the U.S. Trade Representative, from 1993 to 2007, trade among the North American Free Trade Agreement nations more than tripled, from \$297 billion to \$930 billion.

Canada is Colorado's largest foreign export market. Law degrees from both the United States and Canada will prepare students to serve law firm clients conducting business internationally, offering them a distinct advantage in this job market. A lawyer with this dual degree can cover any transnational issues in cross-border securities, transactional, commercial, insurance litigation, subrogation, recovery, immigration, real estate, or energy and natural resource law.

"We are delighted to forge this alliance that builds on the strengths and common interests of two great schools," said Dean Getches. "It will open new opportunities for study and career development for our students and research and teaching for our faculties."

"This is the first program of its kind in Western Canada," said Alberta Dean of Law David Percy. "In an era of increasing internationalization, it will offer exciting opportunities to University of Alberta students and

especially for students who plan to practice in Alberta, with its heavy reliance on north-south trade."

The two law schools have similar centers and programs in natural resources, energy, constitutional, health, business, jurisprudence, and native people law. Like Colorado Law, the University of Alberta Faculty of Law is a top-ranked school.



### New Study Abroad Opportunities

Colorado Law formed a partnership last year with the University of San Diego School of Law, which runs an extensive Summer Law Study Abroad program. It offers courses in seven locations: Barcelona, Dublin, Florence, London, Oxford, Paris, and Russia. Courses are taught in English, mostly by U.S. professors, but some by professors from a participating country. The program offers Colorado Law students a great opportunity to study with law students from other law schools and foreign students.

As part of the partnership, one Colorado Law faculty member or administrator attends one of the programs each summer. Professor Amy Schmitz, the first Colorado Law professor to teach in this program, spent five weeks teaching international arbitration at Oxford University this past summer. She feels that the chance to teach in these programs enriches the research and teaching of our faculty. This coming summer, Assistant Dean Dayna Matthew and Professor Melissa Hart will be traveling to Ireland and Spain, respectively, to teach courses through the program.

### Shanghai International Studies University Visits

The Shanghai International Studies University, which is interested in working with Colorado Law, visited in November. The visiting team, hosted by Professor Barbara Binliff, included Dr. Shuguang Zhang, vice president for academic affairs and research, Professor Zuxin Zhang, vice director of academics, Professor Hongli Hang, vice dean of the school of business administration, and Professor Haihong Liu, School of Law, who is a visiting scholar at Colorado Law this semester.





## Keeping Pace and Addressing Issues

### The “New Venture Challenge”

CU student teams create business plans to compete for cash. Colorado Law is joining forces with CU’s Deming Center for Entrepreneurship and other CU departments to sponsor a new campuswide event, the CU New Venture Challenge. The challenge was born as an offshoot of the Silicon Flatirons Center’s vision of an entrepreneurial university with the goal of strengthening the network between the local community and different parts of the university through entrepreneurship. Law students, especially those interested in business law, intellectual property law, or working in-house are encouraged to join a team and experience business formation first hand. As a business plan evolves, there are legal considerations and law students can contribute and witness how their advice affects business considerations.

In November, workshops and a crash course series offered participants opportunities to network, form teams, and learn the basics of building a business plan. The competition will culminate in April with each team presenting its plan to the judges. More information can be found at [www.cunvc.org](http://www.cunvc.org).

### Roundtables on Entrepreneurship, Innovation, and Public Policy

Colorado Law’s Silicon Flatirons Center is devoted to law, technology, and entrepreneurship. For the past two years, it has hosted informal, invitation-only discussions with local academics, lawyers, venture capitalists, and entrepreneurs. Following the roundtable meetings, Silicon Flatirons fellows and law students write reports on the discussion topics that combine research with the insights of roundtable attendees. The most recent roundtable was titled “The Promise and Limits of Social Entrepreneurship” and was written by Silicon Flatirons Fellow Jill Rennert. Kaleb Sieh ’09 has authored two roundtable papers including one on the roundtable “The Private Equity Boom: Is It Sustainable and What Is Its Long term Impact?”



**Free Roundtable Reports are available at [www.silicon-flatirons.org](http://www.silicon-flatirons.org) under Publications, including:**

- “Social Entrepreneurship”
- “The Entrepreneurial University”
- “The Private Equity Boom”
- “Rethinking Software Patents”
- “The Unintended Consequences of Sarbanes-Oxley”

### You Have Been Served!

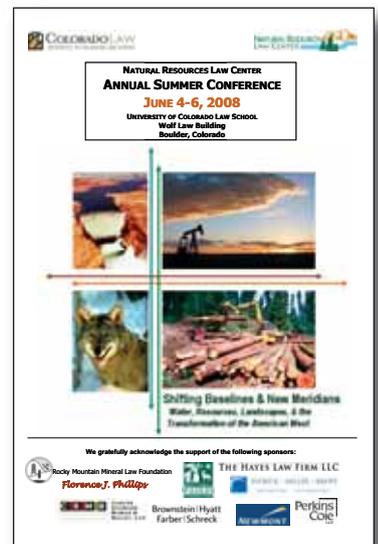
So began an innovative mock trial exercise in which the entire 2008 graduating class of the UC Denver School of Medicine was served with a medical malpractice lawsuit by the UC Denver Police. After service, Colorado Law students prepared expert and fact witnesses while the School of Medicine students tutored their lawyers on the medical facts. It all culminated in a one-day medical malpractice mock trial at the Wolf Law Building in May, with 156 medical students serving as defendants, expert witnesses, plaintiff, family, and jurors. During the trial, jurors registered their views and reactions to each witness using clickers. After watching the proceedings from depositions to closing arguments, the students were called on to render a verdict.

Colorado Law’s Associate Dean Dayna Matthew, Managing Associate University Counsel for CU’s litigation office Patrick O’Rourke, and UC Denver Professor Robin Deitering created the medical school’s malpractice course to cover all facets of a court case, including depositions to the actual trial. Students were also taught how to avoid medical malpractice through good physician-patient relationships and documentation.

Dean Matthew explained, “We wanted to show the students that balance and reasonableness is an inquiry that takes a lot of time and effort, and that the medical malpractice judgment, imperfect though it may be, is not necessarily a greed-driven decision.” Listen to the NPR Morning Edition story at [www.colorado.edu/law/media/CU\\_Mock\\_Trial.mp3](http://www.colorado.edu/law/media/CU_Mock_Trial.mp3).

### Shifting Baselines and New Meridians: Water, Resources, Landscapes, and the Transformation of the American West

The Natural Resources Law Center’s (NRLC) annual summer conference in June examined the effects on natural resources in the West of population growth and climate change, and how these factors are beginning to affect the legal and political institutions. NRLC Director and Professor Mark Squillace said that “the legal and political institutions that evolved to manage these natural resources have, for the most part, served us well, but it is far from clear that these institutions are capable of adapting as quickly and as extensively as may be necessary to serve us in the future.” The panels included “Water for the 21st Century,” “The Urbanizing West: Limits to Water, Limits to Growth,” and “The Politics of Change and Natural Resources.” Noteworthy was a lively exchange between Lynn Scarlett, Bush administration deputy secretary of the Department of the Interior, and David Hayes, former Clinton administration deputy secretary of the Department of the Interior, on the issue of natural resources as it should be addressed in the November elections and by the next administration.

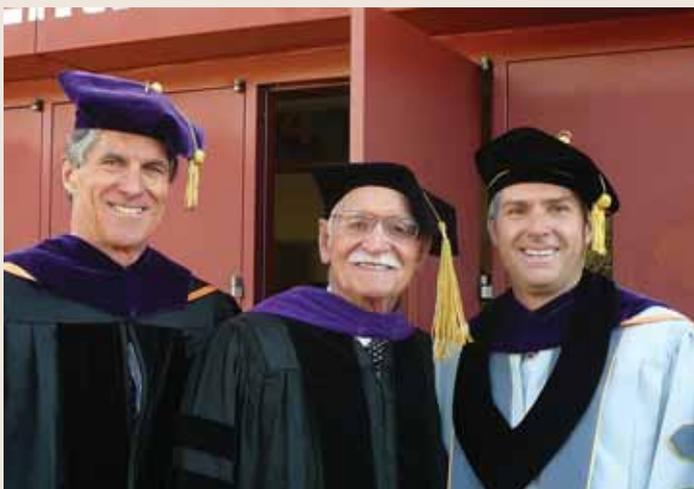


### Commencement 2008

This past May, Colorado Law graduated the 173 members of the class of 2008. For the first time, commencement was held at the Coors Events Center. The keynote speaker was Chief Judge Robert Henry of the U.S. Court of Appeals for the Tenth Circuit in Oklahoma. His speech included humor, reflection, and the bible story of Abraham arguing with God to spare the cities of Sodom and Gomorrah. Judge Henry ended his speech with this comparison: like Abraham, lawyers should argue with judges, and like God, judges will sometimes accede to the arguments.

The law school presented the Honorary Order of the Coif to Jim R. Carrigan, a former Colorado Law professor who has dedicated his 55-year legal career to public service and education. Judge Carrigan was a Colorado Supreme Court Justice, U.S. District Judge for the District of Colorado, CU Regent, and Colorado Law professor.

Class President Michael Wautlet recounted the past three years and reflected on the changes students have gone through. The class chose a memorial fund established in the memory of Jenn Shelton as their class gift. The Class of 2008 Jennifer Lee Shelton Memorial Scholarship was established after their classmate unexpectedly passed away in December. Jenn's parents, Jerry and Jan Shelton, were at the ceremony to accept her degree posthumously. The ceremony closed with a Native American song by Good Feather Drum Group.



## Serving Diverse Communities

### Indian Law Clinic Takes Services to Southern Ute

At the Sky Ute Casino in Ignacio in November, American Indian Law Clinic student attorneys and the director of that clinic Jill Tompkins provided a free will drafting and estate planning workshop for tribal members and their families, "Planning for the Seventh Generation." In recent years, federal laws governing how American Indians may pass on their land interests and other property after death have become increasingly complex. The American Indian Probate Reform Act may affect the way in which allotted trust land is passed down in unexpected and undesirable ways if the owner fails to write a will. In order to write an effective will for a Southern Ute tribal member, the documents must comply with tribal, federal, and state laws and regulations, but the Bureau of Indian Affairs has stopped assisting tribal members with writing wills.

