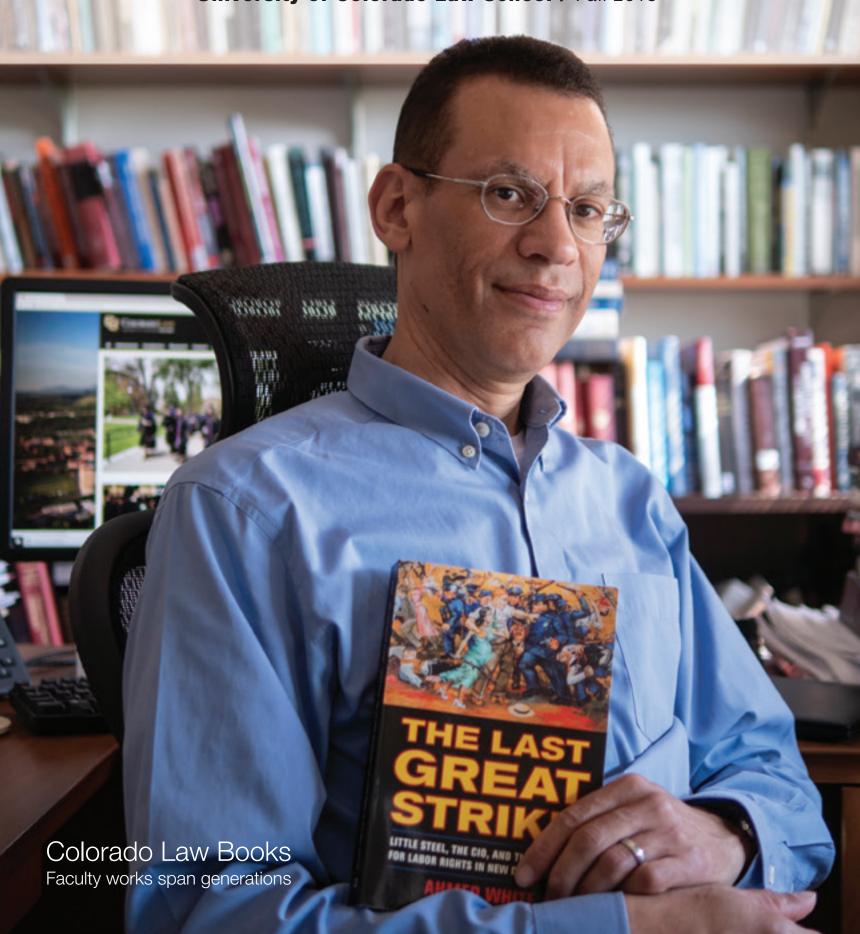


University of Colorado Law School / Fall 2018





Welcome to the JD Class of 2021

3,588 applications

172 class size

162 LSAT score (median)

3.71 cumulative GPA (median)

28% diverse students

53% women

39% Colorado residents

107 undergraduate colleges

38 states (plus D.C.)

25 LLM and Master of Studies in Law students from **8 countries** (including the U.S.)

Contents

2 / Message from the Dean

3 / News

12 / Feature: Colorado Law Books

18 / Curriculum In Focus

20 / Advancement

24 / Alumni

Electronic copies available at colorado.edu/law/alumni.

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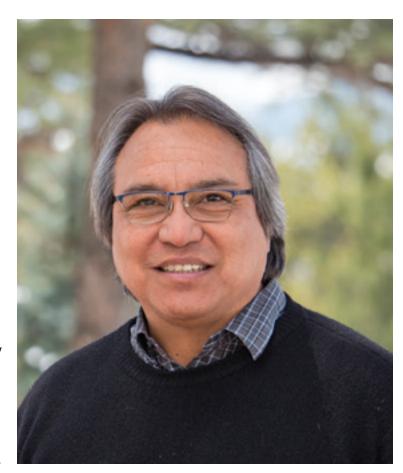


2 / Message from the Dean

Amicus Fall 2018

Propelling the Way Forward

Dean S. James Anaya



Intellectual vibrancy shows its presence every day at Colorado Law through our continued excellence and innovation in legal education, research, and professional engagement, both locally and globally.

In this issue of *Amicus*, we celebrate the writing of our Colorado Law faculty and examine how their books, in particular, are helping to educate students, move the profession forward, and shape thinking around society's most pressing issues.

Members of our faculty have written books on a diverse variety of subjects ranging from the foundations of legal reasoning and rhetoric to novels that demystify the law, as well as scores of traditional legal casebooks and treatises that guide the way courses are taught and framed, and how new subjects are conceived and studied. Over the years our faculty have written and co-written hundreds of monographs, casebooks, treatises, and edited collections, many of which are used in law schools across the country.

It is fortuitous timing that this issue coincides with the retirement of Distinguished Professor **Charles Wilkinson**, as it was his book *American Indians, Time, and the Law* that helped inspire me to become a law professor. When I first read it in 1987, I was a young lawyer practicing Indian law at a small firm in Albuquerque. Shortly after, I heard Charles speak at the All Indian Pueblo Council. That marked a turning point in my career when I started thinking of the possibility of becoming a law professor. (In another coincidence, I used Charles' casebook on federal public lands during the first class I taught as an adjunct professor at the University of New Mexico.)

In addition to our long history of producing scholarly works, Colorado Law is advancing legal education in other ways. Our community continues to grow and expand, both in our programming and in the diversity of thought, backgrounds, cultures, and experiences.

We received a record number of JD applications this year, up 17 percent from last year's admissions cycle. This larger applicant pool allowed us to be more selective, which boosted the median GPA to the highest in the school's history (3.71).

Further, at 28 percent racially or ethnically diverse, this year's incoming JD class is among our most diverse classes ever and reflects our continued commitment to inclusiveness. Among our incoming JD students is the second cohort of Leaders in Law and Community (LILAC) Fellows, individuals who are from backgrounds that have been underrepresented in law schools and the profession. With their experiences and accomplishments, LILAC Fellows have the potential to use their law degrees to make powerful contributions to law and society. We also welcomed incoming LLM students from seven countries outside the U.S., as well as 13 Master of Studies in Law students. Together, our community spans a range of perspectives, ages, undergraduate institutions, and work and life experience.

We are proud to present this issue of *Amicus* as a tribute to Colorado Law's commitment to moving legal education and the profession forward in a constructive and informed way, and to addressing the issues of our time.

As always, I welcome your thoughts, suggestions, and ideas, as well as your questions and concerns. Please feel free to reach out to me directly at 303-492-3084 or lawdean@colorado.edu.





HAPPENING THIS FALL:

- This October, Colorado Law will be the first law school in the United States to host a session of hearings on human rights cases and issues held by the Inter-American Commission on Human Rights, an agency of the Organization of American States. The hearings, which are open to the public, include cases on alleged human rights violations from countries throughout the Western Hemisphere.
- Thanks to a new endowment established by Ruth Wright ('72),
 Colorado Law and the Getches Wilkinson Center for Natural Resources, Energy, and the Environment
 will welcome Georgetown Law
 Professor Lisa Heinzerling on Nov.
 9 to deliver the inaugural Ruth Wright Distinguished Lecture in Natural
 Resources, "Cost-Nothing Analysis: Environmental Economics in the
 Age of Trump."
- Non-lawyers can learn about pressing issues in the law through our Mini Law School, which begins its seventh season this fall. This year's curriculum focuses on hot topics in the law, including over-incarceration in America, the ever-changing face of immigration law, and artificial intelligence and law.
- The fall lineup of Colorado Law Talks, a lecture series where our faculty share their current scholarship, teaching methods, and contributions to the community, features talks by Associate Professor Anna Spain Bradley on reviving America's human rights movement and Professor Aya Gruber on the shifting meaning of sexual consent, among others. See more at colorado.edu/law/news.

Class of 2017 Graduates in Full-Time, Law-Related Jobs Marks 10-Year High

More graduates working in full-time, long-term law or law-related jobs than any class during the past decade

In April, Colorado Law reported postgraduation employment data for the Class of 2017 10 months after graduation (March 15, 2018) to the American Bar Association and the National Association for Law Placement. Of all graduates of the Class of 2017, 84 percent secured full-time, long-term, non-school-funded jobs for which bar passage was required or a JD degree was an advantage within 10 months of graduation—the most of any class during the past decade. Additionally, 76 percent of graduates reported a full-time, long-term, non-school-funded job for which bar passage was required—also the highest number in the past decade.

#28

Colorado Law's rank out of 204 law schools for Class of 2017 graduates employed in judicial clerkships. Graduates accepted clerkships with federal, state appellate, and state trial courts.

(American Bar Association)

91%

of 2017 graduates reported employment 10 months after graduation. Graduates entered into positions in Colorado and across the nation; a full breakdown is available at

colorado.edu/law/careers.

Class of 2017 employment:

35% law firms

18% government

18% judicial clerkships

15% business

9% public interest

3% postgrad fellowships*

*School-funded postgrad fellows working for judges, government, and public interest groups

2% academic and other

"The Class of 2017 was composed of remarkable students who fully engaged in the life of the law school and worked long hours developing their legal skills in a wide variety of settings. It is no surprise that they have raised the bar on postgraduate employment outcomes."

Todd Rogers,

assistant dean for career development

4 / News Amicus Fall 2018



Suzette Malveaux Joins Colorado Law

Nationally recognized expert on civil rights law and class action litigation will also direct the Byron R. White Center for the Study of American Constitutional Law

Suzette Malveaux joins Colorado Law as the Provost Professor of Civil Rights Law and director of the Byron R. White Center for the Study of American Constitutional Law. From 2006 to 2018, she was professor of law at The Catholic University of America Columbus School of Law, where she also served as associate dean for academic affairs and interim director of the Law and Public Policy Program. Malveaux began her teaching career at the University of Alabama School of Law in 2003 and has taught as a visiting professor at the University of Iowa College of Law and Washington and Lee University School of Law. She co-wrote Class Actions and Other Multi-Party Litigation: Cases and Materials (West, 2006, 2012), and has published numerous law review articles that explore the intersection of civil procedure and civil rights. In 2017, she was elected to the American Law Institute. Prior to academia, she was a class-action litigation specialist and civil rights lawyer for eight years. She has litigated various high-profile cases in the U.S. federal courts, including the Supreme Court and various circuit courts of appeals. She graduated from Harvard University magna cum laude and earned her JD from New York University School of Law as a Root-Tilden Scholar.



Getches-Green Natural Resources and Environmental Law Clinic Welcomes Sean Helle

Sean Helle is an associate clinical professor and leads the Getches-Green Natural Resources and Environmental Law Clinic, which, founded in 1978, is one of the country's first environmental law clinics. Before joining Colorado Law, Helle worked as a litigator and lobbyist at Earthjustice, a staff attorney at the Southern Environmental Law Center, an associate at Arnold & Porter Kaye Scholer LLP, and a lecturer at the University of Chicago's Abrams Environmental Law Clinic. He also served as a law clerk to Judge Diana E. Murphy on the U.S. Court of Appeals for the 8th Circuit and Judge Ellen Segal Huvelle on the U.S. District Court for the District of Columbia. Helle grew up in Iowa and graduated from the University of Iowa College of Law in 2004.

Korey Wise Innocence Project Partners with DA's Office on Conviction Integrity Unit

Colorado Law joins first-of-its-kind program to investigate wrongful convictions

The Korey Wise Innocence Project at Colorado Law has partnered with the Boulder District Attorney's Office, Public Defender's Office, and private defense bar on a new conviction integrity unit, as announced by Boulder District Attorney Michael Dougherty in March. The Boulder Conviction Integrity Unit, the first such program within a district attorney's office in Colorado, will provide a sound, transparent, and collaborative review mechanism for claims of wrongful conviction and will establish protocols for reviewing claims of innocence. Colorado Law students will be assigned to participate in case reviews and discussions on investigative steps to determine whether a person was wrongly convicted and work with the district attorney's staff to create case analysis reports that will be shared with the other partners in this innovative and important effort.





Faculty Recognized for Outstanding Scholarship, Public Service

Dean Anaya presents annual faculty awards

Associate Professor **Anna Spain Bradley** received this year's Gamm Justice Award for her book in progress, *The Impact of One: How Individual Choice Shapes International Law* (under contract, Cambridge University Press), which examines decision making in international law through the lens of neuroscience (read more on Page 14).

The Gamm Award was established by Boulder attorney Gordon Gamm to encourage faculty to explore critical issues in "justice" broadly defined, and is given annually for outstanding written work in this area.

Professor **Jennifer Hendricks** and Associate Professor **Sloan Speck** received the Jules Milstein Scholarship Award for their recent articles.

Hendricks' article, "Fathers and Feminism: The Case Against Genetic Entitlement,"



published in *Tulane Law Review*, makes the case against a nascent consensus among feminist and other progressive scholars about men's parental rights, arguing that today's most progressive proposals to reform parentage law disregard the mother's existing parental rights and transfer too much power from women to men.

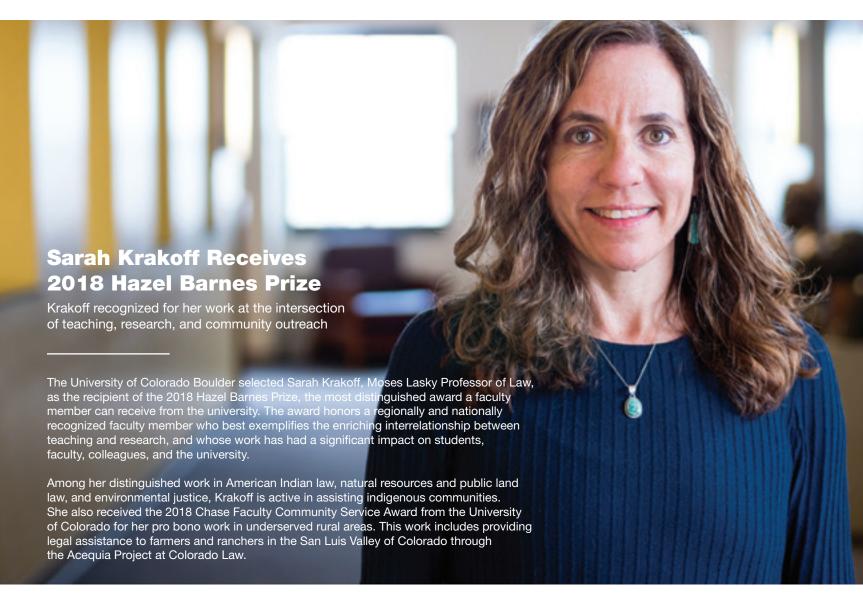
Speck's article, "Tax Planning and Policy Drift," published in *Tax Law Review*, identifies a third category of policy drift, "planning drift," and proposes a framework for analyzing how private-sector legal interpretations influence public policy.

