

AMICUS

UNIVERSITY OF COLORADO LAW SCHOOL

VOLUME XXIV, NUMBER 1, SPRING 2008

Law
and the Judiciary





Byron R. White Center, 15th Ira C. Rothgerber, Jr. Conference: "Reapportioning Colorado" in the Old Supreme Court Chambers at the Colorado State Capitol.



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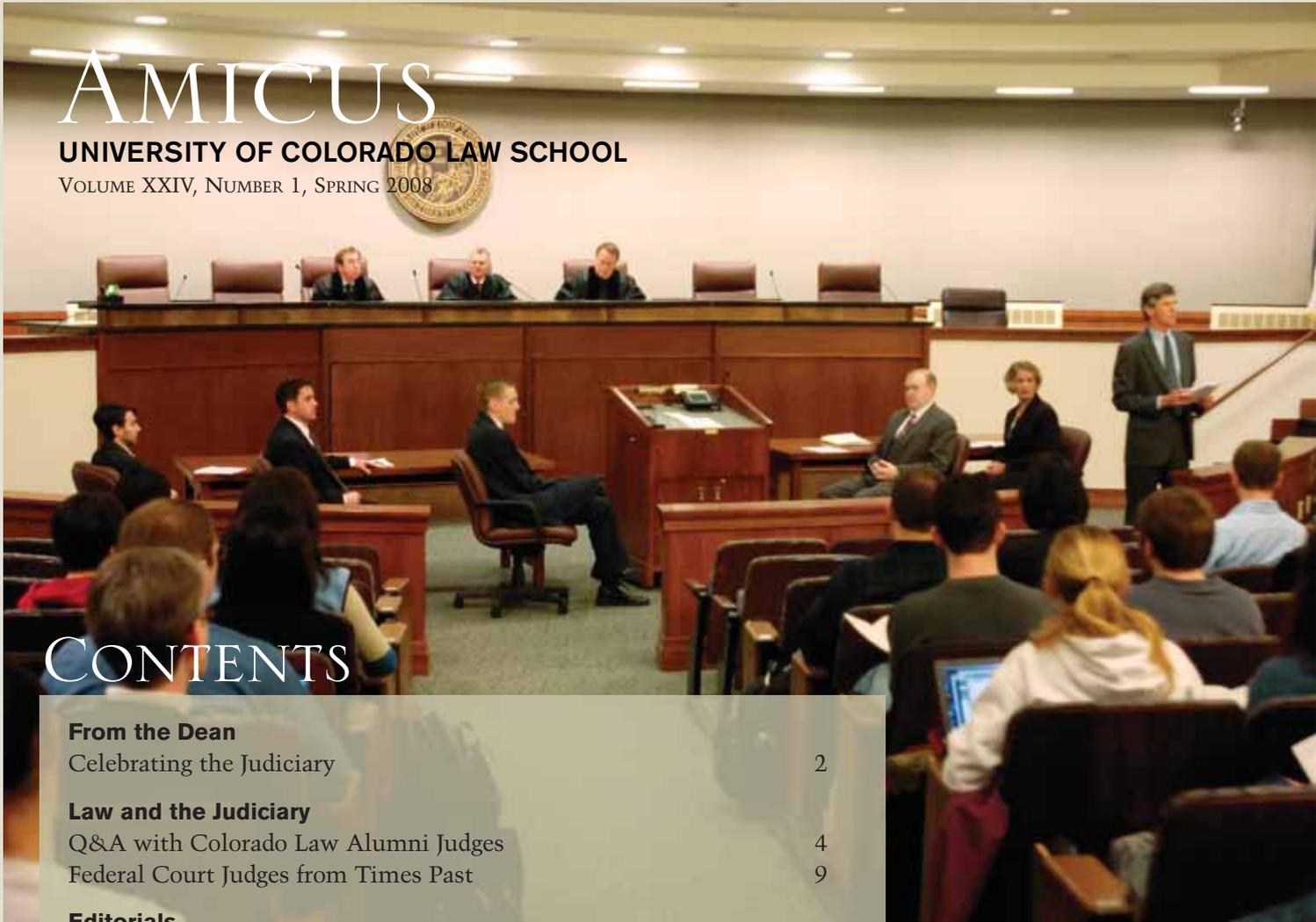


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Celebrating the Judiciary

We pay tribute to the judiciary in this issue of *Amicus*.