### Energy Justice Policy Briefing in Washington, D.C.

Colorado Law's Center for Energy and Environmental Security (CEES) and the Renewable Energy and the Energy Efficiency Partnership (REEEP) organized a policy briefing in September in Washington, D.C. The briefing highlighted how the U.S. government, in partnership with REEEP and other international institutions, plans to address the critical issue of providing the energy oppressed poor (EOP) with clean forms of energy through the development and deployment of appropriate energy technologies.

The U.S. Senate briefing was attended by many notables including Senator Richard Lugar, Senator Ken Salazar, Dr. Kandeh Yumkella, director-general of the United Nations Industrial Development Organization, and Colorado Law Professor and CEES Director Lakshman Guruswamy.

Discussion focused on the moral and global responsibility of developed nations to initiate the use of appropriate energy technologies among the EOP. Currently, animal dung, waste, crop residues, rotted wood, other forms of "bad" biomass, and raw coal are burned for their energy needs. These materials release pollution and residue into the air and can cause local health problems as well as global consequences. By reducing the black soot emitted by biomass burning, global warming may be fought more efficiently and effectively than by reducing or mitigating carbon dioxide emissions. Further, these energy solutions would create indigenous developmental opportunities that enable burdened societies to make genuine sustainable economic and social progress.



### Law Students Travel to D.C. for Equal Justice Conference

As part of Colorado Law's long-standing dedication to public interest legal work, nine Colorado Law students and Karen Trojanowski, director of public sector and externships, attended the 2008 Equal Justice Works Conference & Career Fair in Washington, D.C. in October. This year's event theme was "Idealism Revisited: 40 Years after King and Kennedy." Law students from around the country who are seeking public sector and public interest employment met with more than 150 U.S. employers conducting interviews for internships and post graduate legal employment. The conference portion of the event also provided a forum for law students and law school professionals to learn about current social justice issues from nationally renowned speakers, to share ideas with one another about how to build stronger public interest programs within the law schools, and to develop career building skills.



***“Minding More than Our Own Business,” Black Law and Business Alumni Conference***

In conjunction with Alumni Reunion/Homecoming Weekend, black alumni from Colorado Law and CU’s Leeds School of Business met for a one-day conference to discuss ways that alumni from both schools can collaborate. Conference attendees explored ways that law and business alumni can work together to further recruiting efforts at CU, and to build business relationships among our graduates.

The luncheon keynote speaker, Professor Roberto Corrada from the University of Denver Sturm College of Law, spoke about the implications of the Amendment 46 ballot initiative for higher education. The afternoon program included a rousing discussion with panelists who described collaborative work between lawyers and business professionals. Leeds graduates F. Daryl Gatewood and Terry Jackson described transactions and relationships forged with legal professionals who have helped their business grow. Vance Knapp '94, a partner at Rothgerber, Johnson & Lyons in Denver, described his relationships with business clients, and the importance of how to meet and exceed client expectations. Lisa Neal-Graves '06 discussed her work as in-house counsel at the Intel Corporation where she manages both the business and law sides of transactions. Professor Brad Bernthal '01, who directs Colorado Law’s Entrepreneurial Law Clinic, shared information about the interdisciplinary outreach of that clinic, helping new businesses grow in Colorado. The conference generated ideas for interdisciplinary study, joint recruitment efforts, and future collaboration between the alumni of both schools.

***Racial Disparity and Juvenile Justice***

Colorado Law, along with Colorado’s 17th Judicial District Best Practice Court and Safe Schools Healthy Students, hosted a two-day Fall Forum on Racial Disparity and Juvenile Justice in November. The event was led by Darwin Cox, the Adams County director of children and family services, and the Honorable Katherine Delgado, the 17th Judicial District presiding juvenile district court judge. They explained, “The 17th Judicial District Court and Adams County Social Services Department are committed to reducing the level of disproportionality that currently exists in our jurisdiction.”

Speakers included the Honorable Joe E. Smith, who serves on the Iowa Governor’s Youth Race and Detention Taskforce; Dr. Rita Cameron Wedding, the chair of Women’s Studies and a professor of Women’s Studies and Ethnic Studies at California State University, Sacramento; and Carol Wilson Spigner, MSW, DSW, the Kenneth L. M. Pray Professor and co-director of the Field Center for Children's Policy Practice and Research. A full-day planning session focused on the development and planning of the Adams County Youth Initiative’s Inclusiveness Task Force.

***Deans’ Diversity Council and the Colorado Campaign for Inclusive Excellence***

Colorado Law hosted nearly 60 honored guests on October 6 for a meeting of the Deans’ Diversity Council, which was co-founded by Colorado Law Dean David Getches and University of Denver Sturm College of Law Dean Beto Juarez. The council is comprised of top-level leaders in the Denver legal community including managing partners of law firms, in-house counsel of major corporations, leaders from government legal offices, and judges, all with an interest in increasing diversity in the legal profession. At the meeting, council members celebrated the formation of the Colorado Campaign for Inclusive Excellence (CCIE), a new nonprofit organization dedicated to addressing this pressing issue. CCIE, which is an outgrowth of the Deans’ Diversity Council, has generated tremendous momentum in its short existence. Among numerous initiatives, CCIE is piloting an “Inclusiveness Manual,” which provides concrete steps to help law firms and other legal employers recruit and retain diverse attorneys.

CCIE will host its annual inclusiveness conference on March 8, 2009. For details, contact Kathleen Nalty at 303-892-7401.



### **Dedication Celebration of Homer Clark Colloquium Room**

Family, friends, colleagues, and former students of Emeritus Professor Homer Clark gathered in late October to celebrate his wonderful career at Colorado Law and, for the first time in his presence, the naming of the Homer Clark Faculty Colloquium Room in the Wolf Law Building. Led by Jim Scarboro and Bob Hill '70, more than 80 of Clark's admirers combined forces to raise more than \$550,000 to name the room in his honor. The room is used to conduct all official business of the law faculty. Many of the donors to this worthy effort were present and were gratefully applauded for their generosity. Also in attendance were long-time friends and colleagues including former Colorado Law professors Joseph Sax, now of the UC Berkeley School of Law, and Ann Estlin, now of the University of Iowa College of Law and co-author of the last two editions of Professor Clark's seminal text, *Cases and Problems on Domestic Relations*. The high note of the evening occurred when a number of those present shared their memories of Homer's pedagogy in the classroom and on Colorado's finest trout streams alike.

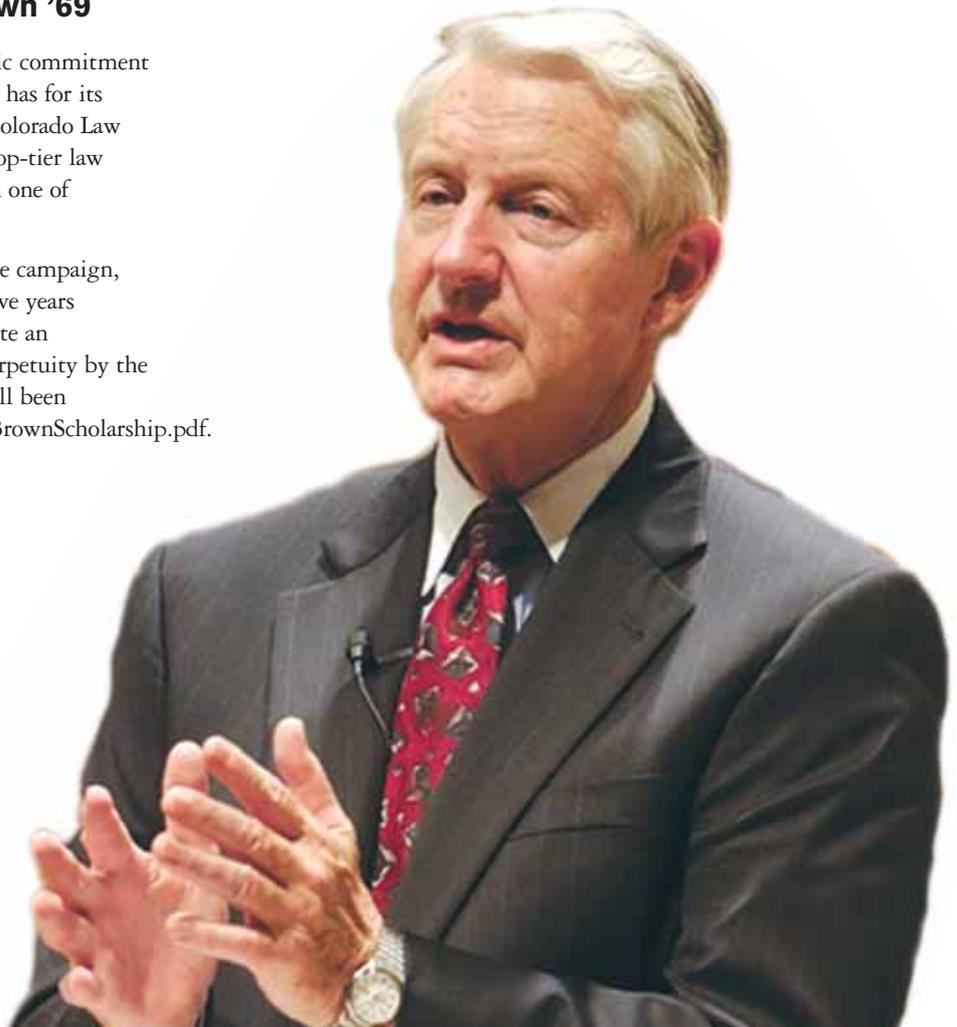
Dean David Getches also announced a new campaign to raise an additional \$180,000 to enable the Homer Clark Scholarship to provide a full tuition award for a worthy student.



### **New Scholarship Honoring Hank Brown '69**

Throughout his career, Hank Brown's leadership and civic commitment have exemplified the highest hopes Colorado Law School has for its graduates. The Hank Brown Leadership Scholarship at Colorado Law will enhance the school's ability to compete with other top-tier law schools and foster the traits that have made Hank Brown one of Colorado's most respected citizens.

A generous Monfort Family Foundation gift launched the campaign, funding one three-year scholarship for each of the next five years starting in fall 2008. The goal of the campaign is to create an endowment so that the scholarship can be awarded in perpetuity by the time the Monfort Family Foundation scholarships have all been awarded. See [www.colorado.edu/law/alumdev/files/hankBrownScholarship.pdf](http://www.colorado.edu/law/alumdev/files/hankBrownScholarship.pdf).