The Milstein Award, funded by a gift from **Marvin Wolf** ('54) creating an endowed fund in memory of his father-in-law, Jules Milstein, recognizes substantial published works that best demonstrate excellence in legal scholarship.



Dean Anaya also recognized Clinical Professor Emeritus Norm Aaronson with the Clifford Calhoun Public Service Award. For much of his 40 years at Colorado Law, Aaronson has taught the Civil Practice Clinic, which has helped countless people secure their Social Security disability benefits, assisted distraught clients navigating contentious marital dissolutions, and won asylum hearings for immigrants fleeing violence and persecution in their home countries. His commitment to teaching extends beyond his students—for the past eight years, he has taught English as a Second Language to a growing network of Sudanese asylees, having begun as an English class for one of the clinic clients for whom Aaronson and his students secured asylum. In nominating Aaronson for the award, his colleagues noted that he "has inspired all of us with his deep and abiding commitment to teaching law students how to advocate for some of the poorest and most vulnerable people in our community."

6 / News Amicus Fall 2018



Q&A

How do you foster the interrelationship of student learning and scholarly research in your teaching?

If my research is not relevant to my students, then it probably is not that interesting to anyone! The best scholarly research should also engage and enliven teaching.

I test out new research ideas by discussing them with students in class or during office hours. Also, I incorporate aspects of my research into seminars and encourage students to work on papers that build on ideas we develop together. Whenever possible, I urge students to try to publish their papers, as well, with the goal of multiplying our efforts and making research and scholarship a community enterprise to the extent possible.

What do you most want to impress upon your students?

I want them to understand the power they will wield as lawyers. And I want them to understand how law historically has shaped relations between human communities, and also between humans and the nonhuman world. If they are not happy with the current state of affairs, they have to examine how law—the very tool they want to use to make things better—is also thoroughly implicated in all the ways things are not fair or just today.

In short, I want [my students] to be able to think critically about law and its role in our society, but also to think imaginatively about how they might order things differently in their lifetimes.

What are you most proud of?

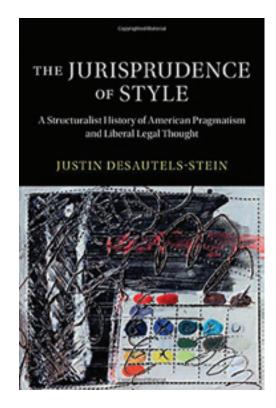
That is a tough one. I feel grateful every day to be able to do work that I care about. Maybe I still feel too young, despite what the calendar says, to register as "proud" of anything. But I do love hearing from former students that our experiences together mattered to them and from members of the public and practitioners that my work is meaningful and helpful to them.

Also, pulling off the Law of the River seminar, a semester long class that culminated in a two-week wilderness raft trip through the Grand Canyon, was pretty amazing. And I am thrilled every year when we recruit dozens of law students to work pro bono with low-income farmers in the San Luis Valley through the Acequia Project, which provides free legal assistance on water-rights matters.

More broadly, how do you engage with the CU Boulder community?

There are so many amazing scholars, teachers, and institutional citizens on our campus. Through CU Engage, the Center of the American West, the Center for Native American and Indigenous Studies, and more places than I can name in this short space, I encounter faculty and students doing exciting and deep work that also serves the public.

In my own work, I try to make my scholarship count for the public by writing about topics relevant to underserved communities and doing public service projects that build on that research.



Desautels-Stein Publishes Two Books with Cambridge University Press



Associate Professor **Justin Desautels-Stein** recently published two books that draw on his background and expertise in critical legal studies and contemporary legal thought. The first, a monograph titled *The Jurisprudence of Style: A Structuralist History of American Pragmatism and Liberal Legal Thought* (2018), is the product of research going back to Desautels-Stein's studies in graduate school, offering a fully developed account of how to understand critical legal studies today. The target of that redevelopment is what Desautels-Stein calls the legal structure of American Pragmatism.

Along with UC Berkeley historian Christopher Tomlins, Desautels-Stein also published the edited volume *Searching for Contemporary Legal Thought* (2017). Drawing from conferences held at Colorado Law and Harvard Law School, the collection brings together nearly 30 scholars from around the world in an effort to answer the question of whether "contemporary legal thought" is a meaningful category of analysis. With parallels in the historiography of whether and when "contemporary art" exists, Desautels-Stein and Tomlins elicited responses from scholars including Duncan Kennedy, Marianne Constable, Samuel Moyn, Annelise Riles, and Colorado Law's **Pierre Schlag**.



Oral Advocacy Programs Bring South American Lawyers to Colorado Law

Lawyers from multiple countries learn from Colorado Law professors, alumni

Civil and criminal public defenders from Argentina, Chile, Colombia, and Peru honed their oral advocacy skills this summer through an advanced oral advocacy course developed and taught by clinical professors **Ann England** and **Colene Robinson**, retired Senior Colorado State Public Defender Fernando Freyre, and nationally recognized San Francisco criminal defense attorney Martin Sabelli. Taught in Spanish, the program involved a mix of advocacy, meetings with agencies, and court visits, including the Boulder District Attorney's Office, Office of the Colorado State Public Defender, Denver County Court, and the Colorado Court of Appeals.

Colorado Law Challenge

Seventeen employers reach 100 percent participation in 2018 giving challenge

The Colorado Law Challenge recognizes employers and Colorado Law alumni who go above and beyond by giving back to the law school. This collective support provides opportunities for students, strengthens academic programs, and invests in our top-tier faculty. The employers recognized achieved 100 percent giving participation among Colorado Law alumni employees.

Congratulations and thank you to:

Ballard Spahr LLP
Burns, Figa & Will
Cheney Galluzzi & Howard
Gibson, Dunn & Crutcher LLP
Gordon Rees Scully Mansukhani, LLP
Holland & Hart LLP
Kilpatrick Townsend & Stockton LLP
King & Spalding LLP

Koenig, Oelsner, Taylor, Schoenfield & Gaddis PC Littler Mendelson P.C. Polsinelli PC Porzak Browning & Bushong LLP Senn Visciano Canges P.C. Sheridan Ross P.C. Sherman & Howard L.L.C. WilmerHale Wood Smith Henning & Berman LLP 8 / News Amicus Fall 2018



Fostering Entrepreneurship That Has an Impact

Competition co-founded by Silicon Flatirons celebrates a decade of bridging entrepreneurs and funding sources

By Makenzi Galvan ('19)

In front of a packed house at the Boulder Theater, New Venture Challenge (NVC) finalists had only 5 minutes to convince a panel of Boulder's most successful entrepreneurs that their business concept deserved venture funding over the other 100 participating teams. This may seem like a daunting task, but this year's 10 NVC finalists spent countless hours over the preceding nine months preparing for this moment.

The NVC is an annual entrepreneurial competition where CU Boulder students, faculty, and staff form teams, develop innovative ideas for a product or service, iterate and refine their products, and ultimately present their pitches. In April, the celebrated its 10th year of fostering innovation and bridging the gap between entrepreneurs and funding sources by providing \$75,000 to the most fundable company at the finals.

This year's winner, Specdrums, won the judges over with its creativity, determination, and a wildly successful Kickstarter campaign. Specdrums' flagship product is an app-connected ring that allows users to create music at their fingertips. Shortly after the NVC 10 finals, Specdrums was acquired by Sphero, a Boulder-based interactive toy and robot maker.

"NVC was a very exciting experience for us," said Specdrums cofounder and CEO Steven Dourmashkin. "Since not making it past the finals last year, we've been working hard to improve our product and build our community. The momentum we've achieved since then put us in a great spot to participate in NVC 10, and the countless hours polishing and practicing our pitch paid off!"

The Silicon Flatirons Center for Law, Technology, and Entrepreneurship co-founded and cultivated the NVC and ran the program for nine years before handing it over to the new CU Boulder Innovation & Entrepreneurship Initiative last fall. Like Silicon Flatirons' own Entrepreneurship Initiative, the NVC is centered around three goals: encourage participants to explore entrepreneurship, no matter what discipline or department they



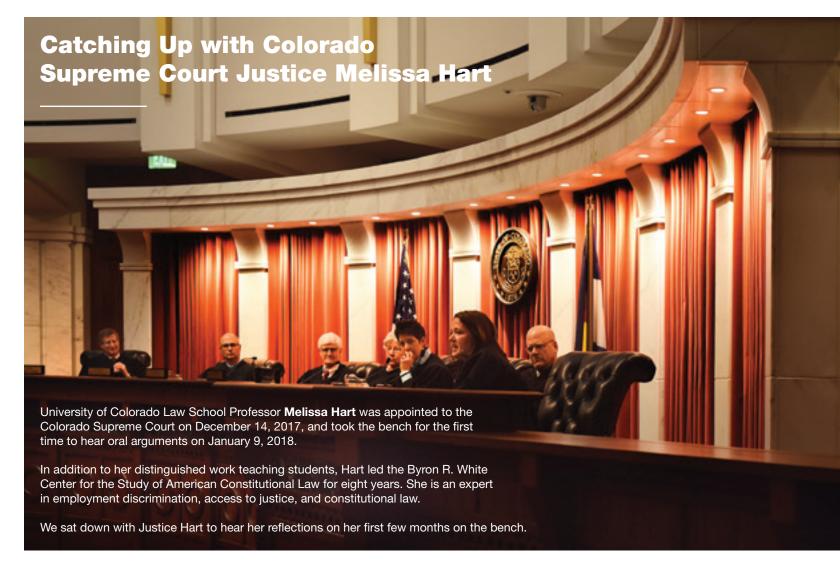
are from; unite the campus with the resources and mentorship available in the Boulder community; and inspire participants to enjoy and engage in entrepreneurial experiences. From September to April each year, the NVC hosts a variety of workshops, mentorship events, and networking opportunities, and attracts rising stars to compete.

Before the kickoff of this year's NVC, Specdrums sought the assistance of Colorado Law's Entrepreneurial Law Clinic (ELC), which gives law students a unique opportunity to provide legal representation for Colorado's most promising startup and small business clients.

Tyler Hayden ('18) and Jack Vihstadt ('18), one of the ELC's 2017–18 student attorney teams, worked closely with Specdrums on interesting legal challenges facing the young company, including issues related to data privacy and products liability. The student team also drafted the company's terms of service and privacy policy, both of which can be found on the company's website and mobile app.

"Representing Specdrums stressed the importance of managing client expectations, setting appropriate deadlines, and delivering a quality work-product under time constraints," Hayden said.

A common thread between these innovation-focused, collaborative programs is the work of Associate Professor **Brad Bernthal** ('01). As the co-founder and point person for the NVC during the past decade, Bernthal has fueled his passion for providing Colorado Law students with immersive opportunities to engage with Boulder's world-class start-up scene. Bernthal also serves as the director of the ELC and the Silicon Flatirons Center's Entrepreneurship Initiative. Under his leadership, the NVC has expanded dramatically, and the ELC has grown to include 20 student attorneys who assist more than 30 companies each year. The NVC and ELC continue to have an inspiring impact on the University of Colorado campus and the Boulder startup ecosystem.



Q&A

Where were you when you received the news that you were appointed the next justice of the Colorado Supreme Court?

I was at my son's school, where I had just dropped him off for the day. The governor called me and said he had "three follow-up questions." We talked for about 45 (very stressful and uncertain) minutes, at the end of which he said, "Well, you are my pick." I ran right into the school gym, where my son was playing basketball, and he gave me the hugest hug.

Who are your judicial role models?

My strongest role model, as a judge, a lawyer, and a human being, is Justice John Paul Stevens, with whom I clerked in 1996–97.

What are the top five books that have most influenced you and your career?

I don't think I can identify THE top five, but here are five books that have influenced me significantly:

- Betty Friedan, The Feminine Mystique
- Taylor Branch, *Parting the Waters:*America in the King Years 1954–1963
- William Fisher et al., American Legal Realism
- Nancy Levit and Douglas Linder, The Happy Lawyer: Making a Good Life in the Law
- Ronald Dworkin, Law's Empire

You have dedicated your career to improving access to justice. How will you continue to address access to justice from the Colorado Supreme Court?

I will serve as the court's liaison to accessto-justice efforts around the state and will remain a member of the Colorado Access to Justice Commission (ATJC). A coalition of stakeholders, including the ATJC, the court, and the Colorado Bar Association, has received a grant from the National Center for State Courts to implement pilot projects in two judicial districts—one rural and one more urban-focused on filling gaps in access to justice efforts. I will be working with other project managers on that effort, with the hope that we will be able to take lessons from those pilot projects into other districts around the state in the coming years. I am also very excited to be the court's representative on an organizing committee for a new affordable law practice incubator that Colorado Law is supporting and that we hope to launch in 2019. Helping lawyers learn how to run their practices so that they can charge rates that real people can afford to pay is an essential piece of addressing the justice gap.

Can you describe a defining moment or experience that has stuck with you from your first several months on the court?

There have been so many! I imagine people would expect me to select an experience on the bench or in the drafting of an opinion, but I think I'd like to focus instead on an experience I recently had as part of the administrative work of the court. The associate justices are responsible for serving as ex officio chairs for the nominating commissions that select district and county court judges. The first nominating commission I chaired was for a vacancy on the 12th Judicial District in Alamosa. I went down to the San Luis Valley the day before and had the opportunity to meet members of the bar association there. I was so impressed with the attorneys I met many of whom were Colorado Law alumni. I was especially pleased to see that the public defenders and district attorneys were very collegial. The visit was a wonderful reminder that there are great legal communities all over the state, and not just on the Front Range.