Our alumni serve as judges in the courts of more than a dozen states. More than 130 Colorado Law graduates sit on the state and federal benches in Colorado alone! We have profiled here just a handful of the judges who stir the pride of all alumni and who deserve the gratitude of all citizens for their contribution to ensuring a rule of law—the characteristic that makes our American constitutional system strong and enduring.

Our proud judicial tradition goes back to the beginnings of the University of Colorado Law School. Moses Hallett was the first Dean of Colorado Law, serving from 1892 to 1902. This, he apparently did in his spare time; from 1877 to 1906 he also served as the first (and only) United States District Court Judge for Colorado. Before statehood, he was the Chief Justice of the Supreme Court of the Territory of Colorado and, simultaneously, district judge. His decisions remain landmarks in mining law and Indian law.

It was not long before the young law school began seeing its graduates populate the courts. The list of notables in Colorado and U.S. history is long. United States Supreme Court Justice Wiley Rutledge '22 has been the subject of lively discussion recently because of the 2004 publication of *Salt of the Earth, Conscience of the Court: The Story of Wiley Rutledge* by John Ferren. Of course, the remarkable career of William Lee Knous '11 is unparalleled. He was a Justice on the Colorado Supreme Court and later a U.S. District Court Judge, but at different times he also served in each house of the General Assembly and as Governor.

Knowing, as we do, the hard work and integrity that is exemplified by the judiciary, most of us are perplexed by frequent, often mindless attacks on judges. These attacks are not always just verbal. Not long ago, a Georgia state court judge was shot in his courtroom, and family members of an Illinois federal judge were murdered in their home by an aggrieved litigant before her court. Security measures for judges inside and beyond the courtroom are now commonplace.

It is our role as lawyers to help educate the public as well as our students. They must understand better that judges have difficult tasks that require them to apply laws they did not make and sometimes to reach conclusions that are personally uncomfortable. Hard decisions invariably require study, deliberation, and difficult choices. Professor Robert Nagel questions in this issue's editorial whether it is the role of the courts to be the vanguard of social change. Surely, judges do not have license to legislate; we do not want judges to ignore or rewrite the law when they decide cases. It is not their job to satisfy their own preferences or, indeed, public preferences for the outcome of the case.

Colorado's judiciary is noted for its competence and lack of corruption. In some states, this is not the case. Judicial independence from political or economic influence correlates with a competent and honest judiciary. We are fortunate in Colorado to have one the best judicial selection methods—appointment based on screening by a committee for merit. It allows the public to retain judges after periodic evaluations.

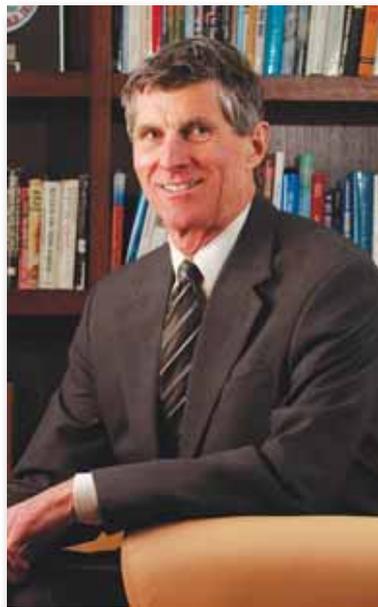
As Judge Walker Miller opines in another editorial in this issue, judicial independence is fundamental to securing the rule of law. We saw the reaction of a government in Pakistan when it was threatened by adverse rulings: the president dissolved the courts.