## Teaching Away from Colorado Law

### **Clinical Professors in Ecuador and the Dominican Republic**

Clinical Professor Norman Aaronson spent two weeks this past July working on a service project in Quito, Ecuador. Professor Aaronson and his wife Evelyn, a physician, joined Global Volunteers (GlobalVolunteers.org) as part of a group of Americans including doctors, nurses, social workers, and dental hygienists who volunteered to work at Camp Hope, a school for children with disabilities. Professor Aaronson taught English to young students and teachers at the school. He has also served in the Peace Corps. He felt that it was a great opportunity to connect with people in a different country and to help at the same time.

With a faculty development grant from CU's Office of International Development, Professor Colene Robinson traveled to the Dominican Republic to study service learning abroad and course development. With an eye toward international study and service opportunities for our law students, Professor Robinson worked in a rural village on the border of Haiti and the Dominican Republic, farming, teaching English, and meeting with local community organizers.



### **Professor Collins Teaches in China**

In 2007, Professor Richard Collins was awarded a Fulbright grant to teach at Wuhan University in China in the spring semester of 2008. His work built on his experience teaching American Constitutional Law at Beijing University in 2005 and on his long record as a constitutional law professor. While at Wuhan last spring, he taught master's-level courses in American Constitutional Law and Human Rights Law. Professor Collins continues as Director of Colorado Law's Byron R. White Center for the Study of American Constitutional Law, sponsor of the annual Rothgerber Conference on Constitutional Law, scheduled for January 30, 2009.

### **Professors Visiting at Top Law Schools**

Three of Colorado Law's professors were invited to be visiting professors at the nation's top law schools.

- **Professor Phil Weiser** is spending the fall of 2008 teaching at New York University School of Law. He returned to his alma mater to teach a Law and Innovation Seminar and a Telecommunications Law course.
- **Professor Lakshman Guruswamy** is visiting the University of California, Berkeley School of Law for the fall term. He is on a research sabbatical to investigate issues surrounding energy justice.
- **Professor Laura Spitz** is visiting Emory Law School in Atlanta, Georgia, for the 2008–09 academic year, and teaching courses in bankruptcy and commercial transactions.



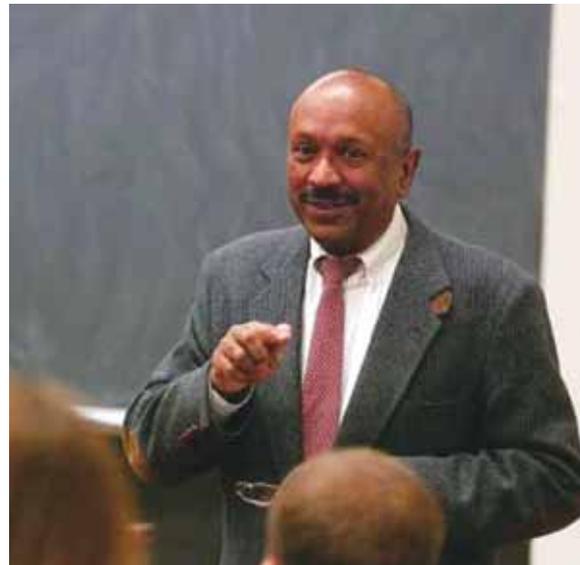
### **Professor Schmitz Receives Clifford Calhoun Public Service Award**

Colorado Law presented Professor Amy Schmitz with the 11th Annual Clifford Calhoun Public Service Award in May because of her remarkable record of service to the profession and the organized bar. She is an expert in commercial law, and her service to a Colorado Bar Association committee in revising Colorado's version of the Uniform Commercial Code Article 9 began several years ago. Her article, "Mobile-Home Mania? Protecting Procedurally Fair Arbitration in a Consumer Microcosm," won the 2007 Sandgrund Award for Best Consumer Rights Work. Assisted by funding from CU-Boulder's Institute for Ethical and Civic Engagement, Professor Schmitz presented the Consumer Empowerment Service-Learning Seminar and together with her students collaborated with the Boulder Community Housing Authority to write and publish *Be a Savvy Consumer*, providing legal education to lower income people and first-time homeowners. Professor Schmitz has been serving Habitat for Humanity since 2001, and she and her Humanizing Contracts service-learning class joined with the group to publish the booklets *Humanizing Contracts* (2005) and *Contracting and Consumer Protection* (2006).

## Speaking Out

### **Professor Wilkinson Mediates on Tribal Issues**

Charles Wilkinson, Distinguished University Professor and the Moses Lasky Professor of Law, recently served as mediator in two sets of negotiations that came to successful conclusions. The first was a dispute between the city of Seattle and the Muckelshoot Indian Tribe over municipal water withdrawals in the Cedar River that implicated the Endangered Species Act and tribal fishing rights. The second was a controversy between the Olympic National Park and the eight Olympic Peninsula tribes over tribal treaty rights and land management with the park. This past summer he presented papers at two international forest symposia in Japan on the islands of Honshu and Hokkaido. He also gave keynote addresses at three annual conferences for the International Association for Environmental Philosophy, the Western Literature Association, and the Instream Flow Council.



### **Professor Guruswamy Addresses World Renewable Energy Congress**

Professor and CEES Director Lakshman Guruswamy gave the plenary address at the World Renewable Energy Congress (WREC) in Glasgow, Scotland, in July. WREC is a conference of energy experts held every other year. His speech is based on a current CEES project titled, "Global Warming, Energy Insecurity and Energy Justice: The Path Not Taken." Professor Guruswamy focused on the idea that any reaction to dilemmas caused by global warming should not be undertaken at the expense of the energy poor. He says that, "the term 'energy poor' refers to over a billion and a half people who live in rural and urban slum areas without electricity, and includes the nearly billion and a quarter impoverished humans who live on less than one dollar a day." He added, "To be invited to deliver a plenary address along with some of the most influential renewable energy experts and decision-makers in the world is an honor."





### **Professor Hart Debates Ballot Initiative**

As a pro bono effort, Professor Melissa Hart participated in debates on Amendment 46, the “Colorado Civil Rights Initiative.” She volunteered as president of Coloradans for Equal Opportunity, a group that was opposed to the initiative. Washington, California, and Michigan already have similar initiatives and Colorado and Nebraska voted this election to end programs that consider race or gender in public universities and law school admissions. Professor Hart agrees, “There is a class-based problem in the country that also needs addressing, but class is not the only issue and there are still disadvantages in our society that come with being a woman or minority, regardless of your family income.” The initiative was defeated in Colorado, but did pass in Nebraska.

### **Dean Getches Speaks Worldwide on Indian and Water Law Issues**

Dean David Getches has delivered papers and spoken to a number of audiences since spring. In June, he spoke at a conference by the University of New Mexico School of Law’s Utton Transboundary Resources Center. His topic was “A Post-Winters World.” In July, he gave the lead lecture entitled “The Situation in the United States of America: Deference to States, Federal Supremacy” at the Water Management in Federal and Federal-Type Countries Conference in Zaragoza, Spain. Also in July, he addressed the Ninth Circuit Court of Appeals Judicial Conference in Sun Valley on “Historical Background of U.S. Indian Law,” and in September, the Tenth Circuit Court of Appeals Judicial Conference in Colorado Springs on Supreme Court precedents and directions in Indian law. Also in September, he spoke to a Tribal Leaders Forum at the Rumsey Rancheria. He then spoke at and moderated the Conservation Summit of the Colorado Wildlife Heritage Foundation in Keystone in October.

### **Professor Collins Speaks about Telluride Land Case on NPR**

Professor Richard Collins spoke on NPR’s Colorado Matters (KCFR) in July, regarding a recent Colorado Supreme Court case in which the justices decided that the southeastern town of Telluride could take land outside its city limits in order to protect an undeveloped piece of land (Colorado Supreme Court Case No. 07SA101, *Town of Telluride v. San Miguel Valley Corp*). When asked what protection landowners have against their property being condemned, Professor Collins said, “The most important constitutional protection for landowners is always the requirement for just compensation, which deters any jurisdiction from condemning property. It has to pay for it. Moreover, the particular procedures under Colorado law are a better guarantee of payment than is generally true in some other states. One must have a statute authorizing it, so if a city wants to condemn property, its own ordinances must authorize the condemnation ordinance.”

### **Professor Ohm Talks with NY Times about Internet Privacy**

Professor Paul Ohm was featured in the “Bits” section of *The New York Times*, profiling his latest paper, “The Rise and Fall of Invasive ISP Surveillance.” He discussed how Internet service providers (ISPs) are using new technologies to track what their customers are doing online, including what sites they visit, what they download, and what they purchase. ISPs have been planning to sell this information to advertisers so that they can more effectively target consumers. Professor Ohm feels that monitoring individuals on the Internet threatens privacy and his paper addresses this issue. The paper asserts that Internet privacy should be protected under the Electronic Communication Privacy Act. Although this law was originally enacted to regulate telephone companies, the laws should also apply to some of the monitoring that ISPs engage in as well. While some monitoring is okay, it should be limited to sniffing out hackers and other security issues. His article proposes simplifying the overall structure and making it harder for customers to waive their privacy rights.



## Books

### Professor Bruff Wins Civil Liberties Prize

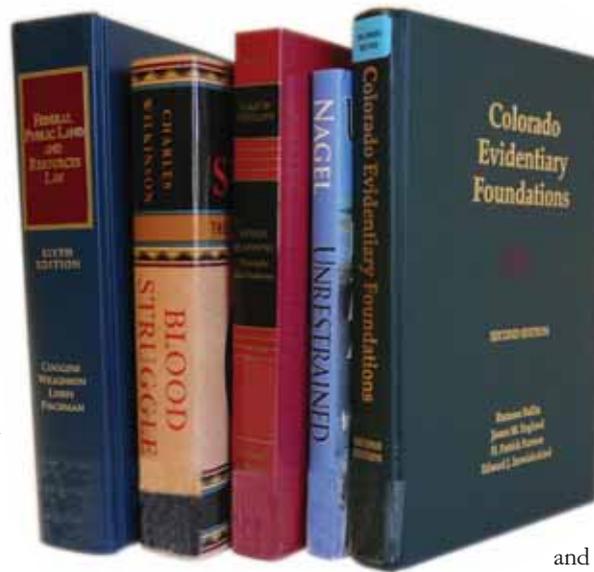
Professor Harold Bruff received the 2008 Chicago-Kent College of Law/Roy C. Palmer Civil Liberties Prize for his book *Bad Advice: The President's Lawyers in the War on Terrorism*. The \$10,000 prize is awarded to a writer whose work "explores the tension between civil liberties and national security in contemporary American society." Professor Bruff's book examines the "relationship between American presidents and their legal advisors—particularly in times of crisis." He uses President George W. Bush's claims of unilateral executive power in the aftermath of the 9/11 terrorist attacks to illustrate that "strong interpretation of the constitutional separation of powers by presidential legal advisors could lessen the tensions between national security interests and the rule of law." Professor Bruff traveled to Chicago-Kent this fall to accept the prize. He formerly applied his expertise in constitutional and administrative law in the Office of Legal Counsel as a legal advisor for the Justice Department, the White House, and executive agencies.