10 / News Amicus Fall 2018



Left: Wilkinson with his spring 2016 Advanced Natural Resources Seminar, which concluded with a trip to the Olympia Peninsula and Puget Sound, his last seminar field trip as a full professor.

Below: The inaugural Natural Resources Seminar class in 1988 at Wilkinson's home. Their group visited the Upper Rio Grande, including a tour of the San Luis Peoples' Ditch and the Santa Clara Pueblo.



None of us would have guessed that the most memorable part of an eight-day, adventurefilled field trip around the Four Corners area would be a short walk around a mesa in northeastern Arizona. But that was before we met Nicole Horseherder.

I had the pleasure of teaching the Advanced Natural Resources Seminar last spring. Initiated by Professor **Charles Wilkinson** 30 years ago, this unique seminar examines issues facing a specific geographic area and culminates with a field trip. Past seminars have studied important watersheds across the Southwest, the Greater Yellowstone ecosystem, and the Grand Canyon.

This year, we studied the Colorado Plateau. These canyons and high deserts are home to more national parks and monuments than anywhere else in the world. Native American tribes hold one-third of the land. From Durango to the shadows of Bears Ears, from Glen Canyon Dam to the south rim of the Grand Canyon, through Monument Valley and the expanses of Hopi and Navajo lands, we racked up over 1,300 miles meeting with federal land managers, Native Americans, environmental organizations, land trusts, and others who shared what they know about this unique landscape.

Throughout the semester, 12 law students learned about the area's history, culture, and challenges, including a raging public land debate, habitat loss, grazing, increased aridity, electricity production, drilling, and mining. But walking on

Nicole's ancestral lands with her 9-yearold son and 14-year-old daughter is what put everything into perspective.

Indigenous people have occupied Black Mesa since the 1500s, relying on the once-vast Navajo Aquifer. Nicole's family was nomadic into her teens, moving with their sheep and using the Navajo Aquifer. Far off the grid, her house is powered by a solar array and battery packs. The seeps and springs her people relied on for years have all dried up. They now must truck water in for themselves, their horses and sheep, and a large garden.

If you ask Nicole why the water has disappeared during the past 20 years, she has a quick answer: the 2,250-megawatt Navajo Generating Station (NGS) and its associated coal mines. The coal plant was built to help push Colorado River water through 300 miles of canals to Phoenix and Tucson. Over the lifetime of the mines, it is estimated that Peabody Coal used 45 billion gallons of aquifer water to run its slurry lines. Peabody still uses an estimated 1 million gallons of Navajo Aquifer water every day.

The coal plant is scheduled to close in 2019, but Navajo tribal leadership is searching for new buyers for the coal. If the mine remains open, the aquifer will continue to be drained. Regardless, it has little chance of recharging with only around 8 inches of rainfall a year. Climate change has taken a toll, and these lands are now hotter and drier than at any time in recorded history. Yet Nicole and her family

are determined to stay; she advocates for closing the mine and replacing those jobs with investments in renewable energy.

After hiking to a former spring site, Nicole invited us into her home for tea and cornbread. I struggled to think of what gift we could leave besides the abundant research produced by the class and a heartfelt thank you note circulating among the students. Thanks to our emergency contingency planning, we had almost 10 gallons of water in our cars.

So we left our water at her family's doorstep and continued our journey, a little quieter than on our way in, each one of us processing the multiple layers of complexities that led to Nicole's battle. The students' final research papers clearly reflected these rich experiences of seeing firsthand how law and policy intersect with the land, water, wildlife, and people of the Colorado Plateau.

Alice Madden is executive director of the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment.

The Getches-Wilkinson Center's website has a new look! Visit us at **getches-wilkinsoncenter.cu.law**.

A Tribute to Charles Wilkinson

As he retires from 30+ years on the Colorado Law faculty, colleagues reflect on the indelible legacy of Distinguished Professor Charles Wilkinson

Charles Wilkinson stands apart in our profession. He is a formidable academic, a legend in his fields. **But he is also a true public intellectual—someone who speaks to and reaches a much broader audience beyond the academy.** At the same time, he is in the world in a very serious and sustained way. From the beginning of his career, he has always been deeply involved in real-world struggles, most recently in his efforts on the Bears Ears National Monument.

Everyone who knows Charles recognizes that he embodies so much that is true and right. Some of it surely comes from his profound sense of place. He belongs in that noble tradition that Wallace Stegner wrote about. **He is a lover of the known earth, the known weather, and known neighbors—both human and nonhuman**. He is unapologetic and fierce in his commitment to regionalism—at a time when so many of the forces in modern life are pushing so hard in the other direction. But his is not a romantic or sentimental regionalism. It is one **built on deep engagement and confrontation with the past**—one that can, at the same time, hold together the dark, violent, tragic elements of the American West, with a reverence—even an exaltation—for all that the West is and still could be.*



Delivered 35 named and honorary public lectures, along with scores of keynote addresses



Wrote or co-wrote 14 books, including standard texts on federal public land law and American Indian law, and award-winning books written for a general audience



Charter member and namesake of the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment, renamed in 2013 for Wilkinson and former Dean **David Getches**



Member of the drafting team for President Bill Clinton's proclamation creating the Grand Staircase-Escalante National Monument in 1996



Special advisor to the Bears Ears Inter-Tribal Coalition, instrumental in creating the Bears Ears National Monument in 2016



National Conservation Award (National Wildlife Federation); John Wesley Powell Award for extraordinary vision, passion, and commitment to the Colorado Plateau (Grand Canyon Trust); Lawrence R. Baca Award for Lifetime Achievement in Indian Law (Federal Bar Association)



"Charles asks the hard, right questions. He listens with an intensity and respect that reminds us of the generative power of long silences. He knows where he is, and he knows who he is. He leads by example, with a rare combination of humility, rectitude, and good cheer. He has put his considerable gifts to work in defending people and places across the American West. He has gone out into the world, and he has made a life that matters."

William Boyd is a professor at UCLA School of Law and UCLA's Institute of the Environment and Sustainability. From 2008 to 2018, he was on the faculty at Colorado Law, during which time he had the great good fortune of having Charles Wilkinson as a mentor, friend, and occasional fishing partner.



"Charles Wilkinson is a beloved and revered teacher. Generations of students credit Charles with sparking their love of the West, their interest in environmental law, and their passion to protect Native American rights. The 'Charles effect' is evident in federal, state, and tribal agencies as well as nonprofits throughout the country. Through his infectious enthusiasm and deep knowledge, he ensured that his legacy will persist in courtrooms, legislatures, and council chambers for many years to come."

Sarah Krakoff

Moses Lasky Professor of Law





"Across Indian Country, Charles is known and trusted by tribal members and leaders. Charles has stood with Indian people in legal battles, met their families, and shared food and ceremonies, and through these experiences he has become a relative, an elder, and a beloved person. He leaves a legacy of deep understanding and respect for students, lawyers, and academics to follow into the future."

Kristen Carpenter

Council Tree Professor of Law

12 / Feature: Colorado Law Books Amicus Fall 2018

The Last Great Strike

Professor Ahmed White's book tells the story of one of the most important labor disputes in American history

Cover story: Ahmed White, Nicholas Rosenbaum Professor at the University of Colorado Law School, spent nearly a decade writing *The Last Great Strike: Little Steel, the CIO, and the Struggle for Labor Rights in New Deal America*. Published in 2016 by the University of California Press, White's debut book tells the story of one of the most important labor disputes in American history: a 1937 strike in the steel industry known as the Little Steel Strike that involved more than 70,000 workers, claimed the lives of at least 16 union people, and helped reshape the New Deal and define its legacy in law and policy.

The author

White's interest in labor rights stems from his upbringing in the small community of Plaisance, Louisiana. Raised in an extended family with many relatives subsisting as domestic workers or farmers, he developed a sense of empathy for working people and a commitment to the values of hard work, solidarity, and equality.

"My father, who grew up picking cotton, was one of the first black lawyers in the state," White says. "He handled a great number of civil rights cases and also farmed soybeans and cattle. My mother, who is white, ended up as a college history instructor. But she struggled through most of my youth to get and hold a job. She was blacklisted because of her marriage to my father, his activism, and her own work in civil rights and on behalf of poor and working people."

These circumstances were, as he recalls, hardly a recipe for prosperity and stability, but White's upbringing gave him a lasting appreciation for what working people endure.

"Our family endured more than its fair share of hard times. But, like most people, we managed. Every lesson I learned about the inherent dignity of work was matched by another about the indignities of low wages, capricious workplace rules, and tyrannical bosses."

The book

Fast-forward to 2007, when White's book begins to take shape. He is a recently tenured professor at Colorado Law. After seeing mentions of the Little Steel Strike in articles and books about labor and the New Deal, he notices the lack of in-depth research available about the conflict. The story was crucial but incomplete, White thinks. He decides to tell it himself and takes a chance on an unfamiliar format—a book.

"I had never written a book and had only a very basic idea of how to write one," he recalled. "Somehow I just started researching and writing, and then editing, and then more writing and more editing, and by 2013 I had a manuscript I was confident enough in to send around."

The book format allowed White to do what all good writers know is fundamental to their job: tell a compelling story. White was able to tell the stories of the men (and some women) who literally laid their lives on the line for better working conditions for all Americans in a fuller and more nuanced way than he could have done in a law review article. The format also allowed the story to reach a broader audience that included professional historians and the general public, not exclusively legal scholars.

Writing a book of this kind was "considerably more challenging than writing 20 law review articles," he says with a smile. White based *The Last Great Strike* on extensive archival research that necessitated extensive travel. During one trip in the summer of 2009, he drove from Colorado to Pennsylvania and back, visiting archives and the places where key events in the strike occurred. Because many of the archives were open only one or two days a week—a result of the Great Recession—he had to stay out East for weeks at a time, shuttling from one location to another.

White's research involved digging through tens of thousands of pages of old correspondence, government documents, oral histories, and photographs, but the sense of place often had the greatest impact. "Seeing firsthand where people were shot down in the street, where riots unfolded . . . I didn't think I could honestly write the book without visiting those places," he says.

The book that emerged from all this work tells a remarkable tale. It describes how workers in the steel industry endured extremely difficult working conditions and relentless, often very violent, repression for decades before finally, in the mid-1930s, mounting an effective campaign to organize a union and challenge these conditions. This effort was part of a broad uprising by industrial workers that was a foundation of the New Deal and eventually formed the basis for the rise of the American middle class. This all unfolded in the face of extraordinary resistance by employers who, working through organizations like the Chamber of Commerce and the National Association of Manufacturers, resorted to political intrigue, propaganda, and organized violence in an effort to blunt this push for unionism and derail the New Deal.

"The Little Steel Strike was the culmination of this conflict between powerful capitalists and ambitious, reform-minded workers," White says. "It was a test of workers' resolve, of the New Deal, and of its most important legislation, the National Labor Relations Act, which had just been enacted in 1935, and which employers were intent on reducing to a dead letter."

The strike

For six weeks in the summer of 1937, the conflict was front-page news nationwide. The 16 to 18 workers who died (the causes of death in two cases remain unclear) were cut down in a series of clashes with heavily armed police, National Guardsmen, and company guards with more than 2,000 firearms in their possession. In one especially notorious episode known as the Memorial Day Massacre, the Chicago police killed or mortally wounded 10 union people when they fired, unprovoked, into a crowd of strikers and strike supporters. Over the course of the strike, more than 300 strikers and strike supporters were seriously injured.

Although the union people sometimes used sabotage and mass picketing to try to keep the steel plants closed, they were responsible for very little serious violence; they were the victims. Nevertheless, the strikers were blamed for the unrest, a charge that justified still more repression, which in turn sealed the fate of the walkout. When the strike ended, the companies fired around 8,000 strikers. This halted the push to organize industrial workers, and not only in steel.

"It was World War II that finally allowed the unions to resume their great advance in organizing American workers," White observes, noting how the war dramatically altered the country's political and economic situation. "There would be no more big, sensational strikes like this one aimed at organizing workers, and none so tragic as this one. This is what makes this the 'Last Great Strike.'"

In the meantime, the steel companies, which had provoked the walkout by their flagrant violations of the labor law, paid little price at all for what had happened. No one from the companies' side was prosecuted for the

"I wrote a book about workers and their struggles because I've always been interested in the working class and the conflicts that define the world of work. My whole life revolves around these issues."

deaths and injuries. The steel companies had to rehire most of the fired strikers and issue them back pay as dictated by the labor law. After waiting five years for this process to play out, the average worker who was fired received only a couple hundred dollars. In fact, the war had made the companies much richer, which made these penalties and the companies' eventual concessions to unionism very easy for them to bear.

In all these ways, White says, the strike revealed the limits of the New Deal's commitment to reform and the shortcomings of the movement for industrial unionism that lay behind it, as well as the limits of the new labor law. The strike's legacy can be seen today in a working class that is debased, a labor law that remains ineffective, and a union movement that never really gained a solid footing in American society.

"To understand why barely 10 percent of workers today are union members, why wages for most categories of American workers have not increased in decades, and why so many employers view the workplace as their private fiefdoms—to understand any of this, you can start by looking at what happened in Little Steel," White suggests.

The future

Although White began writing *The Last Great Strike* with some trepidation, today he can be found working on his next book project, this one about the widespread enforcement of sedition laws against radicals. He is especially interested in using this project to show how this campaign affected everyday activists and workers in the early 20th century. He has already visited a dozen archives, all over the country, some of them multiple times.

"This is what you have to do to tell a story worth telling," he says, "and to tell it the right way."



14 / Feature: Colorado Law Books Amicus Fall 2018

Asking the Tough Questions

Faculty books in progress address some of today's most pressing topics

From immigration law to government speech, Colorado Law faculty are helping to shape the narrative around important issues through their books in progress. Of those several faculty books in progress, the following are already under contract for publication.