Misunderstanding the judicial function has led to proposals that would undermine the rule of law. Coloradans will face another ballot initiative aimed at weakening and politicizing the judiciary after defeating a similar measure in 2006. Amendment 43 will be on the November ballot, proposing term limits for judges. The campaign hopes to convince voters that if term limits apply to politicians they should apply to judges.

As lawyers, we represent diverse causes and clients, and we work to protect personal, civil, and property rights. We count on impartial application of the law to do our jobs and so all lawyers have a common commitment to the rule of law. This demands that we respect our judiciary as the first line of protection for the rule of law.

We at Colorado Law proudly dedicate this issue of *Amicus* to our alumni who are part of the judicial branch of government.

David H. Getches





Alumni in Federal & Appellate Courts

U.S. Court of Appeals for the Tenth Judicial Circuit

Timothy M. Tymkovich '82

U.S. District Court for the District of Colorado

Donald E. Abram '63 (Chief Magistrate)*

Robert E. Blackburn '75

Marcia S. Krieger '79

Walker Miller '63

Edward W. Nottingham, Jr. '72 (Chief Judge)

Bruce D. Pringle '69 (Magistrate)*

Kathleen M. Tafoya '87 (Magistrate)

David L. West '73 (Magistrate)

U.S. District Court for the District of Nevada

Larry R. Hicks '68

U.S. Bankruptcy Court for the District of Colorado

Elizabeth E. Brown '86

Roland J. Brumbaugh '71*

U.S. Bankruptcy Court for the Central District of California

Mitchel R. Goldberg '68

U.S. Tax Court

Robert Allen Wherry, Jr. '69

Alaska Supreme Court

Allen T. Compton '63 (Chief Justice)*

Colorado Supreme Court

Michael Bender '67

Nathan Coats '77

Alex Martinez '76

William D. Neighbors '65*

Luis Rovira '50 (Chief Justice)*

Iowa Supreme Court

Linda K. Neuman '73*

New Mexico Supreme Court

William R. Federici '41 (Chief Justice)*

North Dakota Supreme Court

Carol Ronning Kapsner '77

Arizona Court of Appeals

Jon W. Thompson '79

Colorado Court of Appeals

Hugh H. Arnold '51*

Steve Bernard '78

Steve C. Briggs '75*

James S. Casebolt '75

Claus J. Hume '65*

Bob Kapelke '66*

Charles D. Pierce '52*

Arthur P. Roy '69

Robert Russel '84

Alan L. Sternberg '50*

John R. Webb '73

**Retired or Senior*

"The work of the court goes on and on. The peaceful days of simple contract and tort litigation have vanished. The variety and complexity of the cases demand more and more judicial time... The courts must give life and understanding to the jargon of opaque statutes and regulations. Often they are asked to fill in the interstices left by legislative and executive action. The mission is challenging."

— Jean Sala Breitenstein '24

From a revised version of "The United States Court of Appeals for the Tenth Judicial Circuit," 52 *Denv. L.J.* 9 (1975)

Timothy M. Tymkovich '82

Judge, U.S. Court of Appeals, Tenth Circuit (2003–present)
Solicitor General, Office of the Colorado Attorney General (1991–96)
Adjunct Professor, University of Colorado Law School



COLORADO LAW: What role did your experience at Colorado Law School play in your pursuit of a judicial career?

JUDGE TYMKOVICH: That's a great question. I'm a third-generation Colorado native. Probably I am the first person in my family that sought a law degree. So I've grown up in Colorado, and I was always a big Buffs fan. I went to Colorado College for my undergraduate degree then came up to CU for law school. I guess I might be a bit of an aberration, but I liked law school. I liked practicing law, and I like being a judge. So I must have probably picked the right profession. I had a great experience at the law school, a very intellectually satisfying experience. It was a fun place to be, and I believe that my preparation for practicing law was really well done by the law school. I also had a chance to go and clerk with the Colorado Supreme Court my first year out of law school.