### Professor Nagel's Book Describes Driving Force Behind Judicial Activism

Professor Robert Nagel's latest book, *Unrestrained: Judicial Excess and the Mind of the American Lawyer*, explores the driving force behind judicial activism. This book examines judicial appointments over the past 40 years and how, despite the fact that they have been made largely by Republican presidents, activism continues to appear in the majority of Supreme Court decisions. The book explains how the way that modern American lawyers are trained to think in law school removes the restraints and impediments that should bind judges. Judges tend to be very capable, well-educated, and successful lawyers. Professor Nagel argues that once they have been socialized by law school experiences, it is hard not to be extremely aggressive in the use of power. The background ideas and assumptions that are at play today, he says, are influenced by the legal realism movement and critical legal studies.

### Professor Gazur Completes Estate Planning Textbook

Professor Wayne Gazur worked in collaboration with Robert M. Phillips to complete *Estate Planning: Principles and Problems*, published by Aspen this year. The new text was published this fall and is Professor Gazur's second text to be published. His research and writing efforts are generally concentrated in the area of taxation, including estate and business planning.



### Professor Krakoff Publishes American Indian Law Textbook

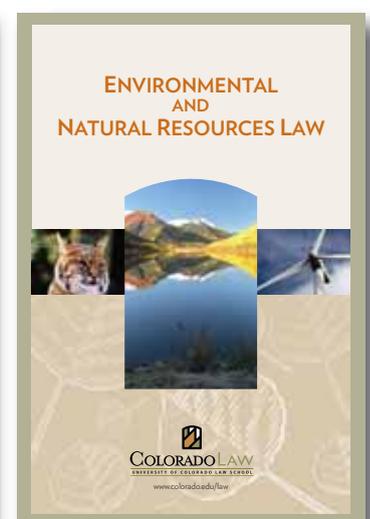
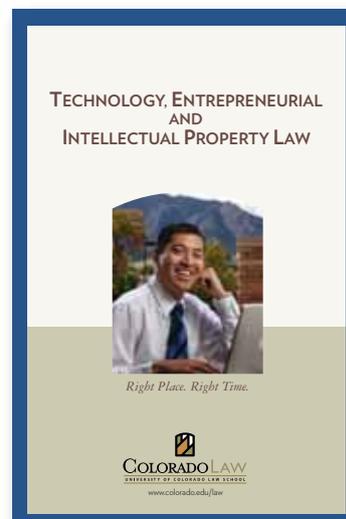
Professor Sarah Krakoff recently published a new textbook titled *American Indian Law: Cases and Commentary* (Thomson-West 2008) with Anderson, Berger & Frickey. This casebook provides an introduction to the legal relationships between American Indian tribes and the federal government and the individual states. Professor Krakoff teaches and is widely published in the areas of American Indian law and natural resources law.

### Professor Wilkinson Releases Sixth Edition of Public Lands Casebook

The sixth edition of Professor Charles Wilkinson's casebook, *Federal Public Land and Resources Law*, co-authored with Coggins, Leshy, and Fischman, has been published by Foundation Press. His book with W.W. Norton, *Blood Struggle: The Rise of the Modern Indian Nations*, has now been released in paperback. He is on sabbatical for fall term to finish his book *Against All Odds: The History of the Siletz Tribe of Oregon*, to be published by the University of Washington Press.

### Professor Furman Releases Second Edition of Evidence Textbook

The second edition of *Colorado Evidentiary Foundations*, published in June, was authored by Clinical Professor Pat Furman with Bailin, England & Imwinkelreid. The book teaches students and practitioners alike how to address and overcome evidentiary problems in Colorado courtrooms by showing readers how to frame foundational questions to gain admission or exclusion of evidence. Professor Furman's main interests are in the areas of criminal law and procedure, trial advocacy, and ethics for criminal lawyers.



New brochures on technology, entrepreneurial and intellectual property law and environmental and natural resources law at Colorado Law.

## Board Appointments



### **Professor Bernthal Appointed to E9-1-1 Institute's Board of Directors**

Professor Brad Bernthal '01 was recently appointed to the E9-1-1 Institute's Board of Directors. His research includes issues associated with public safety communications, including 911 systems as well as radio communications issues. In March 2007, the 9-1-1 Industry Alliance commissioned a study of the

state of 9-1-1 services in the United States. Along with his co-authors Dale Hatfield and Colorado Law Professor Phil Weiser, Professor Bernthal was a principal on the research and writing team that produced a definitive, compelling report, *The 9-1-1 Industry Alliance 2008 Study on the Health of the United States 9-1-1 Emergency Network: A Call to Action on 9-1-1*. Professor Bernthal feels strongly that the case must continue to be made concerning 9-1-1 needs. Part of the challenge involves distilling complex policy issues into comprehensible and compelling arguments.

### **Dean Trujillo Appointed to Two Education Boards**



Assistant Dean Lorenzo Trujillo has been appointed to Governor Bill Ritter's P-20 Subcommittee on Systems Transformations and to the Get Smart Schools Board of Directors of the Donnell Kay Foundation. The P-20 Education Coordinating Council aims to reform Colorado's educational system in grades K-20 so that it can better meet the demands of the modern workforce and halve the high school dropout rate. Get Smart Schools is a group

whose mission is to start more than 100 new schools that will meet Colorado's educational goals for grades K-12. It is aimed at low-income and underserved students whose academic success is currently falling short of the state's standards. As a board member, Dean Trujillo will help establish a direction and provide a vision for the group as well as foster working relationships with the staff at the schools.

### **Professor Spitz Named to American Board of Certification**

Associate Professor Laura Spitz was named to the Board of Directors of the American Board of Certification, which is the country's premier certification organization, certifying attorneys as specialists in business bankruptcy, consumer bankruptcy, and creditors' rights law. She will be drafting and grading exams for attorney specialization.



### **Professor Bintliff Appointed to Committees on Digital Information and Online Material**

Barbara Bintliff, the Nicholas Rosenbaum Professor of Law and Director of the William A. Wise Law Library, has been appointed as an observer to the Uniform Law Commission Study Committee on Authentication of Online State

Legal Materials. The study committee is to report to the Uniform Law Commission whether to recommend the formation of a drafting committee to prepare a proposed uniform or model law regarding the authentication of online state legal materials. In addition, she was appointed to the American Law Institute Members' Consultative Group on the Principles of the Law of Government Access to and Use of Digital Information. The group will examine the impact of the digital-information revolution on the government's data-mining activities as well as the privacy and security issues raised by those activities.

### **Fellow Kathryn Mutz Named to Conflict Resolution Board**

Natural Resources Law Center Research Associate Kathryn Mutz '95 was named to the Board of Directors for CDR Associates, an organization of professionals with more than 25 years of experience in providing effective conflict resolution services, decision-making assistance, dispute resolution systems design, and training. They provide these services domestically and internationally in five program areas: International and Cross Cultural Conflict Resolution; Public Policy, Environmental, and Natural Resource Management; Organizational and Workplace Conflict Management; Collaborative Decision-Making Procedures and Dispute Resolution Systems; and Custom Training Programs.



# Giving Thanks and an Invitation

The response to our creation of three new Colorado Law giving societies this year has been heartwarming. Members of these societies pledge to give annually at a particular level. Members participate in special discussions and events. The spring Denver lunch for members provided good counsel and perspective on our plans to create a powerful new program to strengthen our great clinics and other practical legal education opportunities. The fall breakfast at my home the day after Homecoming was simply great fun. The strong spirit of alumni and other good friends in guiding and supporting the future of Colorado Law is surely on the rise. We invite others to join us.

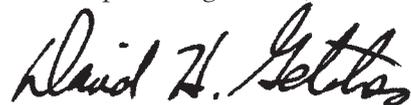
The Dean's Fund grew last year by \$164,469 (a 75 percent increase over the prior year), and the number of donors to the fund increased by 144 (an increase of 26 percent). We now have 80 giving society members (see Honor Roll list) who fueled this increase in our annual fund. **It is especially gratifying that the overall participation rate of alumni giving to all funds at the law school increased from 12 percent to 15 percent this year.**

Last year, 80 percent of the fund was committed to scholarships. As state funding for CU-Boulder has diminished to less than 8 percent, tuition continues to rise. Tuition and fees for 2008–09 are \$22,047 for residents and \$32,559 for nonresidents. Our average scholarship award of \$5,715 is 38 percent lower than our peer school average of \$9,265, leading many outstanding students to accept admission elsewhere.

The Dean's Fund also gives me a primary source for special events for alumni, students, and faculty. It provided our funding this spring for a delightful visit by former Supreme Court Justice Sandra Day O'Connor.

I urge every alumnus to consider supporting the law school with an annual gift (you can use the envelope in the center of the magazine). If you can, please join those committing their annual support at the giving society level. If not, I will value your participation at any giving level. It is most important that we have the support of as many Colorado Law alumni as possible.

With respect and gratitude,



David Getches

"Over the last five years of my increased involvement with Colorado Law, I've seen the changes and momentum created by the wonderful new building, and I am impressed. I have increased my annual giving to help support efforts underway to move the school to the next level."

**—Dorothy Gill Raymond,  
Class of 1978**



"Colorado Law has given my wife Teresa (Class of 1985) and me opportunities for education and career that few institutions could match. While we can never fully return what the school has provided us, our annual contributions to the Dean's Fund express our gratitude and help others gain the same benefits."