Immigration Law and Policy: Ming H. Chen Constructing Citizenship for Noncitizens (forthcoming,

Stanford University Press)

Associate Professor **Ming H. Chen** teaches courses related to immigration and directs the Immigration Law and Policy Program at Colorado Law.
She holds faculty affiliations in political science and ethnic studies and serves on the Colorado Advisory Committee to the U.S. Commission on Civil Rights.

Abstract: For the past decade, U.S. immigration policy has taken a laissez-faire approach toward immigrant integration and focused nearly exclusively on enforcement: stopping unlawful entry, stopping criminal aliens, and stopping foreign terrorists. The book argues that this is a mistake and that immigration lawyers, scholars, and policymakers concede too much when they focus all their energies on responding to immigration enforcement. Chen promotes an alternative vision for immigration policy that is premised on stronger state-sponsored pathways to full citizenship and prescribes affirmative integration for noncitizens seeking to adjust their status at each stage of the journey to full membership, from newcomer to resident to citizen.



International Law and Decisionmaking: Anna Spain Bradley

The Impact of One: How Individual Choice Shapes International Law (forthcoming, Cambridge University Press)

Associate Professor **Anna Spain Bradley** specializes in international law and neuroscience. She also serves as assistant vice provost for faculty development and diversity for the CU Boulder campus.

Abstract: Told through the lens of historical accounts and original interviews, the book charts groundbreaking decision moments in international law—from the bombing of Hiroshima, to the Rwandan genocide, to the intervention into Libya—and reveals how certain people, and their emotions, biases, and beliefs, shaped global outcomes in powerful yet unexamined ways. Drawing upon insights from neuroscience, Spain offers a theory of how individual choice—involving emotion, empathy, and bias—has affected the development of international law and introduces a novel approach for understanding the role of human cognition and choice in global decisionmaking.

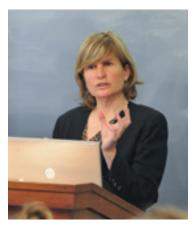


Feminism and Criminal Law: Aya Gruber

The Feminist War on Crime (forthcoming, University of California Press)

Professor **Aya Gruber** teaches and writes in the areas of criminal law and procedure, comparative/international law, critical theory, and feminism. Her forthcoming book ties together many of the ideas from her articles on rape law, prostitution and human trafficking, domestic violence reform, and more.

Abstract: Today's young feminists are preoccupied with men's sexual misbehavior and call for swift reform and punishment. But they also object to racialized mass incarceration and recognize that the U.S. has the ignoble distinction of the most punitive nation on Earth. The many #MeToo devotees who believe criminal law is racially fraught and know that inequality is caused by larger social forces, not just individual bad actors, are well positioned to end the feminism-criminal law alliance. Gruber speaks to this cohort, explaining how feminists, in their past efforts to secure women's protection from domestic violence and rape, became soldiers in the late-20th-century war on crime and complicit in the rise of mass incarceration. She demonstrates through a granular analysis of feminist criminal reform over several decades that policing and punishment are dangerous weapons to be used only as a last resort and sketches a way forward.



Free Speech and Expression: Helen Norton

The Government's Speech and the Constitution (forthcoming, Cambridge University Press)

Professor **Helen Norton** holds the Ira C. Rothgerber Jr. Chair in Constitutional Law and is a former deputy assistant attorney general for civil rights at the U.S. Department of Justice.

Abstract: Governments have been speaking for as long as there have been governments, and new expressive technologies now empower government to speak in new ways through Twitter and other social media postings, webcasts, blogs, wikis, virtual worlds, and more. This raises important and interesting questions about the constitutional value and harms posed by the government's speech. Norton's book explores how the government's speech sometimes performs constitutionally valuable functions, as well as examines the dark side of the government's speech by posing questions such as, "Under what circumstances does the government's speech threaten equality or liberty such that it offends the Equal Protection or Due Process clauses?" and, "Under what circumstances, if any, does the Constitution prohibit our government from lying to us?"

Select Monographs and Treatises by Colorado Law Faculty

S. James Anaya

Indigenous Peoples in International Law (Oxford University Press, 2nd ed. 2004)

Harold Bruff

Untrodden Ground: How Presidents Interpret the Constitution (University of Chicago Press, 2015)

Bad Advice: Bush's Lawyers in the War on Terror (University Press of Kansas, 2009)

Balance of Forces: Separation of Powers Law in the Administrative State (Carolina Academic Press, 2006)

Emily Calhoun

Losing Twice: Harms of Indifference in the Supreme Court (Oxford University Press, 2011)

Colorado Products Liability (Harrison Co., 1987)

Paul Campos

The Obesity Myth: Why America's Obsession with Weight is Hazardous to Your Health (Gotham Books. 2004)

Jurismania: The Madness of American Law (Oxford University Press, 1998)

Against the Law (Duke University Press, 1996)

Richard B. Collins

The Colorado State Constitution: A Reference Guide (with Dale A. Oesterle) (Greenwood Press, 2002)

Justin Desautels-Stein

The Jurisprudence of Style: A Structuralist History of American Pragmatism and Liberal Legal Thought (Cambridge University Press, 2018)

Robert Dieter

Criminal Practice and Procedure (West Pub. Co., 2nd ed. 2004)

H. Patrick Furman

Trial Advocacy for the Child Welfare Lawyer: Telling the Story of the Family (with Marvin Ventrell) (2nd ed. 2017)

Colorado DUI Benchbook (Continuing Legal Education in Colorado Inc., 3rd ed. 2012)

Colorado Evidentiary Foundations (with Roxanne Bailin, James M. England, & Edward J. Imwinkelried) (LexisNexis, 2nd ed. 2008)

Erik F. Gerding

Law, Bubbles, and Financial Regulation (Routledge, 2014)

Lakshman Guruswamy

Global Energy Justice: Law and Policy (West Academic Pub., 2016)

Robert M. Linz

Colorado Legal Resources: An Annotated Bibliography (AALL/GDSIS, 2015)

Colorado Legal Research (Carolina Academic Press, 2010)

Christopher B. Mueller

Federal Evidence (with Laird C. Kirkpatrick) (Thomson Reuters/Westlaw, 4th ed. 2013)

Evidence (with Laird C. Kirkpatrick and Liesa L. Richter) (Wolters Kluwer, 6th ed. 2018)

Evidence: Doctrine and Practice (with Laird C. Kirkpatrick, Liesa L. Richter, and Charles H. Rose III) (Wolters Kluwer, 5th ed. 2018)

Robert F. Nagel

Unrestrained: Judicial Excess and the Mind of the American Lawyer (Transaction Publishers, 2008)

The Implosion of American Federalism (Oxford University Press, 2001)

Intellect and Craft: The Contributions of Justice Hans Linde to American Constitutionalism (Westview Press, 1995)

Judicial Power and American Character: Censoring Ourselves in an Anxious Age (Oxford University Press, 1994)

Constitutional Cultures: The Mentality and Consequences of Judicial Review (University of California Press, 1989)

Scott R. Peppet

Beyond Winning: Negotiating to Create Value in Deals and Disputes (with Robert H. Mnookin & Andrew S. Tulumello) (Belknap Press of Harvard University Press, 2000)

William T. Pizzi

Trials Without Truth: Why our System of Criminal Trials Has Become an Expensive Failure and What We Need to Do to Rebuild It (New York University Press, 1999)

Pierre Schlag

American Absurd: A Work of Fiction (Bowen Press, 2016)

The Enchantment of Reason (Duke University Press, 1998)

Laying Down the Law: Mysticism, Fetishism, and the American Legal Mind (New York University Press, 1996)

Tactics of Legal Reasoning (with David Skover) (Carolina Academic Press, 1986)

Scott Skinner-Thompson

AIDS and the Law (Wolters Kluwer, 5th ed. 2015)

Mark S. Squillace

Air Pollution (with David R. Wooley) (Anderson Pub. Co., 3rd ed. 1999)

Arthur H. Travers

Colorado Secured Transactions Under Article 9 of the Uniform Commercial Code: Forms and Practice Manual (with John L. McCabe) (Data Trace Pub. Co, 2nd ed. 2015)

Philip J. Weiser

Digital Crossroads: Telecommunications Law and Policy in the Internet Age (with Jonathan E. Nuechterlein) (The MIT Press, 2nd ed. 2013)

Marianne Wesson

A Death at Crooked Creek: The Case of the Cowboy, the Cigarmaker, and the Love Letter (New York University Press, 2013)

Chilling Effect: A Novel (University Press of Colorado, 2004)

A Suggestion of Death (Pocket Books, 2000)

Render Up the Body: A Novel of Suspense (HarperCollins, 1998)

Crimes and Defenses in Colorado (Harrison Co., 1989)

Ahmed White

The Last Great Strike: Little Steel, the CIO, and the Struggle for Labor Rights in New Deal America (University of California Press, 2016)

Charles Wilkinson

The Fourth West (University of Utah Press, 2010)

The People are Dancing Again: The History of the Siletz Tribe of Western Oregon (University of Washington Press, 2010)

Blood Struggle: The Rise of Modern Indian Nations (Norton, 2005)

Messages from Frank's Landing: A Story of Salmon, Treaties, and the Indian Way (University of Washington Press, 2000) Fire on the Plateau: Conflict and Endurance in the American Southwest (with Diane Sylvain, illustrator) (Island Press. 1999)

The Eagle Bird: Mapping a New West (Johnson Books, 1999)

Searching out the Headwaters: Change and Rediscovery in Western Water Policy (with David H. Getches, Sarah F. Bates, & Lawrence J. MacDonnell) (Island Press. 1993)

Crossing the Next Meridian: Land, Water, and the Future of the West (Island Press, 1992)

The American West: A Narrative Bibliography and a Study in Regionalism (University Press of Colorado, 1989)

Indian Tribes as Sovereign Governments: A Sourcebook on Federal-Tribal History, Law, and Policy (with Christine L. Miklas) (AIRI Press, 1988)

American Indians, Time, and the Law: Native Societies in a Modern Constitutional Democracy (Yale University Press, 1987)

Land and Resource Planning in the National Forests (with H. Michael Anderson & Arnold W. Bolle) (Island Press, 1987)

Edited collections, 2014-18

Justin Desautels-Stein

Searching for Contemporary Legal Thought (with Christopher Tomlin) (Cambridge University Press, 2017)

Lakshman Guruswamy

International Energy and Poverty: The Emerging Contours (with Elizabeth Neville) (Routledge, 2016)

Douglas S. Kenney

Water Policy and Planning in a Variable and Changing Climate: Insights from the Western United States (with Kathleen A. Miller, Alan F. Hamlet, & Kelly T. Redmond) (CRC Press, Taylor & Francis Group, 2016)

Mark J. Loewenstein

Agency and Partnership Law (Edward Elgar, 2018)

Research Handbook on Partnerships, LLCs and Alternative Forms of Business Organizations (with Robert W. Hillman) (Edward Elgar Publishing, 2015)

Susan Nevelow Mart

The Boulder Statements on Legal Research Education: The Intersection of Intellectual and Practical Skills (William S. Hein & Co., 2014)

See a full list of faculty publications from the last decade

at colorado.edu/law/research.

Now Available: Faculty Article Digital Archive, 1953–2018

The William A. Wise Law Library has completed the Colorado Law Faculty Scholarship Collection, an open-access repository of mostly full-text, published articles and research data written by more than 60 current permanent and emeritus faculty of the University of Colorado Law School.

Since the collection debuted in February 2017, researchers from 200 countries have downloaded more than 60,000 copies of faculty papers.

Browse the collection by year or search by keyword, subject, author, or article title at **scholar.law.colorado.edu/colorado-law-faculty-scholarship.**

16 / Feature: Colorado Law Books Amicus Fall 2018

Classic Casebooks

The influence of casebooks written by Colorado Law faculty spans generations

Casebooks and textbooks written by Colorado Law faculty are relied on and referenced in classrooms, courtrooms, and practitioner's offices at the local, national, and international levels. The casebooks and textbooks featured below exemplify the important and constructive influence of Colorado Law faculty on the legal profession through educating the next generation of legal practitioners.

S. James Anaya, Dean and Charles Inglis Thomson Professor International Human Rights and Indigenous Peoples (Aspen Publ./Wolters Kluwer Law & Business, 2009)

The first and only book of its kind, this casebook served as the first published compilation of materials and commentary intended for use in courses focusing on the subject of indigenous peoples within the international human rights system. Dean **S. James Anaya** draws on his experience as U.N. Special Rapporteur on the rights of indigenous peoples and uses carefully edited material from varied sources to illustrate the major issues facing indigenous peoples today.

International Human Rights: Problems of Law, Policy and Process (with Hurst Hannum and Dinah Shelton) (Wolters/Kluwer, 6th ed. 2011)

This pioneering casebook, in its sixth edition, takes a problem-oriented approach to covering global and regional human rights systems along with a discussion of the theoretical foundations of human rights, U.S. foreign policy and human rights, and key current issues.

Christopher B. Mueller, Henry S. Lindsley Professor of Procedure and Advocacy

Evidence Under the Rules (with Laird C. Kirkpatrick and Liesa L. Richter) (Wolters Kluwer 9th edition, 2018)

Evidence (with Laird C. Kirkpatrick, Liesa L. Richter) (Wolters Kluwer, 5th ed. 2018)

Twenty-First Century Procedure (Wolters Kluwer, 2d ed. 2017)

Federal Evidence (with Laird C. Kirkpatrick) (Thompson Reuters/Westlaw 4th ed. 2013)

Professor **Christopher Mueller**'s five-volume treatise, *Federal Evidence*, among the most cited references in judicial opinions, is cited, on average, twice a week by appellate courts across the nation. It has been cited 17 times by the U.S. Supreme Court. Mueller's coursebook, *Evidence Under the Rules*, is in its ninth edition and is used in more than 100 law schools today. Together with Professor Laird Kirkpatrick, Mueller also completed *Modern Evidence*, a one-volume source for judges and lawyers, and the student hornbook *Evidence*, which sells thousands of copies annually and shapes how evidence is taught in law schools across the nation.