COLORADO LAW: What is one of the most memorable moments from your career as a judge?

JUDGE TYMKOVICH: The first decision that the U.S. Supreme Court took up where I was on a panel was actually this year on the case called *Sprint v. Mendelson*. And that one is sort of a highlight for me because it's a case where I had written a dissent and then the Supreme Court took the case and decided not long ago unanimously to reverse, generally in support of position I took. So that was noteworthy because I think any judge pays attention to these cases that go to U.S. Supreme Court. But I also think a highlight and a surprise of this job is the collegiality and the warmth of our court and our judges. We get along extremely well with one other. We have 12 active judges and nine senior judges, and they are all really interesting and fun people. I know their spouses and some of their children. And, you know, I think our work is difficult. I think there is a heavy case load, and to have people that you enjoy, trust, and respect is a bonus to the job that I did not expect coming in from the outside.

COLORADO LAW: What is your favorite quality in a law clerk?

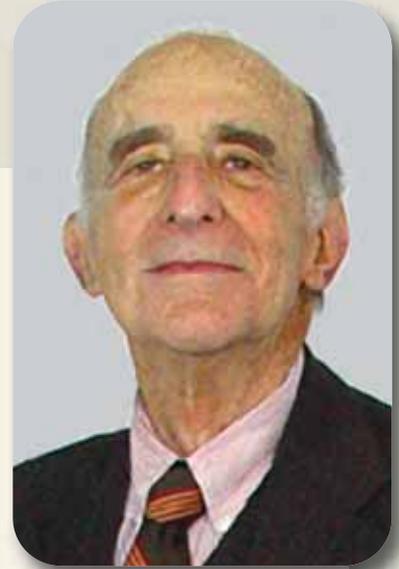
JUDGE TYMKOVICH: I think the biggest qualification for a law clerk is effort. The difference between giving 90 percent and giving 110 percent is not a lot, but it can be the difference between being a disappointing clerk and being an outstanding clerk. So young lawyers should think about what a little bit of extra effort can mean to the quality of their work. And I say that a little bit tongue-in-cheek, because I have such a wonderful pool of candidates. I think I get about 600 résumés a year for a law clerk position. So it's sort of a given that I'm going to get smart, talented, and accomplished people, but what makes a smart, talented, and accomplished law clerk stand out are some of those intangibles. I've been fortunate. I have had wonderful law clerks (including two from CU), and I have a CU student coming in here next year.

COLORADO LAW: What guidance would you offer alumni or law students who are thinking of pursuing judicial careers?

JUDGE TYMKOVICH: Number one: do well in law school. Number two: write for the *Law Review*. Number three: seek a clerkship opportunity, and get a flavor of how judicial decision making occurs and get a sense of what it's like to be inside a judge's chambers. Number four: be positively active in the community, community organizations, and professional organizations. And finally: be an outstanding lawyer in your field; be noticed as a lawyer who is solid in the legal community. Oh, and a little bit of luck; I would mention luck at the end.

Luis D. Rovira '50

Judicial Arbiter Group (1995–current)
Colorado Supreme Court, Justice (1979–90), Chief Justice (1990–95)



COLORADO LAW: What is one of the most memorable moments from your career as a judge?

JUDGE ROVIRA: One of the most interesting cases that I dealt with and wrote the majority opinion on was Amendment Number Two in 1994, which had to do with the restriction on gays and lesbians. The opinion was later affirmed by the U.S. Supreme Court in an opinion by Justice Kennedy. Justice Scalia dissented.

COLORADO LAW: What tips would you have for an attorney who is preparing to appear before your court?

JUDGE ROVIRA: You are speaking of the Colorado Supreme Court. Obviously, I would suggest preparation and knowing the facts of the case well—and certainly not reading an oral argument. Some lawyers do that. An important purpose of oral arguments is to allow the justices to ask questions. Many times one of the justices, having read the brief, might take a devil's advocate position. Even though he or she might be inclined to affirm, the justice would put difficult questions to the appellees to put them to the test.