**—Tom Rice, Class of 1979**



## Dean's Cabinet

**(\$5,000 and up)**

Recognition in Fall *Amicus*

Dean's Mid-Year Report

Denver Spring/Summer Lunch

Homecoming Breakfast

Dinner with the Dean

## Dean's Circle

**(\$2,500–4,999)**

Recognition in Fall *Amicus*

Dean's Mid-Year Report

Denver Spring/Summer Lunch

Homecoming Breakfast

## Dean's Club

**(\$1,500–2,499)**

Recognition in Fall *Amicus*

Dean's Mid-Year Report

Denver Spring/Summer Lunch

"I always recognized that whatever I earned was directly attributable to the fine legal education I received from the faculty at Colorado Law School. I give what I can every year to perpetuate that tradition."

**—Ken Barnhill, Class of 1953**



# HONOR ROLL

## University of Colorado Law School 2007–08 Contributors

We gratefully acknowledge contributions and pledges given in Fiscal Year '08 (July 1, 2007–June 30, 2008). This support is essential in ensuring continued excellence at Colorado Law.

### \$250,000–500,000

Anonymous  
Lasky Charitable Lead Trust  
Monfort Family Foundation  
Richard F. Schaden  
John and Cynthia Schultz

### \$100,000–249,999

Anonymous  
Liz Claiborne & Art Ortenberg Foundation  
El Pomar Foundation  
William & Flora Hewlett Foundation

### \$50,000–99,999

AT&T  
Comcast Corporation  
Microsoft  
George Miller  
Qwest Communications International, Inc.  
Renewable Energy Efficiency Partnership  
Verizon Foundation

### \$25,000–50,000

Colorado Bar Association/Denver Bar Association  
Level 3 Communications, Inc.  
Janet McBride  
Eleanore Wilfley

### \$10,000–24,999

Anonymous  
Disney Worldwide Services, Inc.  
Eric Elliff  
Hall & Evans, LLC Foundation  
Otto and Lucy Hilbert  
Intensity Ventures, Inc.  
Intrado  
Bill and Lynda Johnson  
Jim and Carole McCotter  
Jay and Kathy Montgomery  
Jim Moriarty  
Morrison & Foerster Foundation  
National Cable & Telecommunications Association  
Patton Boggs LLP  
QualComm Incorporated  
Rothgerber, Johnson & Lyons, LLP  
Schuetze & Gordon LLP  
Bernard J. Seeman Trust  
T Mobile  
Melvin & Elaine Wolf Foundation, Inc.

### \$5,000–9,999

Anonymous (3)  
Ann Allison  
Applied Trust Engineering  
Chris Bearman  
Timothy and Barbara Beaton  
Anne and Jeff Bingaman  
Boulder County Bar Association  
Tom and Claire Brown  
Brownstein Hyatt Farber Schreck, LLP  
Cable Television Laboratories, Inc.  
Chuck and Christa Carpenter  
Howard Cline  
Colorado Defense Lawyers Association  
Cooley Godward Kronish, LLP

John Cross  
Crown Castle USA Inc.  
Frank and Katherine Damon  
DISH Network  
Dorsey & Whitney, LLP  
Spike and Nan Eklund  
Faegre & Benson Foundation  
Faegre & Benson LLP  
Howard Fine  
Denise and Gian Frau  
Harold and Marion Gordon Family Foundation  
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 Pat Westfeldt  
 John Wheeler  
 Robert and Leslie Wherry  
 Nancy and Andrew Wickwire  
 Mark and Danielle Wiletsky  
 Charles Wilkinson  
 Challon Winer  
 Al Wolf  
 Robert Wyckoff  
 Rose Wyckoff  
 David Wymore  
 Richard and Karen Yolles  
 Stephanie Yukawa  
 Lee and Nancy Zimmerman  
 Craig Zolan

**Up to \$99**  
 Anonymous (4)  
 Ronald Aal  
 Norm Aaronson  
 Scott Albro  
 Robert Allan and Dawn Gourneau Allan  
 Virginia Andrews  
 Elisabeth Arenales  
 Amy Arlander  
 Dixie Baker  
 Eileen and Dave Baldwin  
 Rebecca Ballesteros  
 Jane and Richard Barker

Daniel and Jacqueline Barlow  
 Jennifer Barrett and Greg Rogers  
 Jacqueline Barrows  
 John and Aileen Barry  
 Brad Bartlett  
 Lindsey Bates  
 Mary Baxter  
 Callie Bearman  
 Michael and Ann Belo  
 Kelly Berg  
 Emily Berkeley  
 Ann Berry  
 Jennifer Bielak  
 Justin and Shannon Blankenship  
 Eric and Beth Bono  
 Jim and Susan Borchert  
 Johanna Brammer-Hoelter  
 Paula Brassfield  
 Roberta and Robert Braunlin  
 Luke Brennan  
 Stephen and Cynthia Bretsen  
 Robert and Rebecca Brunswig  
 Mary and Bruce Capdeville  
 K.B. and C.L. Carboneau  
 Marcy and Richard Carroll  
 John and Eileen Carson  
 Michael Case  
 Jim and Liz Castle  
 Frederick P. Charleston, Sr.  
 Ben and Gale Chidlaw  
 Sally Claassen  
 Britt Clapham  
 Cynthia and Samuel Clark  
 James Clark  
 Scott and Karen Clugston  
 Edie Cole and Henry Sigmon  
 Elizabeth Comeaux  
 George Conley  
 James Conway  
 Gregory and Karen Cooke  
 Steven Coon  
 Brian Cooper  
 J-Ann Cooper  
 Mary and Robert Cottrell  
 Bruce Craig and Cynthia Epple  
 Jared Crain  
 Margaret Cunningham

Corey Cutter  
 Harlan Cyphers  
 Marilyn and Thomas David  
 Heather Densmore  
 John Dicke  
 Danielle Dimauro  
 Debi Dodge  
 Sarah Doll  
 David Dominick  
 Kevin Doran  
 Graydon and Betty Dowis  
 Mike Dubetz  
 Paul and Karen Dunlap  
 Gene and Michelle Duran  
 Mary Dutcher  
 Waneta Elliott  
 Joseph and Joanne Fanganello  
 Stephen Fauver  
 Bill and Elsie Federici  
 Eli Feldman  
 Beth and Randall Ferguson  
 William and Donna Ferguson  
 Connie and Russell Fields  
 Donald and Audrey Fisher  
 Julie Fisher  
 Flatirons Kennel Club  
 Sandra Franklin  
 Andy Fraser  
 Stefan Fredricksmeier  
 Rebecca and Fernando Freyre  
 Sheldon and Ellen Friedman  
 Alex Furman  
 Chet Gaede  
 Theresa Garcia and Fred Nilsen  
 Dianne Garrison  
 Phil and Louise Geil  
 Matt Giacomini  
 David Gibans  
 Lucia and Stanley Gill  
 Margot Gillette  
 Gary and Jacqueline Greer  
 Dan Griffin  
 James Gustafson  
 Lauralee and Robert Hadaway  
 John and Delia Haefeli  
 Fred Hamel  
 Marilyn Hand



## Honor Roll

Cynthia Haruyama  
 David and Billie Haynes  
 Cherry Hearn  
 Heartland Information Servies, Inc.  
 Shari Heinlein  
 Christian Hendrickson  
 Bill and Roburta Herzog  
 David and Kathleen Hester  
 Diana and John Hickey  
 Lanny Hiday  
 Janeen Hill  
 Joan and David Hill  
 Sarah Hite  
 Elaine Holbrook  
 Lydia Holzman  
 Heidi Horten and David Stephenson  
 Angela Howard  
 Kevin and Cindy Hoyer  
 Mary Hupp  
 William Jackson  
 Marilyn Jensen  
 Jeanne and Michael Johannesen  
 Kathryn and Richard Johnson  
 Linda Johnson  
 Kenneth and Diana Kahn  
 Debra Kalish  
 Lloyd and Elizabeth Kamps  
 Kerith Kanabar  
 Ashley Kane  
 Michael Kane  
 Nicholas Kant  
 Brittany Kauffman  
 Jane Keltsch  
 Paul and Phyllis Kennebeck  
 Bridget Kermorris  
 Debbie Kershner  
 Josiah Kibe  
 Merrie Kippur  
 Gail and Jack Klapper  
 Gary and Pamela Klotzbach  
 Fern Koehler  
 Marji Kowalski  
 Andrew Kreig  
 David and Kimberly Leach  
 Lee E. Christian, P.C.  
 Suzanne Lefflla Levy and Frank Boulter  
 Ross Libenson and Susie Marcus  
 David Liberman  
 Marla and Richard Lien  
 Eric and Carolyn Lord