Clyde O. Martz*, Professor Emeritus Cases and Materials on the Law of Natural Resources (Arno Press, 1951)

In 1951, Professor **Clyde Martz** published the first natural resources law casebook, setting the stage for the next half century of academic writing on the subject. As the first text attempt to consolidate natural resources law into one course of legal study, the casebook combined the previously discrete subjects of water law, mining law, and oil and gas law. Martz faced the challenge of organizing a growing area of law that had emerged as a separate subject of legal study only in the second half of the 20th century, and encompassed such diverse topics as water and water rights, mining, timber, oil and gas, energy, agriculture, recreation, resource preservation, and general land-use planning. While the field has evolved and newer generations of casebooks cover a broader range of materials, approaches, and perspectives, Martz's casebook is still regarded as the pioneering casebook in the field.

*deceased





Harold Bruff, Professor Emeritus Separation of Powers Law: Cases and Materials (Carolina Academic Press, 3rd ed. 2011)

Professor Emeritus **Harold "Hal" Bruff** regards his classic casebook as both an explanation of separation of powers and an exploration of his views on the subject. His expertise on issues of separation of powers stems from his experience as senior attorney and advisor to the executive branch in the U.S. Department of Justice Office of Legal Counsel. Written for interested observers of the legal scene, law professors, students, judges, and people who work in one of the three federal branches, the book takes a deep dive into dramatic issues of presidential power and executive-congressional relations.

David H. Getches*, former Dean; Charles F. Wilkinson, Professor Emeritus; Kristen A. Carpenter, Council Tree Professor of Law; Robert A. Williams Jr.; & Matthew L.M. Fletcher Cases and Materials on Federal Indian Law (West Academic Publishing, 7th ed. 2016)

Originally written by two Colorado Law legends—Professor Emeritus **Charles Wilkinson** and former Dean **David Getches**—the book laid the foundation for how American Indian law is analyzed today by grounding Indian law and policy in American history, forming the basis of all casebooks and treatises that followed. For 30 years following the first edition's publication in 1979, this book was one of only two federal Indian law casebooks on the market. In 2016, Professor **Kristen Carpenter** joined the distinguished group of authors for its seventh edition. It remains the leading federal Indian law casebook in the field and has been cited in more than 700 law review articles, cases, and briefs—more than twice the amount of any other Indian law casebook.

J. Dennis Hynes, Professor Emeritus, and **Mark Loewenstein**, Monfort Professor of Commercial Law Agency, Partnership and the LLC: The Law of Unincorporated Business Enterprises, Cases, Materials, Problems (Lexis/Nexis, 9th ed. 2015)

This casebook originated with Professor Emeritus **J. Dennis Hynes** ('60), who began his esteemed teaching career at Colorado Law in 1964. Hynes published the first edition of this casebook in 1974. In 2003, he passed the torch to Professor **Mark Loewenstein**, who wrote editions six through nine and is working on the 10th, which will be published by Carolina Academic Press for use in fall 2019. Hynes and Loewenstein's writing record also includes their "Nutshell" series, which succinctly summarizes the topics covered in the casebook and is consulted by law students, lawyers, judges, and laypeople. Hynes wrote the first two editions before Loewenstein picked up editions three through six, with a seventh edition soon to be in the works.

18 / Curriculum In Focus Amicus Fall 2018



Curriculum in Focus: Food Law and Policy

Colorado Law leads the nation in this developing field

By Jennifer Benson ('18)

"Food law? What's that?"

This is a common refrain heard by students, professors, and practitioners working in this emerging field. The answer is not simple, as the practice of food law spans a number of existing legal practice areas and some new areas not previously covered in the traditional practice of law, making a definition difficult to pinpoint. The Food Law Student Network defines food law as "the study of the basis and impact of the laws and regulations . . . that govern the food and beverages we produce, transport, buy, sell, distribute, share, cook, eat, and drink. Food law and policy encompasses several different areas of law, including agricultural law, administrative law, animal law, environmental law, labor law, and health law." The field continues to evolve as we see advancements in food science, agricultural practices, international trade, and the global food industry.

Though food law is still in its infancy—only emerging as a recognized field in 2004—law schools have seen an explosion of food law courses, clinics, internship opportunities, and journals over the past decade and a half. In a 2018 article published in the *Journal of Food Law & Policy*, Professors Emily Broad Leib and Baylen Linnekin note the developing field of food law and policy and its growing presence in law schools around the nation. The article highlights Colorado Law as one of the top 34 law schools offering courses in food law and policy.

Much of the success of Colorado Law's budding food law program is owed to the passion and energy of Associate Professor **Alexia Brunet Marks**, who joined the faculty in 2009. With an MS and PhD in agricultural economics, her research focuses on regulating risks in the global food supply. She has published articles on food safety and foodborne illness liability in legal journals across the nation, including the *Harvard Journal on Legislation* and the *Vermont Law Review*.

Last spring, Brunet Marks hosted an interdisciplinary workshop that brought together food law attorneys, professors, and professionals from related fields to discuss such topics as food justice, sustainability, and labeling issues. Participants also learned about food law issues specific to Colorado, such as the regulation of marijuana edibles and the tax on sugar-sweetened beverages that Boulder voters authorized in 2016. Brunet Marks's research projects involve exploring the role of certifications in promoting sustainable and regenerative agricultural systems and examining comparative legal approaches to regulating foods high in sugar, salt, and fat. In October 2017, Brunet Marks received the University of Colorado Provost's Achievement Award for her article "A New Governance Recipe for Food Safety Regulation," which appeared in the Loyola University Chicago Law Journal. This fall, she is serving as a fellow at the University of Copenhagen at iCourts, the Danish National Research Foundation's Center of Excellence for International Courts, to further her research in comparative food law.

Thanks to the efforts of Brunet Marks and a few motivated students, Colorado Law has made a name for itself in the field of food law. In addition to coursework, Colorado Law students can work on real-world food law projects through the Sustainable Community Development Clinic, intern or extern with a variety of food-focused organizations around Colorado and the U.S., and take advantage of food law lectures and volunteer and research opportunities through the student-led Food Law Society. With such a robust array of opportunities, students are able to leave Colorado Law with the experience necessary to enter the exciting new practice of food law.

Last spring, Colorado Law offered Food Law and Practice, a unique course co-taught by Brunet Marks and Nicole Nice of Mars Foods. The course combined doctrinal law with practical application and provided a survey of food law, covering such topics as federal food



safety regulation, the federal farm bill, food labeling, biotechnology, public health, and trade. Students from CU's Masters of the Environment Graduate Program with a focus on sustainable food systems joined law students, providing an even more diverse learning experience. Brunet Marks also teaches a Food Law and Policy seminar that allows interested students to take a deep dive into a particular topic within food law, and many of the students submit their research for publication in a variety of periodicals.

The Clinical Education Program offers more opportunities for students to get involved in food law, particularly through the Sustainable Community Development Clinic (SCDC), taught by Professor **Deborah Cantrell**. The clinic has taken on several food- and agriculture-related projects in Boulder, including assisting an agricultural cooperative with business formation, developing a toolkit to assist new farmers in accessing land in Boulder County, and working with food insecurity organizations to navigate Supplemental Nutrition Assistance Program regulations. In addition to community-based projects, students in the clinic are responsible for leading the class in a weeklong immersion in a legal topic of their choice. This year's students led classes on food waste, hydroponic farming, urban agriculture, and insects as food.

Outside of the classroom, Colorado Law students have taken advantage of food law and policy-related internship and externship opportunities with Boulder County Public Health, Ardent Mills, White Wave Foods, the National Young Farmers Coalition, California Certified Organic Farmers, the Vermont Law School Center for Agriculture and Food Systems, and the Harvard Law School Food Law and Policy Clinic, among others.

Food law students interning at law firms bring a unique perspective and knowledge of food issues, which is advantageous as more firms develop practice groups specific to this area.

Students who want to participate less formally in food law, or just want to learn about the field in general, can participate in activities planned by the Food Law Society throughout the year. Founded in fall 2016 by **Jennifer Benson** ('18) and **Meredith Kaufman** ('18), the student-led organization hosts speakers on a variety of food law topics, organizes volunteer opportunities with food organizations in the community, and provides opportunities for students to learn more about the field of food law. The group has hosted panels of food law practitioners, a lecture by prominent Seattle-based food safety litigator Bill Marler, volunteer days

with Growing Gardens, a nonprofit that aims to enrich the lives of the community through sustainable urban agriculture, and more. Food Law Society members have attended the annual Food Law Student Leadership Summit (FLSLS), hosted by the national Food Law Student Network and the Harvard Food Law and Policy Clinic, where they have had the opportunity to learn from and network with like-minded law students, professors, and practitioners from across the country. From the FLSLS, students have gotten to be involved with national projects, including working with the Farm Bill Law Enterprise to make recommendations for the 2018 Farm Bill and researching food workers' rights for the Restaurant Opportunities Centers United.

As the field of food law continues to grow, we are likely to see more law schools developing food law programs of their own. With the expertise and guidance of Brunet Marks, the innovative Sustainable Community Development Clinic, and the active Food Law Society, Colorado Law is sure to continue to be a leader in this exciting legal field.

Jennifer Benson, a 2018 graduate of the University of Colorado Law School, is the Western regional policy director for the National Young Farmers Coalition. During law school, she interned at the Harvard Law School Food Law and Policy Clinic, worked for the Farm Bill Law Enterprise, and was managing editor of the University of Colorado Law Review, where her research focused on the 2018 Farm Bill and racial diversity in farming.



While a visiting scholar in Denmark, Brunet Marks will present a seminar on "International Courts and the Right to Regulate Foods High in Sugar, Salt, and Fat"—part of an ongoing project to examine the circumstances under which international courts grant a right to regulate for public health purposes.

Alexia Brunet Marks

20 / Advancement Amicus Fall 2018



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2017-18 Giving Society

Individual Members

42% Dean's Club (\$1,500–\$2,499)

19% Dean's Circle (\$2,500–\$4,999)

22% Dean's Cabinet (\$5,000–\$9,999)

17% Ira C. Rothgerber Society (\$10,000+)



Total Dollars by Member Level

6% Dean's Club (\$140,535)

5% Dean's Circle (\$110,841)

10% Dean's Cabinet (\$255,258)

79% Ira C. Rothgerber Society (\$1,920,566)

Giving Society members provided more than 42 percent of total gift revenue received by Colorado Law in 2017–18. Annual support for the Law Dean's Fund for Excellence, scholarships, trial competitions, faculty support, the Clinical Education Program, and other programs and initiatives are vital to our continued success.

What Areas Do Giving Society Members Support?

40% Scholarships

including the Leaders in Law and Community Fellowship for students underrepresented in law schools and the legal profession

25% Colorado Law Dean's Fund for Excellence

22% Other

- 7% Silicon Flatirons Center for Law, Technology, and Entrepreneurship
- 4% Getches-Wilkinson Center for Natural Resources, Energy, and the Environment
- **2**% Clinical Education Program

We asked students and recent graduates which area(s) they would support if they had capacity to give to Colorado Law today:



"I would give to the Law Dean's Fund for **Excellence** because it allows for the dean to direct funds to a variety of areas, including scholarships for highly qualified and diverse applicants, creating additional student study and work spaces, public interest summer fellowships and field study opportunities abroad, and opportunities to learn from 'niche' faculty in Colorado Law's areas of excellence, including American Indian, technology and intellectual property, and environmental/natural resources law."

Nicholas Monck ('19)



"I would support student programs within the **Getches-Wilkinson Center for Natural** Resources, Energy, and the Environment **(GWC)** because of the strong support and encouragement the GWC provides for law students to pursue their dreams of becoming environmental lawyers. Through the GWC's student research assistance, postgraduate fellowships, the Acequia Assistance Project, and on-campus events, GWC staff and professors help turn students into educated environmental advocates

and stewards." **Lauren Sakin** ('20)



"I would support the Clinical Education Program.

The impact of a donation to the clinics is twofold: It directly impacts law students by inspiring them to apply their education to challenges presented in a variety of legal fields, and it directly translates to supporting the tremendous number of community members who are affected by the clinics, and those who will be assisted in the future."

Rachel Fore ('20)



"I am an advocate for supporting **scholarships** such as the Leaders in Law and Community (LILAC) Fellowship Program. Scholarships like these help draw in more competitive applicants."

Nic Cordova ('18)

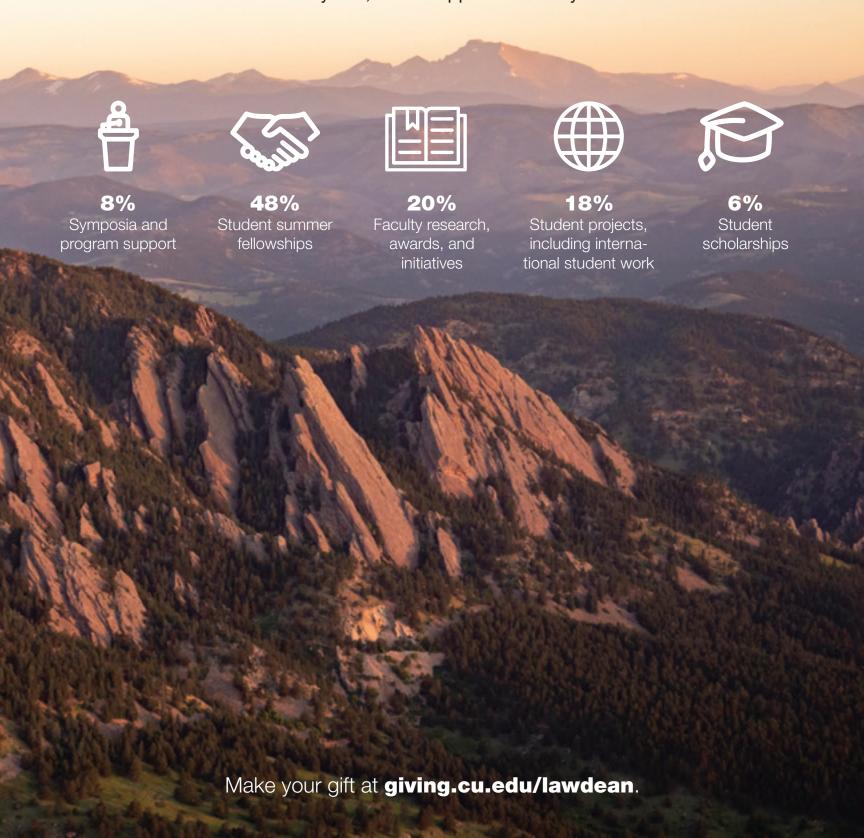
22 / Advancement Amicus Fall 2018

Your support for the

Colorado Law Dean's Fund for Excellence

enables Colorado Law to reach its peak.