COLORADO LAW: What is your favorite quality in a law clerk?

JUDGE ROVIRA: Well, I just wrote a letter of recommendation for a former law clerk of mine who is interested in going on the Court of Appeals. Some of the factors that I mentioned were analytical ability, skill in legal research, willingness to consider the arguments of both parties and not make up his mind before having the opportunity to consider all the arguments, and to have a reasonable basis for coming to a conclusion. Those are some of the qualities that I think are most important.

COLORADO LAW: What guidance would you offer alumni or law students who are thinking of pursuing judicial careers?

JUDGE ROVIRA: In addition to an active participation in legal practice and the bar association, take an active role in their community. Community activities during the course of their legal career are a plus factor when judicial nominating commissions are considering applicants.

COLORADO LAW: What do you like to do outside of the courtroom?

JUDGE ROVIRA: Judges who have served who wish to participate in the senior judge program may do so with the consent of the chief justice. I serve in the senior judge program and sit on the Court of Appeals. I am also part of the Judicial Arbiter Group, which is a group of judges who do mediations and arbitrations. I also do as much as skiing and tennis and jogging as I possibly can, although I must confess that at 84 I am not the man I used to be when I was 60.



Linda K. Neuman '73

Associate Justice, Iowa Supreme Court (1986–2003)
Adjunct Professor, University of Iowa College of Law

COLORADO LAW: What role did your experience at Colorado Law School play in your pursuit of a judicial career?

JUSTICE NEUMAN: Meeting and marrying a classmate from Iowa, Henry Neuman, probably played the biggest role. Iowa turned out to be a state with great opportunities for me, in the practice and on the bench. The legal training I received at CU was first rate.

COLORADO LAW: What is one of the most memorable moments from your career as a judge?

JUSTICE NEUMAN: I was a judge for 23 years, so I've had lots of memorable moments. **But being sworn in as the first woman on the Iowa Supreme Court** was a big moment for my family and me. I still remember the warmth and respect with which I was greeted by my colleagues around the court's conference table and on the bench.

COLORADO LAW: What tips would you have for an attorney who is preparing to appear before court?

JUSTICE NEUMAN: For an appellate argument, be well prepared, but remember that you undoubtedly know much more about the case than the judges do, so there's no need to feel intimidated. Relax. The whole exercise should feel more like a conversation than a speech. Pay attention to the questions. Answer respectfully, even if a question seems off-the-wall or annoying.

COLORADO LAW: What are some of the biggest misperceptions people have about judges?

JUSTICE NEUMAN: That we aren't "real" people. That decisions come easily to us. That being decisive and compassionate are mutually exclusive qualities. I've often said it would be easy to be an "easy" judge. It would be easy to be a "tough" judge. What's tough is being a fair judge.

COLORADO LAW: What guidance would you offer alumni or law students who are thinking of pursuing judicial careers?

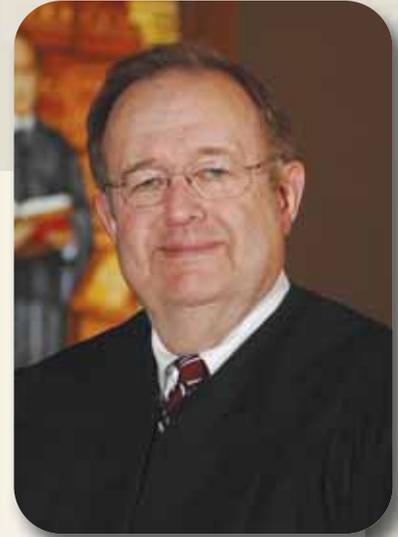
JUSTICE NEUMAN: Work hard to gain the respect of your peers. Judges may ultimately be elected by voters or appointed by a governor or legislature, but the decisions don't merely rest on politics. A reputation for sloppy work or overly aggressive tactics can sink any candidacy for the bench. Also, devote time to your profession and the community. This will show concern for the lawyers and litigants who might someday appear in your courtroom.