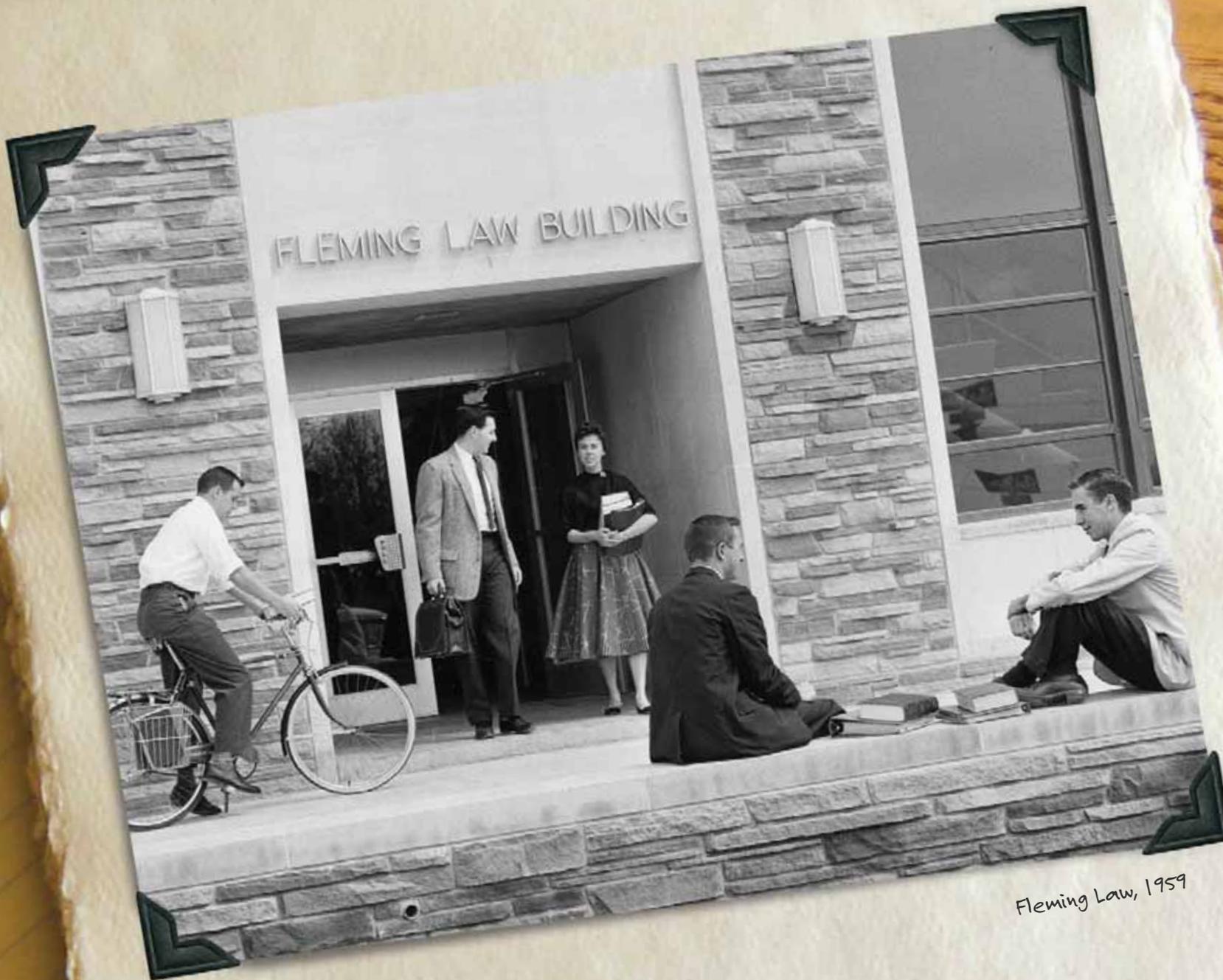
Olivia and Aaron Lucas  
 Britt Ludwig  
 Leigh and Susan Lutz  
 Greg and Patricia Lyman  
 James and Bettie Mabry  
 Dick and Patricia Maccracken  
 Nancy and Norman Markman  
 Thomas Mattson  
 Elliot Maxwell and Judith Babbitts  
 Lori May  
 Dennis McCafferty  
 Brooke McCarthy  
 Jane and Michael McCarthy  
 Paula and Peter McClean  
 James and Rosemarie McConnaughey  
 Joshua McDowell  
 Michael and Jessica McGawn  
 Dick McLean and Edith Stevens  
 Brian McMillan  
 Margaret McNett  
 Gilbert McSwain  
 Charles and Carla Merriner  
 Phillip and Joan Miller  
 Jon Miller  
 Linda Miller and George Blau  
 Kristen Mix  
 Maya Monen  
 James and Beverly Morrato  
 Marilyn Moses  
 Lori Nicholson  
 Robert and Sheryl Noel  
 Mary Noonan  
 Paul Noto  
 Sean O'Connor  
 Todd and Lina Olinger  
 Patrick and Stephanie O'Malley  
 Edward and Clydine Pabst  
 Dona and Richard Padrnos  
 Alan Pannell  
 Amy and Jeffrey Parsons  
 Roni and Richard Patrone  
 Ellen Pena  
 Patricia Perello  
 Nancy Pesman  
 Adam Peters  
 Cheryl Peterson  
 Romney Philpott  
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 John Pineau  
 Pamela and Robert Polino

Thomas Proctor  
 David and Donna Purdy  
 Donald Quick and Kerrie Boese  
 Laura Reed  
 Thomas Reed  
 Joan and George Reid  
 Dorothea Reiff  
 David Rich  
 Phil and Virginia Riedesel  
 Jennifer Rigg  
 Peter Rinn  
 Kristy Robertson  
 Shelby Robinson  
 Thomas Rockwell  
 Bonnie Roesink  
 Eric Rothaus  
 Michael Ruderman  
 Robert and Robin Russel  
 Rodrigo Saavedra  
 John Sadwith  
 Peter Sandberg  
 Marlene and Clarence Sawyer  
 Marilyn Schalge  
 Barbara Schermerhorn and Timothy Walbridge  
 Dee and Larry Schreiter  
 Teri Scott  
 Thomas and Marcia Seawell  
 Michelle Segal and Todd Saliman  
 Shelley Serwitz  
 Pamela and James Shaddock  
 Carol and Lawrence Shively  
 Bob and Lucy Showalter  
 Gregory Signer  
 Mark Sisun  
 Bob Slosky  
 Kaydee Smith  
 Linda Smoke and Scott Heath  
 Carol and Donald Snapp  
 Brita Speck  
 Christina Speck  
 Hal and Patricia Sprague  
 James Stadler  
 James Starr  
 Jack Steele  
 Charlotte Stewart  
 Heather Stroud  
 Richard and Tammy Sugg  
 Evelyn and Richard Sullivan  
 John Sullivan  
 Shannon Swanstrom

In addition, we are grateful to 420 anonymous donors for contributions totaling \$98,926 to the **Daniel Barash Scholarship Fund** and to 57 anonymous donors for contributions totaling \$38,008 to the **Philip and Mildred Danielson Scholarship Fund**.

Nancy Terrill  
 Frank Tezak  
 Donald and Mamie Thompson  
 Donald and Joy Tolin  
 Terry Tomsick  
 John Tracy and Lorinne Lee  
 Reenie Travis  
 Julie Trujillo  
 Jennifer Turner  
 Eric Vanatta  
 Brent Vanderbrook  
 Andrea Wang  
 Arnold Wegher  
 Weld County Board of County Commissioners  
 Mary and Karl Wellensiek  
 Wells, Anderson & Race LLC  
 Jessica Westbrook  
 Autum White  
 Edgar White  
 Garrett White  
 Robert White  
 Linda and Stephen Whitehead  
 H. Lawson Wills  
 Nicholas Wimmershoff  
 Kathleen and Jon Winegardner  
 Amy Winterfeld  
 David Wolf and Norie Kizaki  
 Robin Wolff and Rodd Hamman  
 Mary and Donald Young  
 Chris Yuhus  
 Carolyn Zill  
 Ed and Mary Zorn





*Fleming Law, 1959*

**COLORADO LAW HELPED YOU OPEN MANY DOORS.  
NOW YOU CAN HELP FUTURE GENERATIONS DO THE SAME.**

To ensure lasting support for scholarships, programs or faculty support at Colorado Law, you could gift part of your IRA, leave a bequest, or receive income for life with a gift annuity.

To explore these or other options, contact Marilyn Moses, Assistant Director of Development at (303) 492-1744 or [marilyn.moses@cufund.org](mailto:marilyn.moses@cufund.org).



UNIVERSITY OF COLORADO  
FOUNDATION



## Letter from Law Alumni Board Chair



Dear Fellow Buff Lawyers,

I want to take this opportunity to introduce myself as the current chair of the Colorado Law Alumni Board. It has been my honor and pleasure to serve as a member of the board for the past five years. During that time, I have been witness to the appointment of a new dean and the funding, construction, and completion of the new Wolf Law Building. I commend the many past and present board members who have given generously of their time, energy, and money to support the school throughout this transformational period. This year, Dean Getches will draw upon the board's insight, contacts, and other resources

to discuss and address matters relating to diversity in the law school community, scholarships and endowments, clinical program offerings, and the ABA's upcoming site evaluation visit to the law school. In addition, the board recently assisted in reigniting a special reception for CU's newly minted lawyers during October's swearing-in ceremony in Denver and is creating a mentorship program, matching Colorado Law students with alumni mentors. In short, it's busy, it's fun, and it's rewarding. If you want to be a part of it, let us know!

Of course, no address by the chair would be complete without a direct solicitation for financial support. As explained in this issue, over the last decade, state funding of the state's only "public" law school has diminished from 40 percent to 20 percent of the law school's budget. The law school depends on its students and alumni to fund more than 75 percent of its budgeted needs. Fundraising during economic booms can be a challenge. That challenge obviously multiplies in difficult economic times. Thus, my request is simple; give what you can, but give something.

One opportunity to give back is fast approaching. Every year, the board has the privilege of selecting and awarding the Colorado Law Alumni Awards during the annual banquet. We look forward to another great banquet in March and hope you plan to join us. I encourage you to become a sponsor, with 100 percent of the net proceeds from this event going to the Alumni Scholarship Fund.

Whether you practice or not, we are a community of Buff lawyers. Thankfully, this distinction does not involve the calculation of one's body mass index or bicep measurements, but instead whether you, in your everyday professional endeavors, are embodying the ideals of a Colorado Law alum—by approaching all things in life with an open mind and heart, in the respectful and tireless pursuit of justice.

Best Wishes and Go Buffs!

Brian D. Meegan, '97

## Letter from Director of Alumni Relations



Dear Alumni,

Thank You!

Thank you to our alumni **reunion volunteers**. Classes celebrating an anniversary year (2003, 1998, 1993, 1988, 1983, 1978, 1973, 1968, and 1963) held their reunions around Homecoming. These individual class reunions were only accomplished by the dedication of our alumni volunteers who did a terrific job organizing events and class gift campaigns. Expanding Homecoming into Alumni Weekend has been the alumni office's biggest improvement this year.

Thank you to the more than 420 alumni who responded to our **Alumni Satisfaction Survey** in July. Not only do we collect this information yearly for our strategic plan, but this year we did so for the ABA Site Evaluation Self Study. We use this valuable feedback to improve our alumni communication and programs.

Thank you to all the alumni **moot court judges**. The word has gotten out that judging is fun. Last year, we hosted the western regional Constance Baker Motley National Moot Court Competition in Constitutional Law and 65 alumni graciously volunteered to serve as judges. For the November regional rounds of the National Moot Court Competition, more than 50 alumni volunteered as judges and scorers. Colorado Law, along with the University of Denver Sturm College of Law, will be co-hosting the 2009 National Native American Law Students Association annual moot court competition in late February.

Thank you to all the members of the **Law Alumni Board** who take an active interest in the business of the law school: academic programs, alumni programs, career development efforts, admissions processes, and development needs. The board provides us input into new initiatives such as the new Experiential Learning Program, the Alumni Network Committee, and a career development mentor program.

Thank you to all the alumni who help development **build our endowment** and help the law school stay competitive, who volunteer on the **boards of our centers**, who serve as **career development** resources for our law students, who talk to perspective students, and who attend our many, many **events** each year.