The Colorado Law Dean's Fund for Excellence provides financial flexibility for Dean Anaya to immediately direct funds to areas of strategic importance or priorities of greatest need. Over the last two years, funds supported the key areas below:





Life as a Lawyer: What Colorado Law Did for Me

W. Harold "Sonny" Flowers Jr. ('71)

When I was young, I was in constant contact with two lawyers: my mother and father.

My mother, a professor at a historically black college in North Carolina, had been a teacher most of her life. She was held in high esteem, but the law called to her, so she earned her JD from the night law school at Howard University, where she met my father. When they finished school, they married and returned to his home in Arkansas where he set up his practice as a civil rights lawyer. He had a dream of organizing black people to fight for their civil rights, and she was all for that.

Becoming a lawyer was not among my aspirations. I knew that I wanted there to be more black students on campus at the University of Colorado Boulder, where I attended for my undergraduate studies, and more opportunities for black people in the United States. I knew about demonstrations in the streets, in the South, and on college campuses. I participated in all of those and they gave me a great feeling because I was involved in striving for an ideal.

My parents supported me in all of that, despite their concern for my safety. They were lawyers, and frankly, while I knew how respected they were, I still had no idea of exactly why or what they did. I also knew that at the end of all of those demonstrations, when people like me were in jail, somebody called a lawyer. The lawyers came and we were released, and we kept on demonstrating.

Then one day, a year before I graduated, a thoughtful CU professor asked what I was going to do after I got my degree. She suggested to me the process of elimination: look at careers and eliminate those that were not appealing.

She suggested that of those careers I hadn't eliminated, I might consider law. Well, I knew two lawyers. But I didn't know what they did, what they knew, or how they used what they knew to do what they did.

She sent me to meet a law professor, who told my roommate and me what we needed to do to go to law school. We were both

admitted to the University of Colorado Law School, where, admittedly, I remained more interested in the civil rights movement than academia. But Colorado Law accommodated that, and ultimately, after severe growing pains and that dastardly thing called maturity kicked in, I graduated.

I had met many classmates, most of whom were quite different from me. Few of them looked like me, and even fewer thought like me. But enough did. And enough wanted to know me and let me get to know them. Thank goodness—I still know them, depend on them, and respect them. Even the professors let me know them, and made the effort to know me.

Although I could never claim to be a civil rights lawyer, I still care about civil rights and want to see more black students on campus and in the halls of the Wolf Law Building. So I do what I can, and I'm proud to do it.

By giving a little here and a little there to the University Foundation and to the Colorado Law Dean's Fund, talking to the dean, and directing some of my funds to increase the minority faculty and broaden the law student body, I think we help Colorado Law make progress.

What I've learned is that lawyers make an enormous difference in the world. When we give to these funds, we help the next generation and further the legacy of those students who mentored me, the faculty who gave of themselves and got to know me, and the institution itself that nurtured me (us) to become lawyers. It all adds up to a better community, state, and country. I continue to give and hope, and hope to help.

Colorado Law will continue to shape the next generation of lawyers and help them grow and mature, as long as we continue to help it grow stronger and better.

24 / Alumni Amicus Fall 2018

Letter from the Law Alumni Board Chair



Dear Colorado Law Alumni,

The opportunity to serve on the Colorado Law Alumni Board, including the privilege to serve as its chair, constantly reminds me of the value that Colorado Law offers those who come together there. Reflecting on my own experience, a law degree is just one of the things for which I am grateful. Colorado Law alumni are leaders in our fields and our communities. We have diverse viewpoints and interests, and Colorado Law has brought us together in an environment where the spirit of cooperation allows for our differences to strengthen us as lawyers and as individuals.

At a time when so many legal standards and norms seem in flux, it is invaluable to be able to turn to the Colorado Law community for perspective and for partnership. The commitment to cutting-edge faculty scholarship creates rich opportunities for alumni, faculty, and students to explore new ideas, push the envelope in our fields, and develop our own understandings of the issues that mean the most to us. Scholarship is a tool that allows us to engage with our communities, to dive deeper into complex and urgent issues, and to emerge with new insights that can benefit our society. As Colorado Law alumni, we are all fortunate to be part of a community where path-breaking scholarship not only shapes local, national, and international conversation, but also helps to develop more creative, informed, and effective lawyers.

Beyond scholarship, Colorado Law has provided us all with a springboard for our success and an incubator for some of our most meaningful relationships. It is crucial for each of us to acknowledge what Colorado Law has given us, but it is not enough to be thankful. We must each find our own way to give back and support all aspects of Colorado Law's vital work.

You might choose to pay it forward by mentoring a Colorado Law student or volunteering as a guest speaker in the classroom. Maybe you prefer to engage by attending an alumni event or volunteering to plan one with the Law Alumni Board. Donating to Colorado Law and subscribing to student journals are other ways to give back. All of these opportunities provide vital support to our community and the next generation of Colorado Law graduates. Whichever avenue resonates with you, it is crucial that we all give back to the institution that continues to offer us so much.

To learn about more ways you can get involved, please visit colorado.edu/law/alumni/get-involved. To learn more about giving, visit colorado.edu/law/donate, or contact Jessica Helzer, assistant dean for advancement, at jessica.helzer@colorado.edu.

Sincerely,

Siddhartha H. Rathod

"As Colorado Law alumni, we are all fortunate to be part of a community where path-breaking scholarship not only shapes local, national, and international conversation, but also helps to develop more creative, informed, and effective lawyers."

-Siddhartha Rathod ('07)

The Law Alumni Board is made up of 28 Colorado Law graduates. Members promote the best interests of the law school by stimulating interest in, building loyalty for, and increasing support for the law school among its alumni and students, and assisting the law school in serving the needs of its alumni, students, and faculty, the legal profession, and the public at large. The 2018–19 board chair is Siddhartha Rathod, and the chair-elect is Richard Murray.

Javed Abbas ('13), The Harris Law Firm, P.C. Nikea Bland ('05), O'Malley Law Office, P.C. Bethiah Beale Crane ('79), Crane & Tejada, P.C. William ("Bill") R. Buck ('83), retired Michael Carrigan ('94), Holland & Hart LLP Amber Cordova ('02), AT&T

Hiwot M. Covell ('09), Sheridan Ross P.C.

Darla L. Daniel (immediate past chair) ('01), Balson & Faix, LLP Mark Fogg ('79), COPIC

The Honorable Thomas R. French ('77), 8th Judicial District Tim Galluzzi ('14), Cheney Galluzzi & Howard

Dick Gast ('81), Gast Johnson & Muffly, PC Jeffery Grimes ('89), Astex Pharmaceuticals Franz Hardy ('00), Gordon Rees Scully Mansukhani, LLP

Richard "Rick" Hosley ('00), Perkins Coie LLP

John V. Howard ('87), Colorado Parks and Wildlife Commission Marisa Hudson-Arney ('01), Condit Csajaghy LLC

Aditi Kulkarni-Knight ('15), Davis Graham & Stubbs LLP Caitlin McHugh ('12), Lewis Roca Rothgerber Christie LLP Kristin Moseley ('97), Porzak Browning & Bushong LLP

Richard Murray (chair-elect) ('07), Polsinelli PC Greg Ramos ('92), Sherman & Howard L.L.C.

Siddhartha Rathod (chair) ('07), Rathod | Mohamedbhai LLC

David W. Stark ('73), retired Lucy Stark ('98), Holland & Hart LLP

Andrea Wang ('01), U.S. Attorney's Office, District of Colorado Maureen Weston ('92), Pepperdine University School of Law

Carole Yaley ('80), retired

DID YOU KNOW?

Nominations for Alumni Awards Accepted Year-Round

The Law Alumni Board seeks your nominations for the William Lee Knous and Distinguished Alumni Awards. Distinguished Alumni Award categories include corporate counsel, executive in industry, judiciary, education, private practice, public sector, solo/small firm practitioner, and recent alumni. Nominations are accepted year-round and are considered in August/September to be awarded in March of the following year at the Law Alumni Awards Banquet. Nominate a friend, classmate, or colleague at colorado.edu/law/award-nomination.

In Memoriam

Remembering alumni and friends of the law school.



John Reed, former dean of Colorado Law, died March 6, 2018, at age 99. Reed began his 50-year career in academia at the University of Oklahoma Law School and later joined the faculty at the University of Michigan Law School, where he received tenure as the Thomas M. Cooley Professor of Law. Reed served as dean of Colorado Law and Wayne State Law, and directed the Institute for Continuing Legal Education at the University of Michigan. Outside of his career, Reed was devoted to his family, faith, and music, serving as a member

and director of the First Baptist Church choirs in Boulder and Ann Arbor. He was married to Dorothy Floyd Jodoin for 51 years before her death in 2012. Reed is survived by three daughters, eight grandchildren, nine great-grandchildren, and numerous cousins, nieces, and nephews.

William V. Kastler Sr. ('48) died April 6, 2018, at age 89. Kastler's career took him to Santa Fe, New Mexico; Washington, D.C., as an attorney for the Bureau of Indian Affairs; Roswell, New Mexico; Houston, Texas; and Los Angeles, California. During his tenure in California, he successfully argued a case before the U.S. Supreme Court. He is survived by his sister, Maxine Jackson; four children, Janning Kastler Kennedy, Karen Kastler Swim, William V. Kastler Jr., and Shelley Kastler Davis; 11 grandchildren; and seven great-grandchildren.

Melvin Dinner (*51), age 90, died January 25, 2018. Dinner was born and raised in Greeley, where he set up his own law practice. Even after moving to Denver in 1957, he continued practicing water law, real estate, and oil and gas transactions in Greeley until he retired in 2014. He is survived by his brother, Albert J. "Buni" (Janice) Dinner; children, Michael (Ann), Gregory (Annie), Wendy (Phil Krinsky), and Kristi; two sisters-in-law, a brother-in-law, and four grandchildren.

Alfred W. Metzger Jr. ('58) died February 15, 2018, at age 88. After law school, Metzger joined the U.S. Air Force and served in the Judge Advocate General's Corps, retiring as a lieutenant colonel. Upon his return to Colorado, he practiced family law in Colorado Springs for many years. Metzger is survived by his wife, Esther L. Beynon; daughter, Karen (Michael) Parry; son, Kurt (Belinda); and two granddaughters.

John E. Clough ('59) died at age 85 on June 14, 2018. He practiced as a trial lawyer for 50 years in Denver, and Los Angeles and Santa Monica, California. Clough taught Trial Tactics and Procedure as an adjunct professor at Colorado Law for five years. He is survived by his wife, Susy Clough; brother; daughters, Dr. Laura (Steve) Veals, Amy (Jim) Jacquemard, Rebecca (Roger) Folsom, and Kathy; sons, Jonathan (Alicia), Michael, and John Scott; and many grandchildren and great-grandchildren.

Eugene "Gene" Pepper ('59) passed away January 17, 2018, at age 83. He served as an airman in the U.S. Air National Guard part time for six years while working for the Denver City Attorney's Office and the Denver District Attorney's Office. In 1965, Pepper began his private law practice in Denver, which he maintained for the next 35 years. He is survived by his wife, Stephanie; former wife, Bobbie; daughter, Marni (Mike); and nieces, nephews, and cousins.

The Honorable **Tom Woodford** ('61) died January 23, 2018, at age 82. He was in private practice in Jefferson County for nearly 30 years and was appointed as a district court judge in 1990. He was the chief judge from 2000 to 2003 and retired in 2005. Woodford was an avid CU football fan, maintaining season tickets for more than 45 years. He is survived by his daughters, Karen (Dan) Flanagan, Ann McGowan, and Jean (Tom Norris); a brother; and three granddaughters.

Malcolm "Sandy" E. MacDougall ('62) died April 18, 2018, at age 80. He clerked for the Honorable Jean S. Breitenstein, 10th Circuit Court of Appeals, and later joined Saunders, Snyder & Ross. His career took him to Colorado Springs, where he eventually opened a private practice with

Juliann Woldridge and Hank Worley. MacDougall is survived by his wife, Phyllis; son, Barry; daughter-in-law, Maria; former daughter-in-law, Cindy Moran; and several grandchildren and great-grandchildren.

Russell E. De Salvo ('69) died January 30, 2018, at age 76. He was a private practice attorney in Pueblo since 1973. He cared deeply about conservation of the environment and loved camping. De Salvo is survived by his brother, James De Salvo; nephew, Robert Prince; and many cousins and second cousins.

Edward H. Haffey ('70) died May 9, 2018, at age 76. He practiced law for 35 years, primarily as a partner/shareholder of Anderson, Campbell and Laugesen, P.C. in Denver. He is survived by his wife of 52 years, Jan; daughter, Kimberly (Mike) B. McEvoy; and son, Christopher (Amanda); and four grandchildren.

Don Freemyer ('73) died February 23, 2018, at age 76. After graduating law school, he moved to Durango and practiced primarily in the Four Corners region for the next 44 years. Freemyer is survived by his children, Cory (Erin), Denise (Jim) Smyth, and Karen Ingle; and five grandchildren.