COLORADO LAW: What do you like to do outside the courtroom?

JUSTICE NEUMAN: Hiking, gardening, travelling around the United States and the world, visiting children and grandchildren, boating on the Mississippi River, and riding "two up" with Henry on his BMW motorcycle.

Arthur Roy '69

Colorado Court of Appeals (1994–present)



COLORADO LAW: If you could sit on any famous court case in American history, which one would you choose and why?

JUDGE ROY: Well, if I could go back and sit on a court and have the courage and insight to change the result, *Dred Scott v. Sanford* and *Plessy v. Ferguson* would be probably on the top of the list, along with the Supreme Court decision made in about 1942–43 concerning the internment Japanese-Americans [*Toyosaburo v. United States*]. There are a few periods in our history when the courts have not performed well. In many parts of the world, they have rarely performed up to standard. There was a story told about a judge from apartheid South Africa talking to a judge from this country—with tears in his eyes, saying, “if only we had done our job.”

COLORADO LAW: What tips do you have for an attorney who is preparing to appear before you in court?

JUDGE ROY: The most important quality is the ability to express themselves succinctly, to be candid about the weaknesses of their case, and to acknowledge when most of the authorities are against them. It is disturbing to read a brief from an appellant that is convincing until you read the appellee’s brief that introduces a pivotal fact that turns the entire case and analysis around. It happens too often.

COLORADO LAW: What is your favorite quality in a law clerk?

JUDGE ROY: Well, a law clerk should be a bright person, and most people who graduate from law school are bright. They have to like technical writing and be good at it. And my clerks need to express themselves simply in writing and be able to simplify complex legal issues so that I understand them.

COLORADO LAW: What are some of the biggest misperceptions people have about appellate judges?

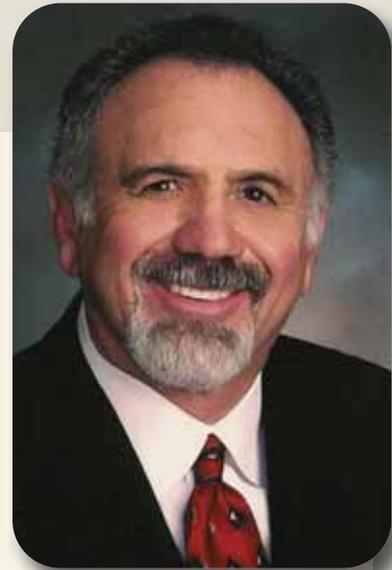
JUDGE ROY: I think the public does not know what the appellate court is or what it does. They are aware of the U.S. Supreme Court, but they do not readily know we exist or what part we play. They think we hear witnesses, take evidence, and find facts, which is of course the role of the trial court. I think most people will be surprised, and most of them with whom I speak are surprised, that we spend very little time on the bench. That is not the focus of what we do. The focus of what we do is to read, write, analyze, and research, not necessarily in that order.

COLORADO LAW: What guidance would you offer alumni or law students who are thinking of pursuing judicial careers?

JUDGE ROY: I don’t think it’s a job for a young person. So, I think one ought to have a career in the law, with significant litigation experience, whether it’s in private practice or government service. Assuming they start practice in their twenties or thirties, they should not start this kind of work until their early-to mid-fifties, which coincidentally is when I joined the court. The reason is perspective and experience. The interesting thing about the practice of law to me is not the law. The interesting thing to me is the other things you have to learn, whether it’s engineering, medicine, or how businesses and institutions operate. It’s a continuing learning experience, and everyone should have that. You don’t get as much of that on the bench; you’re dealing with legal questions.

Dennis Maes '72

Judge, Colorado Tenth Judicial District (1988–present)
Chief Judge (1995–present)



COLORADO LAW: What role did your experience at Colorado Law School play in your pursuit of a judicial career?