Many alumni have contacted me to find out how they can get involved. Go to [www.colorado.edu/law/alumdev](http://www.colorado.edu/law/alumdev) for a list of volunteer opportunities and let me know how you would like to support your alma mater.

Thank you and stay connected.

Elisa Dalton  
Director of Communications and Alumni Relations  
303-492-3124  
[elisa.dalton@colorado.edu](mailto:elisa.dalton@colorado.edu)



# ALUMNI REUNION & HOMECOMING WEEKEND

October 3-5, 2008

Celebrating classes ending in '3' and '8'

## FRIDAY, OCTOBER 3

### Guided Tour of the Wolf Law Building

### State of the Law School Address

Dean Getches provided highlights of 2008 and a look ahead.

### Jazz & Cocktail Reception

Alumni celebrating an anniversary year gathered for drinks and hors d'oeuvres.

## SATURDAY, OCTOBER 4

### Ethics CLE

This year's lecture was presented by **Gene Nichol** who was the Law School's 12th Dean (1988-95), the immediate past president of The College of William & Mary in Virginia, and currently a Professor of Law at University of North Carolina School of Law. Nichol, an inspiring speaker, spoke about what more the legal profession can and should be doing in public service.

### William Lee Knous Award

The Law School's highest honor was presented to **Karen Mathis '75**, a partner in the Denver office of McElroy, Deutsch, Mulvaney & Carpenter, and Immediate Past President of the American Bar Association, who is currently on a one-year sabbatical from the firm to assume the duties of Executive Director and COO of the Central European and Eurasia Law Initiative (CEELI) Institute in Prague, Czech Republic.

Friends and colleagues of Mathis spoke at the ceremony, including Brian Meegan ('97), Chair of the Law Alumni Board and Director at Ireland Stapleton Pryor & Pascoe; Norton Steuben, Nicholas Rosenbaum Professor of Law, Emeritus; Mark Fogg '79, President of the Denver Bar Association and Shareholder at Kennedy Childs & Fogg, and M. Anthony Vaida, Of Counsel at McElroy, Deutsch, Mulvaney & Carpenter.

### Barbeque Picnic

### CU v. Texas Football Game

## ***Class of 2008 Swearing-in Reception***

The Class of 2007 and Colorado Law's Alumni Network Committee hosted a reception following the Colorado Bar Swearing-in Ceremony on October 27 at the Corner Office Restaurant and Martini Bar. Thank you to our sponsors for a wonderful event:

Faegre & Benson	Morrison & Foerster
Gibson Dunn & Crutcher	Otten Johnson Robinson Neff + Ragonetti
Holland & Hart	Rothgerber Johnson & Lyons
Husch Blackwell Sanders	Wheeler Trigg Kennedy



## ***Colorado Law Wins Golf Tournament Against DU***

Colorado Law alumni brought home the boot at the 6th Annual CU vs. DU Law Alumni Golf Tournament: "Battle for the Barrister's Boot." The teams playing for Colorado Law had a higher average, thereby winning the highly coveted Barrister's Boot Trophy for their alma mater to proudly display.

Thank you to our generous sponsors:

### **Gold Sponsors**

Baker & Hostetler  
Merchant & Gould

### **Silver Sponsors**

Greenberg Traurig  
Kamlet Shepherd  
Lindquist & Vennum  
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### **Hole Sponsors**

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Terry Minnick of Mercedes-Benz  
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### **Beer Sponsors**

Superior Liquor  
Boulder Beer

### **Water Bottle/Program Sponsor**

Colin Kresock of Moreton &  
Company

### **Special Thanks**

GolfTec Teaching Professionals





## Class Actions

'56

**Robert P. Rush** retired in June after 52 years as an attorney. He was honored at a public reception hosted by Heart of the Rockies Bar Association.

'63

**Harlan R. Bockman** became a member of the JAMS Panel.

'65

**Richard D. Judd** recently created a Mediation Arbitration Team (MAT). He is a trial attorney at the Denver-based law firm Robinson, Waters & O'Dorisio.

'66

**Honorable M. Jon Kolomitz** was given the 2008 Judicial Excellence Award at the Sixth Annual Judicial Excellence for Colorado Dinner this November.

'72

**Donald M. Hoerl**, associate regional director for enforcement, was named acting regional director of the Denver SEC Regional Office.

'74

**Robert Bearman** was named managing partner of Patton Boggs. He will oversee 83 lawyers, policy analysts, and support staff in the Denver office.

'75

**Karen J. Mathis**, partner at McElroy, Deutsch, Mulvaney & Carpenter, is serving the CEELI Institute in Prague, Czech Republic, as executive director and chief operating officer for a year. She began her service in September 2008.

'78

**Joan Friedland Nagel** recently retired from the Boulder County District Attorney's office after 29 years of service.

'79

**Hugh Gottschalk**, managing partner at Wheeler, Trigg and Kennedy, was ranked among the top general commercial litigators in Colorado by the 2008 edition of Chambers USA.

'81



**Anne Castle**, partner at Holland & Hart, received the "Woman of Vision" award, which honors a woman who has demonstrated positive,

enlightened leadership at her company and actively promoted the advancement of women.

**Karen Steinhauser** was named regional board chair of The Mountain States Regional Office of the Anti-Defamation League while continuing to teach as an adjunct professor at DU Sturm College of Law.

'92

**Paul Vorndran** has moved in-house for General Steel, Inc., and had a daughter **Zoe Quinn Vorndran** in July with wife **Judith Birch Vorndran** '94.

'94

**David Gosser's** young son, **Tommy**, lost his battle with cancer early on October 6. Gosser was a former dean of alumni relations at Colorado Law. Memorial contributions may be made to CureSearch (The National Children's Cancer Foundation and the Children's Oncology Group [www.curesearch.org](http://www.curesearch.org)).



**Judith Birch Vorndran** and husband **Paul Vorndran** '92 had a daughter **Zoe Quinn Vorndran** in July. She also joined the tax firm **Clark & Srsich, LLC** in May.

### Judge Morris Hoffman Studies Blameworthiness

Judge **Morris Hoffman** '77 of the Denver District Court is a Colorado Law adjunct professor who has taught Jury Selection and History, and Law and the Biology of Human Nature. Recently, he has joined the MacArthur Foundation's Law and Neuroscience Project, which focuses on research and on educational outreach dedicated to training judges in neuroscience.

Specifically, Judge Hoffman and his research group are studying the neural correlates of decisions about relative blameworthiness. When asked to order a list of "core" crime (property or personal safety) narratives, people show remarkable agreement regardless of culture, age, or other demographic. The hypothesis is that there must be brain regions driving this agreement, and this research group plans to study and locate these regions in fMRI as people do this ordering task.

As part of the educational and outreach area, he helps teach classes on neuroscience in the courtroom, and law and neuroscience to groups of state court judges, in addition to writing a number of journal articles on these subjects.

'95

**Quinn Roy** returned to the practice of law after a 10-year hiatus. She will be doing corporate transactional work with the Souza law firm in Annapolis, Maryland.

'97

**Cameron Kenyon** has been named interim president of Denver-based regional airline Lynx Aviation, a subsidiary of Frontier Airlines Holdings.

'98

**Jordan Charles Kahn** recently earned an LLM from NYU and is presently a law clerk at the U.S. Court of International Trade. He is presenting his NYU Environmental Law Journal article, "A Golden Opportunity for NAFTA," at Stanford in November and will be publishing another piece, "Southeast Asia and the IMF," in the Singapore Law Review.

'99

**William Scott Johns** is teaching analysis courses at the University of Denver and was previously teaching Legal Analysis, International Human Rights, and Information Privacy Law in California

'00

**Michael and Laura Donson Bottaro** welcomed **Mia Grace Bottaro** to the world on January 20.



**Chris B. Charles's** name has been added to the Denver law firm of Fife and Associates. It is now Fife, Charles, Mange & Mossinghoff.

**Ryan Christ** and wife, **Nicole**, had a baby girl **Adelaide Elizabeth Christ** on August 9.



**Mary Elizabeth Geiger** (formerly **Murphy**) and **Chris Geiger** welcomed a new daughter, **Amelia**, this spring. **Mary Elizabeth** and **Chris** already have a son, **Cole**.

**Louisa Heiny** and husband **Eric** are happy to announce the on-time arrival of the newest tiny Heiny, **Linnea Louisa Erikson Heiny**, born on August 19. Everyone is doing well at their new home in Utah where **Eric** is teaching math as an assistant professor at Utah Valley University.



**JJ Eklund** McGawn and Mike McGawn's baby, Anne Jane "Janie" McGawn, was born June 1. Mike and JJ already have a son, Brady.

**Dan Mossinghoff's** name has been added to the Denver law firm of Fife and Associates. It is now Fife, Charles, Mange & Mossinghoff.



**Carrie Okizaki** and Jeff Berthold's baby, Kiaya Brooke Okizaki, was born on June 22.

**Jacquelyn Brumfield Ruppel** and Dave Ruppel's baby, Elliott Jayne Elizabeth Ruppel, was born on June 28. Jacquelyn and Dave already have a son, Zachery.



**Kara Veitch** and husband Jason Young had a baby girl, Sarah An-Nee Youngveitch, on May 8.



## '01

**Patrick Carew** has moved to Crouch & Ramey in Dallas Texas.

**Dan Nelson** and Shannon Fishel '07 were married in Hawaii on May 3. They are living in New York City where Nelson is an associate with Kreindler & Kreindler.

## '05

**Coulter M. Bump** accepted a position at the law firm Timmins, LLC, in August and continues to offer small business legal services.

**Laura Sturges** and her husband Jay Johnson became parents to Avery Lynn Johnson in September.



## '07

**Shannon Kathleen Fishel** and Dan Nelson '01 were married in Hawaii on May 3. They are living in New York City where Fishel is an appellate attorney with the New York Supreme Court, Appellate Division, Second Department.

## '08

**Paul H. Thompson** was commissioned as an ensign in the U.S. Navy on September 27. He will report to Newport, Rhode Island, on November 16 for Officer Indoctrination School and for Naval Justice School in January 2009.

### **Legal Writing Inspired Mike Boucher to Create an Automatic Bluebook**



In 2004, Mike Boucher was a 1L facing the rigors of legal writing. While everyone struggled to learn the ins and outs of the Bluebook, Boucher was thinking of how he could turn that perennial struggle into a business. It was then that Citrus citation software was born.