Longtime Boulder District Attorney **Peter Hofstrom** ('73) died January 19, 2018, at age 76. He worked as a guard at California's San Quentin prison while putting himself through college, then went on to earn his JD while working at Boulder County Jail. The year after he graduated from Colorado Law, Hofstrom joined the Boulder District Attorney's Office as deputy district attorney, and in 1977, he became chief deputy district attorney. Hofstrom is survived by his wife, Oma; sisters, Constance (John) Fenton and Jane (David) Hug; brother, Glen (Barbara); and many cousins, nieces, nephews, and friends.

Dennis Michael Malone ('73) passed away March 10, 2018, at age 70. He began practicing law in Trinidad, Colorado, in 1973 and continued to do so until he died. He loved his community and was a champion for the less fortunate. He is survived by his wife, Karen; children, Patrick (Dawn), Brant Schreiner, Brittney Schreiner; sisters; three grandchildren; several nieces and nephews; mother- and fatherin-law; and sisters- and brothers-in-law.

Michael H. Meyerle ('73) died February 1, 2018, at age 73. Meyerle's professional history included various corporate legal tax management positions with MCI Corp., Marriot Corp., and Time-Warner Cable. He is survived by his wife, Marjorie; sons, Jon (Catherine), Gerald (Prachi), and James; a sister, nephews, and grandchildren.

William Stephen "Bill" Retrum ('73) died January 19, 2018, at age 72. Before attending law school, he held a variety of jobs in Aspen, including reporter and photographer for the *Aspen Illustrated News* and police officer. He spent his first five years in law practice as a deputy state public defender. Retrum is survived by his son, Iver (Jessica); brother; a grandson; and two nephews.

Edward Thomas Navarro ('78) died at age 64 on December 31, 2017. He was a longtime attorney in Longmont and an active volunteer with such organizations as the Women's Crisis Shelter Center, Stephen Ministries, hospice, and El Comité, which he cofounded. Navarro is survived by his wife, Trudy; children, Emily (Eric) Marcellus and Lucky; four brothers; two sisters; four granddaughters; and many nieces and nephews.

Richard Michael Holmes ('83) passed away on March 14, 2018, at age 71. Holmes was a resident of Florida at the time of his passing.

Samuel L. Sorkin ('03) died at age 41 on April 12, 2018. He lived in Gunnison. Sorkin is survived by his parents, Lawrence and Laura; sisters, Elyse (Mark) DeVries, and Anne Roy; brother, Michael (Durwood Whitten) Hyman and nieces and nephews.

26 / Alumni Amicus Fall 2018







The Colorado Law Classic, an annual golf tournament organized by **Andrew Garnett** ('12) and **Matt Henderson** ('12) that raises scholarship funds for Colorado Law students, hit the links for its seventh year on August 26, 2018. This year's event drew 115 participants. Since its inception, the tournament has raised over \$60,000 to benefit the Sarah L. Rector Memorial Scholarship at Colorado Law. This year's tournament was was sponsored by:

- Dr. and Mrs. William G. Rector Jr.
- The McNamara Family
- Mann and Maximon
- Brownstein Hyatt Farber Schreck, LLP
- Wheeler Trigg O'Donnell, LLP
- Taylor Anderson
- Gibson, Dunn & Crutcher LLP
- Davis Graham & Stubbs LLP
- Lewis Roca Rothgerber Christie LLP
 - Peter Sotiropoulos, FourStar Realty

Class Actions



Fanganello ('68)



Jackson ('70)



Ledbetter ('72)



Coats ('77)



Gaydosh ('83)



Rodriguez ('88)

1968

Along with a number of other Colorado Law alumni, **Joseph M. Fanganello** ('68) was honored by the Denver Bar Association for his 50 years as a lawyer. After graduating law school, he began his career as a clerk for the Denver District Court and later became a sole practitioner. He has had a very busy, full, and satisfying legal career. (Pictured: Fanganello with Michael J. Bellamy, a longtime friend and client.)

Daniel J. Sears ('68) recently joined the "50-50 Club." At a recent banquet, the Denver Bar Association honored Sears and a number of his classmates for having been in practice for 50 years. Sears and his wife, Jeane, also celebrated their 50th wedding anniversary, having married during his senior year at Colorado Law. Sears began his career as an attorney for the Navajo tribe in Window Rock, Arizona, and later became a state prosecutor and a Colorado assistant U.S. attorney. In 1975, he was named Colorado's first federal public defender.

1970

The Honorable **Gary M. Jackson** ('70) received a Colorado Senate Tribute recognizing his consistent and unwavering commitment to equality and civil rights in the state of Colorado in both his public and private practice, as well as his and his family's many contributions to Colorado's African-American community. He accepted the tribute on the floor of the Colorado Senate in February. Over the summer, Jackson also received the Monte Pascoe Award for Civic Leadership from Denver Mayor Michael Hancock and the National Black Prosecutors Association's Norman S. Early, Jr. Founder's Award.

1971

Gary B. Blum ('71) joined JAMS, the largest private provider of mediation and arbitration services worldwide. Blum is based in the JAMS Denver Resolution Center and serves on its dispute resolution panel.

1972

After nearly 40 years as Brown University's legal counsel, **Beverly Ledbetter** ('72) retired at the end of the 2017–18 academic year. Ledbetter was hired as Brown's first legal counsel in 1978.

1973

The Catholic Lawyers Guild of Colorado recognized **Bonnie Schriner** ('73) with its Lifetime Achievement Award for "outstanding lifetime contributions to religion, profession, and country." Schriner's practice focuses on domestic relations, civil and commercial mediation, arbitration, and other forms of alternative dispute resolution.

1975

Betty Arkell ('75) joined Dorsey & Whitney LLP's emerging companies group in Denver as a partner. Arkell brings more than 40 years of experience representing established and emerging growth companies and venture capital and private equity funds.

1977

The Honorable **Nathan B. Coats** ('77) was named chief justice of the Colorado Supreme Court, following the retirement of Chief Justice Nancy E. Rice. Coats was appointed to the Colorado Supreme Court on April 24, 2000.

1982

After serving as Boulder County District Attorney for nearly 10 years, **Stanley "Stan" L. Garnett** ('82) returned to Brownstein Hyatt Farber Schreck, LLP as a shareholder, rejoining the litigation department where he spent 22 years as a trial lawyer before assuming the position of district attorney. In February, Garnett was accepted as a fellow into the Bolivian Academy of Judicial Sciences, an exclusive group of distinguished lawyers and judges.

Henry Lowe ('82) joined Kutak Rock LLP as of counsel following a merger of Kutak Rock LLP and Lowe, Fell & Skogg, LLC. He represents lenders in commercial mortgage lending transactions in the Western U.S.

1983

After 27 years of service with the federal government, **Mike Gaydosh** ('83) received the Distinguished Career Service Award from the U.S. Environmental Protection Agency. Now retired from federal service, Gaydosh manages his own consulting firm, Gaydosh Consulting, focusing on environmental compliance, and enforcement, tribal, public land, and federal agency issues.

1985

Jim Coyle ('85) received this year's Isaac Hecht Award for Excellence in the Field of Law Client Protection by the American Bar Association's National Client Protection Organization. The award was presented in June at the ABA's 34th National Forum on Client Protection in Louisville, Kentucky. Coyle retired from the Office of Attorney Regulation Counsel in June, having been with the office for 28 years, the last five as attorney regulation counsel.

1986

Tom Ray ('86) began a new job as chairman and CEO of EdgeCore Internet Real Estate, LLC, a provider of highly scalable, cloud-connected data center solutions. Ray is the former CEO of data center CoreSite.

The Colorado Legislature confirmed **Ellen Roberts** ('86) to the Board of Trustees for Fort Lewis College in Durango. Roberts served for a decade in the state legislature, where much of her work focused on natural resource issues, before leaving in 2016.

1987

Kenneth K. Skogg ('87) joined the Denver office of Kutak Rock LLP as of counsel. He brings more than 30 years' experience representing clients in complex commercial litigation.

1988

The American College of Trial Lawyers, one of the premier legal associations in North America, has admitted **Regina** "Gina" M. Rodriguez ('88) as a fellow. Rodriguez, a partner in the litigation practice at Hogan Lovells, was inducted at a ceremony held during the organization's spring meeting in Phoenix, Arizona. In March, Rodriguez was named a 2018 Top Latino Lawyer by *Latino Leaders* magazine—the second year Rodriguez has been recognized for this honor.

1989

The American College of Tax Counsel elected longtime Denver tax attorney **Douglas J. Becker** ('89) as a fellow. Becker is a shareholder at Otten Johnson Robinson Neff + Ragonetti PC. 28 / Alumni Amicus Fall 2018



Clark ('95)



Widoff ('95)



Piccone ('99)



Cappelloni ('04)



Pendergrass ('04)



Ellis ('07)

Jeffery Grimes ('89) began a new position as vice president, corporate counsel, and compliance officer for Astex Pharmaceuticals in Pleasanton, California.

1991

John Chanin ('91) joined the firm Foster Graham Milstein & Calisher, LLP as a partner. Chanin is a trial attorney with extensive experience in complex business litigation, financial fraud, government investigations, and white-collar defense.

1992

Paul Vorndran ('92) joined Jones & Keller as a shareholder. Vorndran represents individuals and companies in actions involving violations of state and federal securities law, common law fraud, and breach of fiduciary duty claims.

1994

California Gov. Jerry Brown appointed the Honorable **Jason Clay** ('94) to serve as a judge on the Alameda County Superior Court. Clay joins the bench after serving as an Alameda County Superior Court commissioner since 2013.

1995

Alicia B. Clark ('95), co-leader of Ballard Spahr LLP's real estate department's insurance company and institutional investments team, has been elected to partnership at the firm's Denver office.

Andy Mueller ('95) was named the new general manager of the Colorado River District. Based in Glenwood Springs, the district advocates for water users on the Western Slope.

Josh Widoff ('95) was appointed chief legal officer of Black Creek Group, a real estate investment firm in Denver.

1996

The El Paso County Bar Association honored **Catherine Seal** ('96) with its 2018 Mikki Kraushaar Award for her outstanding service to senior citizens in El Paso County. Seal is senior partner at Kirtland & Seal LLC, where she devotes her practice to elder law issues and services to seniors in the Colorado Springs community.

Melissa Wiese ('96) joined Lambdin & Chaney, LLP as partner. Wiese will continue to focus her practice on litigation, insurance coverage, construction defect litigation, and other insurance-related matters.

1999

Juliet Piccone ('99), managing member of Colorado Animal Attorneys (part of The Piccone Law Firm, LLC), announced the opening of a new office at Clock Tower Square in Aurora. The firm is one of only two in the state that practices animal law exclusively, full time.

2000

Elizabeth Haanes ('00) joined the intellectual property practice group of FisherBroyles LLP, a cloud-based distributed law firm partnership. A scientist with a PhD in microbiology, Haanes advises biotechnology companies on best practices for the worldwide protection of their intellectual property.

Franz Hardy ('00) was promoted to co-managing partner of the Denver office of Gordon Rees Scully Mansukhani, LLP, where he focuses his practice on business and insurance litigation.

2001

Matthew A. Ralston ('01) joined the Denver office of White and Steele, P.C. as of counsel.

2002

Albert "Al" Stemp ('02) joined the Los Angeles office of Proskauer Rose LLP as a partner in its real estate department. Stemp represents a diverse group of clients in connection with a broad range of real estate transactions.

2004

Corey Cappelloni ('04) completed the Marathon des Sables, a weeklong ultramarathon through the Sahara Desert. Called the "toughest footrace on Earth" by the Discovery Channel, participants carry on their backs their own food and equipment for the week. Water is rationed, and if you exceed the ration, you get a time penalty. When he is not racing in the desert, Cappelloni is an HQ asylum officer in the Refugee, Asylum, and International Operations Directorate with the U.S. Department of Homeland Security.

Six by Ten: Stories from Solitary (Haymarket Books), a new book co-edited by **Taylor Pendergrass** ('04), offers an intimate look at the lives of people who have been affected by the rampant use of isolation in American detention facilities. Pendergrass is senior campaign strategist at the American Civil Liberties Union Campaign for Smart Justice.

Arnold & Porter Kaye Scholer LLP announced that **Evan M. Rothstein** ('04) joined the firm's Denver office as a partner in the intellectual property practice. Rothstein represents individuals and companies in complex and high-stakes disputes with specific emphases on media, advertising, software and hardware, gaming, and e-commerce.

Jennifer Lynn Turner ('04) joined the Albuquerque firm Frye & Kelly, P.C. in January 2018. She brings more than 12 years of experience practicing federal Indian law, most recently as a supervisory attorney in the Office of the Solicitor, Division of Indian Affairs at the U.S. Department of the Interior in Washington, D.C.

2006

Senn Visciano Canges P.C. expanded its corporate and real estate practice with the addition of **Bryan McKae** ('06) as a director. McKae focuses primarily on corporate and securities representation to venture and private equity-backed emerging companies, real estate and renewable energy project developers, entrepreneurs, investors, and project investment and venture funds.

2007

Desmonne A. Bennett ('07) made partner at Bryan Cave LLP, where her practice focuses on complex commercial, class action, antitrust, and competition litigation.

In May, **Stacy Carter** ('07) joined Techstars as its general counsel. Techstars is an accelerator program providing seed funding to tech startups and mentorship opportunities to entrepreneurs.

Affie Ellis ('07) joined Holland & Hart LLP's Cheyenne, Wyoming, office as of counsel in the firm's environmental, energy, and natural resources practice group. In 2017, Ellis, a member of the Navajo Nation, was appointed to serve on the Navajo Nation Gaming Enterprises Board of Directors.

Sarah Sorum ('07) was promoted to shareholder at Welborn Sullivan Meck & Tooley, P.C. A member of the firm's mineral title and oil and gas practice groups, Sorum handles a variety of operational matters for oil and gas clients.

Shae Steven ('07) joined Allen & Curry, PC as an associate. Her practice focuses on fidelity and commercial litigation.