Boucher spent two years developing the software part time while attending Colorado Law full time. "I can deal with lawyers more effectively because I know

what to expect from them and how to interpret their answers. I also learned how law is always changing and moving and how, as a business owner, it's important to anticipate where it's going."

Boucher still attends classes at the law school and is associated with the *Journal on Telecommunications and High Technology Law*. Students, professors, and practicing attorneys can all benefit from Citrus. "It looks different to different people. To 1Ls, it looks like something that fixes cites and teaches them to cite correctly. To more experienced people, it looks like something that lets them maintain a train of thought rather than concentrating on cite forms."



Boucher envisions Citrus as a legal tool. "No one would make you turn off spell-checker when you write a brief. Citrus is like a legal spell-checker. It's not going to help with substantive law, but it will help you to maintain consistent quality and be more efficient and competitive in the marketplace."

For more information and a demonstration of Citrus software, visit [www.cite-r-us.com](http://www.cite-r-us.com).

### **Election '08**

#### **Congratulations to alumni who were elected to office in Colorado.**

Ed Perlmutter '78, U.S. House District 7  
 Brandon Shaffer '01, Colorado Senate District 17  
 Morgan Carroll '00, Colorado Senate District 29  
 Jeanne Labuda '89, Colorado House District 1  
 Ellen Roberts '86, Colorado House District 59  
 Cory Gardner '01, Colorado House District 63  
 Todd Risberg '94, District Attorney District 6  
 Thom LeDoux '02, District Attorney District 11  
 Don Quick '86, District Attorney District 17  
 Stan Garnett '82, District Attorney District 20  
 Pete Hautzinger '88, District Attorney District 21  
 Frank Ruybalid '88, District Attorney District 3  
 Mark Hurlbert '94, District Attorney District 5  
 Joe Neguse '09, University Regent District 2



## In Memoriam

**Laurence Burdette Flanders, Jr.** '40 passed away July 9. He was 91. He served as a U.S. Navy lieutenant during World War II. For the next 45 years, he practiced law in one of Colorado's oldest firms. He worked toward a better system of justice throughout his career, never wishing to see legal quarrels end up in court. He also devoted himself to vital civic projects.

**James Barker Day** '41 passed away on October 17. He served in the U.S. Navy Reserve, taught communications in the Naval ROTC School, became vice president and senior trust officer of the First National Bank of Colorado Springs, and worked for the law firm of Spurgeon, Haney and Howbert, now Holland and Hart. Donations may be made to Chapel of Our Saviour at Pike's Peak Hospice or the Humane Society of the Pike's Peak Region.

**Ira E. Tanner** '47 died on June 9 at the age of 87. Tanner served with the U.S. Army during World War II in Africa and Italy. He practiced with the Denver firm of Clanahan, Tanner, Downing and Knowlton.

**Walter Arundel "Bill" Steele** '49, who died May 27, served in the Air Force as a navigator and bombardier and co-founded, with Lowell White, White and Steele, an insurance defense firm. In 1994, he received the William Lee Knous Award. Contributions may be made to Hotel de Paris Museum, Colorado Historical Society, or Church of the Ascension.

**David William Enoch** '51 died on June 29 at the age of 83. Enoch served with the U.S. Army in World War II where he was awarded the Bronze Star and the Purple Heart. He practiced with the Colorado Springs firm Spurgeon, Sutton, Ammon and Enoch until he was elected district court judge for the Fourth Judicial District. Enoch founded and was the first president of the National Organization of Chief Judges of Courts of Appeals.

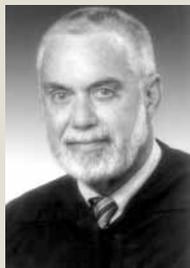


**John G. Taussig Jr.** '58 died on September 7 at the age of 75. Taussig served as a second lieutenant with the U.S. Army

Corps of Engineers as a tax officer. He was an assistant Boulder city attorney, and former president of the Boulder Bar Association and the Colorado Trial Lawyers Association. He was a mentor of young lawyers throughout his career and several of today's top trial lawyers and judges consider him their most important influence.

Taussig's mission helped the disabled, the disadvantaged, and victims of large corporations and the government. A service was held in his

memory at the Wolf Law Building.



**Allen T. Compton** '63, a former chief justice of the Alaska

Supreme Court and former Juneau resident, died October 11. He was 70. He dedicated his career to applying the principles of justice equally to all members of society. He was a mentor to generations of lawyers, known for his passion, common sense, and razor-sharp wit. Contributions can be made to the Allen T. Compton Memorial Fund, Alaska Legal Services Corporation.

**Donald Francis Clifford Jr.** '63, Aubrey L. Brooks Professor Emeritus, University of North Carolina-Chapel Hill School of Law, Chapel Hill, passed away October 19, after a valiant battle with cancer. Clifford clerked for Chief Judge Alfred Arraj. He taught for 43 years at the UNC-CH. Send donations to the Don Clifford Distinguished Lecture on Consumer Law, UNC School of Law.

**John Clark (Jock) Mitchell III** '67 died June 9 after a brief illness. Jock began his legal career with the Denver law firm of Sherman & Howard before joining Fuller & Company Commercial Real Estate Sales. Thereafter, he maintained a private law practice specializing in real estate. Contributions can be made to the Denver Botanic Gardens or the Colorado Historical Society.



**Tom Lustig** '74, the senior staff attorney of the National Wildlife Federation's Rocky Mountain Natural Resource

Center and adjunct professor for Colorado Law's Natural Resource Litigation Clinic, passed away May 8 due to complications with his ongoing battle with cancer. "Our dear colleague, friend, and alumnus Tom Lustig brightened our lives and gave us, our students, and the environmental issues for which he fought his best, and that was an enormous gift and legacy." Contributions can be made to the Tom Lustig Memorial Fund at the NWF.

**Christopher W. (Kit) Blakemore** '76 died September 1 at age 56. He was a partner with Hurth, Yeager, Sisk & Blakemore in Boulder and taught business law at CU-Boulder Leeds School of Business.

**Pamela W. McKee** '78 died in Los Angeles on August 29, after a courageous three-year battle with cancer. She was the associate regional solicitor for the Southern California regional office of the U.S. Department of Labor, overseeing the Solicitor's Office in Los Angeles. Donations may be made to the Roy and Patricia Disney Cancer Center Endowment Fund at the Providence St. Joseph Foundation in Burbank, California.

**Michele Noe** '88, who passed away November 7, was a public defender in Washington State and then moved back to Boulder and served as a student advisor.



**Rodney Lewis, Jr.** '04 passed away September 14 at the young age of 31. Rodney graduated from Estacado High School in 1996,

where he participated in the Medical Professions Magnet Program, was a member of the Academic Decathlon as well as a member of the marching band. He received a BA from University of Texas. A service was held at Colorado Law. Contributions can be made to the Rodney Lewis Scholarship Fund at Colorado Law.

## Your classmates want to hear from you.

### Send Updates and Photos!

- ➔ Online [www.colorado.edu/law/alumdev](http://www.colorado.edu/law/alumdev)
- ➔ E-mail [elisa.dalton@colorado.edu](mailto:elisa.dalton@colorado.edu)

To receive *Colorado Law Points*, the quarterly alumni newsletter, send us your e-mail address.

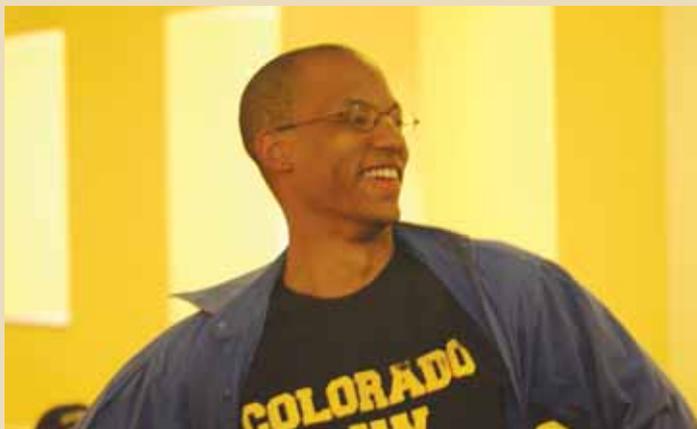


*Hire Smart...*  
**Colorado Law graduates have a 94 percent bar exam passage rate.**  
 ...smart lawyers, smart business decisions

## Know a Potential Lawyer?

Colorado Law has a proud history and produces great lawyers. Our alumni have the best understanding of what qualities an individual must have to be successful in our law programs. Thus, we place a huge value on alumni referrals.

Do you know someone who would make a good addition to the Colorado Law student community? Tell interested undergraduates who impress you about the law school and help continue our high standards. Give this referral certificate to a promising applicant and create a future alumus.



### Alumni Referral

We are pleased to waive the \$65 application fee for the following applicant:

\_\_\_\_\_  
 Applicant's Name

\_\_\_\_\_  
 Alumnus's Name

\_\_\_\_\_  
 Class Year

\_\_\_\_\_  
 Alumnus's Address  
 \_\_\_\_\_  
 \_\_\_\_\_



## **2009**

### **January 30**

16th Ira C. Rothgerber, Jr. Conference: Home Rule (in Denver) (Byron R. White Center for the Study of American Constitutional Law)

### **February 8–9**

The Digital Broadband Migration: Imagining the Internet's Future (Silicon Flatirons Center Conference)

### **February 13–22**

40-Hour Professional Mediation Training with Judy Mares-Dixon

### **February 26–27**

Sustainability as Meta-Strategy: Climate Change and the New Frontiers of Urban Development (with CU-Boulder Leeds School of Business)

### **February 27–28**

National Native American Law Students Association Moot Court Competition

### **March 12**

28th Annual Alumni Awards Banquet (at Denver Center for the Performing Arts)

### **March 19**

Evaluating Software Patents (Silicon Flatirons Center Conference)

### **April 1–4**

ABA Site Evaluation Team Visit for Law School Re-accreditation

### **May 8**

Spring Commencement

### **May 16–20**

Institute for Regulatory Law & Economics (Aspen Institute at Aspen Meadows Resort)

### **June 3–5**

Natural Resources Law Center Summer Conference: Western Water Law and Policy Challenges—Ripples, Currents, and New Channels for Inquiry

### **October 28–November 1**

Alumni Reunion/Homecoming Weekend

# Colorado

University of Colorado at Boulder

Law School  
401 UCB  
Boulder, Colorado 80309