Williams ('07)



Pearce ('10)



Bechel ('11)



Wyatt, child of Berends ('11)





doza Stadmeyer ('13)

In June 2017, Malissa Williams ('07) joined personal injury firm Marathon Law, L.L.C., which recently opened an office in Denver. Williams is a former assistant attorney general at the Colorado Attorney General's Office.

Trevor G. Bartel ('08) made partner at Lewis Roca Rothgerber Christie LLP, where he practices complex corporate and business litigation.

Jackson Kelly PLLC elevated John L. Skari Jr. ('08) to member of the firm's Denver office. Skari practices in the firm's commercial law practice group and focuses primarily in the area of civil litigation.

Frie, Arndt & Danborn P.C. announced that Patrick R. Thiessen ('08) joined the firm. Thiessen will continue to focus his practice on elder law, estate planning, and probate.

2009

Samuel S. Bacon ('09) was promoted to shareholder at Welborn Sullivan Meck & Tooley, P.C., where he is a member of the firm's litigation department. He has represented individuals and companies in a range of complex civil litigation disputes.

Mike L. Fredregill ('09) made partner at Moye White LLP. As a member of the firm's real estate section, his experience includes transactional and litigation matters.

Werge Law announced the addition of **Angela Hahn** ('09) as a partner and renamed the firm to Werge & Hahn LLC. Hahn, a former scientist, focuses her practice on estate planning and supports the firm's small business commercial litigation practice.

Dana P. Jozefczyk ('09) was elevated to partner at Merchant & Gould P.C. She specializes in brand management and development, with particular focus on the value and protection of trademarks and copyrights.

Shanelle Kindel ('09) was promoted to partner at Ridley, McGreevy & Winocur P.C. Her practice remains focused on the representation of individuals in all phases of state and federal criminal cases.

Jaime Schuler ('09) joined Poskus, Caton & Klein, P.C. as an associate. She practices in the areas of estate planning, estate administration, guardianships, conservatorships, probate, and trust administration.

2010

Koenig, Oelsner, Taylor, Schoenfeld & Gaddis PC expanded its data privacy and security practice with the addition of Chris Achatz ('10). Achatz represents companies in structuring and negotiating complex technology and datarelated transactions.

Caroline Bess Pearce ('10) became a member of Sherman & Howard L.L.C.'s Aspen office, where she practices in the firm's tax and estate planning group.

Ben Daniels ('10) started a new job as corporate counsel at NAI Shames Makovsky in Denver. He married Tessa Walker on August 18, 2018, in Lake Okoboji, Iowa.

Andrew Bechel ('11) joined the corporate and business practice group of Greenspoon Marder LLP as an associate. He focuses his practice on estate planning matters.

Amanda Berends ('11) started a new position as associate general counsel at ClearChoice Dental Implant Center. She welcomed a baby boy, Wyatt, in September 2017.

Therese Kerfoot ('11) started a new job as senior vice president, customer lifecycle and operations with newly formed EdgeCore Internet Real Estate in April.

In January 2018, Jennifer McDonald ('11) founded The Law Firm of Jennifer S. McDonald, LLC, which specializes in family law, child and family investigations, and mediation.

2012

The American Bar Association named CiCi Cheng ('12) to its annual On the Rise—Top 40 Young Lawyers list. The honor provides national recognition for ABA young lawyer members who exemplify a broad range of high achievement, innovation, vision, leadership, and legal and community service. Cheng recently joined Wheeler Trigg O'Donnell LLP as a commercial litigation associate.

Janna Fischer ('12) joined the newly formed Denver office of King & Spalding LLP as an associate. She focuses her practice on complex federal patent litigation involving technologies including facial recognition, databases, cloud computing, and telephony.

Courtney Krause ('12) joined the real estate team at Akerman LLP as an associate. Krause concentrates her practice on real estate with a particular focus on health care, outdoor industry, environmental, and land-use matters.

Sarah Boulden (JD/MBA '13) has been tapped to lead Silicon Legal Strategy's new Denver office. This is the firm's third office location and first in Colorado, and joins the firm's headquarters in San Francisco and office in Los Angeles. Silicon Legal Strategy is the premier boutique law firm providing targeted advice to technology startups, entrepreneurs, and investors.

2013

Vanessa Devereaux ('13) started a new job as assistant attorney general at the Colorado Attorney General's Office.

Jessica Mendoza Stadmeyer ('13) recently transitioned to a new role as a staff attorney with a nonprofit organization in New York City called Legal Information for Families Today (LIFT). She will work with pro se litigants in family court. She and her husband, Christopher Stadmeyer, welcomed a baby boy named Aidan Marcelo Stadmeyer on November 27, 2017.

2014

Katie Downey ('14) joined Adams+Crow, P.C. in Albuquerque, New Mexico.

Adam Brown ('14) began a new job as associate general counsel at a cryptocurrency and blockchain startup.

Megan Garnett ('14) joined the Denver office of Polsinelli PC as an associate. She focuses her practice on general commercial litigation.

Daniel McCarl ('14) joined the Durango office of Maynes, Bradford, Shipps & Sheftel, LLP as an associate. He practices in the areas of water, environmental, and natural resources law.

Amanda Milgrom ('14) joined Sherman & Howard L.L.C.'s internal investigations and complex litigation practices as an associate. Working in the firm's Denver office, Milgrom assists clients in all stages of litigation.



Aidan, child of Men-

30 / Alumni Amicus Fall 2018



Chandrashekar ('15)



Hunter ('15)



Snow ('17), third from right, and Hanson ('16), second from right

Katherine Whitney ('14) joined Spencer Fane LLP's real estate practice group in the firm's Denver office as an associate. Whitney assists clients with regulatory compliance and commercial real estate.

2015

Vikrama S. Chandrashekar ('15) joined Moye White LLP as an associate attorney. A member of the firm's trial section, he represents industry-leading clients in high-stakes disputes spanning state and federal courts throughout the nation.

Liam Culhane ('15) was appointed to a five-year term on the Watertown Area Community Foundation Board of Directors. Culhane is a personal injury attorney at Turbak Law Office, P.C. in Watertown, South Dakota.

Michael Fox (15) joined Kalamaya | Goscha as an associate trial attorney. Based in the firm's Glenwood Springs office, Fox concentrates his practice in the areas of criminal defense, DUI defense, and personal injury.

Jessica R. Hunter ('15) joined the Denver office of Moye White LLP as an associate. A member of the firm's business section, Hunter counsels clients on corporate formation and deal structuring, regulatory compliance, intellectual property protection and portfolio management, corporate governance, and corporate law.

Aditi Kulkarni-Knight ('15) joined the trial department of Davis Graham & Stubbs LLP as an associate.

Jon Milgrom ('15) ventured out to start his own practice in May after working at Moye White LLP for three-and-a-half years. At Milgrom Law P.C., Milgrom practices general corporate law with a focus on intellectual property, employment, and commercial contracts.

2016

The Food Bank of the Rockies elected Brownstein Hyatt Farber Schreck, LLP associate **Reid M. Galbraith** ('16) to its board of directors. Galbraith brings a background in real estate transactions and political consulting to the board. He will aid the organization largely in its fundraising efforts, among other duties.

2017

Katherine Snow ('17) and Otto Hanson ('16) were part of a team that was one of four global winners at the final round of the Global Legal Hackathon in New York City. Fourteen teams from around the world competed in the final round in April. LexLucid, the winning legal solution proposed by Snow and Hanson's team, provides unbiased attorney ratings for online contracts, helping consumers make educated decisions about the products and services they use, while motivating businesses to make fairer and simpler contracts.

Share your news with your classmates!

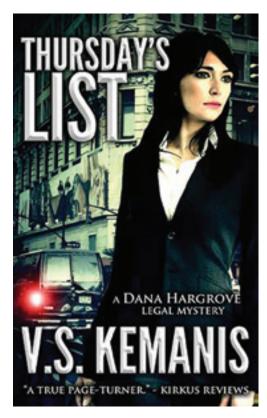
Tell us about your:

new job | promotion | marriage | new baby | personal achievements

Send information for Class Actions to lawalum@colorado.edu.

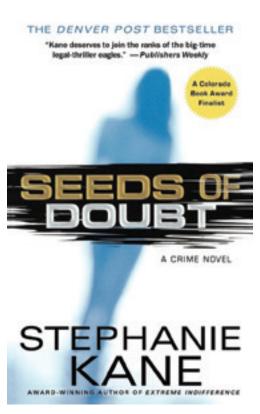
Alumni Book Roundup

A selection of published works by Colorado Law alumni

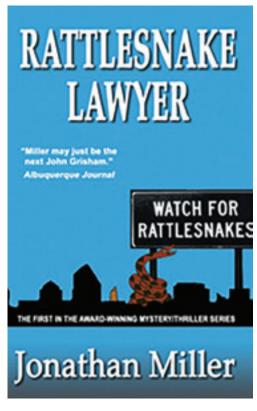


V.S. Kemanis ('81)

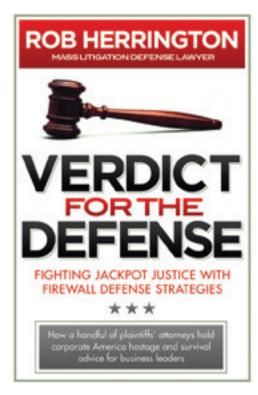
Thursday's List (Opus Nine Books, 2015)



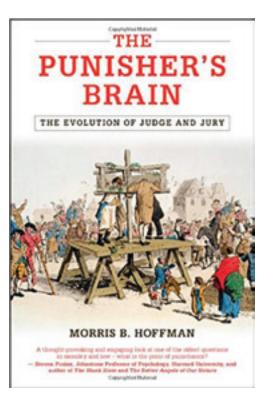
Stephanie Kane ('81)
Seeds of Doubt (Simon & Schuster, 2007)



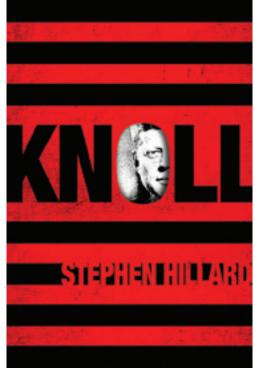
Jonathan Miller ('88)
Rattlesnake Lawyer (Cool Titles, 2004)



Rob Herrington ('00) *Verdict for the Defense* (Sutton Hart Press, 2011)

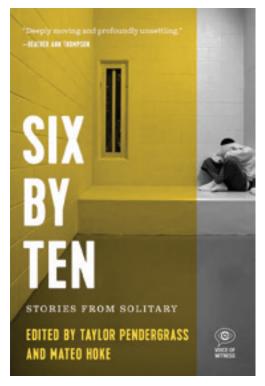


The Honorable **Morris B. Hoffman** ('77) *The Punisher's Brain: The Evolution of Judge and Jury* (Cambridge University Press, 2014)



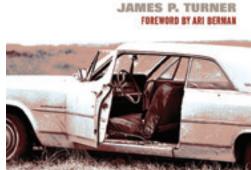
Stephen H. Hillard ('76) KNOLL: The Last JFK Conspiracist (SelectBooks, 2017)

32 / Alumni Amicus Fall 2018

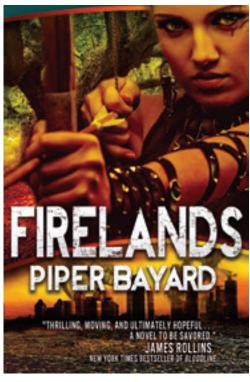


Taylor Pendergrass ('04) (ed.) *Six by Ten: Stories from Solitary* (Haymarket Books, 2018)

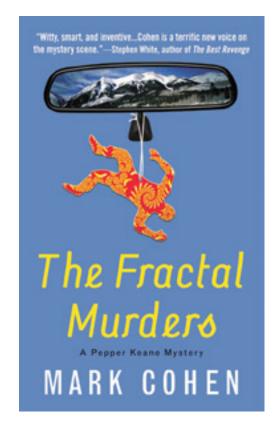
SELMA and the LIUZZO MURDER TRIALS THE FIRST MODERN CIVIL RIGHTS CONVICTIONS



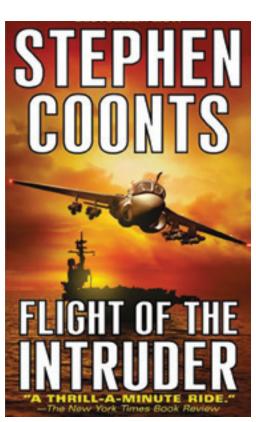
James P. Turner (*57)
Selma and the Liuzzo Murder Trials:
The First Modern Civil Rights Convictions
(University of Michigan Press, 2018)



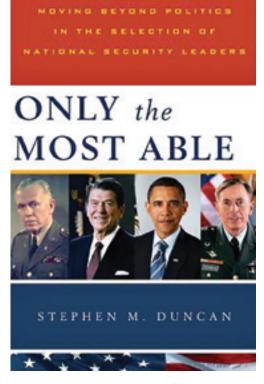
Karla Miller ('94)
Firelands (Bayard & Holmes, Ltd., 2014)
(under name Piper Bayard)



Mark Cohen ('83)
The Fractal Murders
(Grand Central Publishing, 2004)



Stephen Coonts ('79) *Flight of the Intruder* (St. Martin's Press, 2006)



The Honorable **Stephen M. Duncan** ('71) *Only the Most Able: Moving Beyond Politics in the Selection of National Security Leaders* (Rowman & Littlefield Publishers, Inc., 2013)



Colorado Law Clinics Celebrate 70 Years

A heartfelt thank you to the more than 200 students, faculty, staff, alumni, and friends of the nine Colorado Law clinics who joined us May 24 to help celebrate the 70th anniversary of the Clinical Education Program at Colorado Law. Together we laughed, reminisced, and showed appreciation for the 5,000+ student attorneys who have given their time, energy, and efforts to serving the community since the first clinic opened its doors in 1948.

Support clinical programs at Colorado Law at giving.cu.edu/fund/clinical-programs.









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