JUDGE MAES: I've always had an interest in public service, and one thing that was available to me in law school was the Legal Aid and Defender Program, which I was fortunate enough to be involved with for two years. The Hispanic law students at the time were able to convince the board of directors that we should have satellite offices in Ford Lupton, which was a real hot bed at that time for racial concerns, particularly with the migrant farmers out there, and also to have another one in Louisville. So we were able to go out there and actually represent people who we were able to relate to, who we wanted to help, and who were of special interest to us. So it was cool that the school gave us the opportunity to do that, and it gave us some real good experience—not only in researching and applying the law, but in learning about humanity and people, and even how to deal with people who were pretty intolerant.

COLORADO LAW: What is one of the most memorable moments from your career as a judge?

JUDGE MAES: In all honesty, the most memorable events for me are when I have worked with children in certain areas, whether it's a mental health issue, or a school issue, or getting them back on the right track because they've gone down the wrong side of the law. And every time I see one of those situations where I feel that the system has really done what it's supposed to do in terms of reuniting families and getting kids focused on what they're supposed to do to be contributing members of society, it's a memorable event for me. You know, it's just so great to see them turn around. When you have a child who's flunking out of school and you take a special interest in them and all the sudden they're student leaders. That's what I get the greatest pleasure out of—when we put our time and effort into it these kids and get to see the turnarounds they make. It gives them hope. It gives them hope in their lives.

COLORADO LAW: What tips do you have for an attorney who is preparing to appear before your court?

JUDGE MAES: Follow the advice of your grandparents and parents—and that is to be polite and courteous. And the other things are to be prepared and to never do anything that would sacrifice your integrity and credibility.

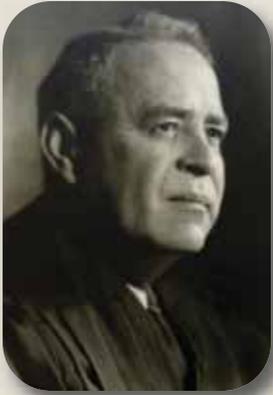
COLORADO LAW: What are some of the biggest misperceptions people have about judges?

JUDGE MAES: I think the biggest misperception is that judges just do their job, go home, and that's all. Quite frankly, I think judges really do care about what they're doing, want to make a difference, and want to forge results that are in the best interest of everybody in the community and obviously for the individuals or entities that are involved with the specific issue. So I think the biggest misperception is that we are untouchable and that we are removed, and I think it's the opposite, that we really do care about what's going on in our communities and want to make them better.

COLORADO LAW: What guidance would you offer alumni or law students who are thinking of pursuing judicial careers?

JUDGE MAES: To learn as much about humanity as you possibly can. And by that I mean being involved in your community, being involved with the education system, being involved with those areas that people struggle daily with—mental health issues, alcohol issues, children's issues of all sorts. Just learn as much as you can about humanity because the more we know about it, the better capable we are of making the decisions that affect people for the rest of their lives.

FEDERAL COURT JUDGES FROM TIMES PAST



Wiley Blount Rutledge, Jr. '22

Justice, U.S. Supreme Court (1943–49)
 Judge, U.S. Court of Appeals for the District of Columbia Circuit (1939–43)

Rutledge worked in private practice in Boulder, Colorado, before pursuing an academic career, teaching at a number of law schools, serving as Dean of

Washington University School of Law from 1930 to 1935 and the University of Iowa College of Law in 1935.

President Franklin D. Roosevelt appointed Rutledge to the U. S. Court of Appeals for the District of Columbia Circuit and later nominated him to the United States Supreme Court. Rutledge demonstrated liberal leanings, particularly in his interpretation of the Fourteenth Amendment's due process clause, to practice religion freely, to be free from unreasonable searches and seizures, and not to suffer cruel and unusual punishment. He was also an ardent supporter of Roosevelt's New Deal and controversial plan to reorganize the federal judicial system.

"[O]ur Government is not one of mere convenience or efficiency. It too has a stake, with every citizen, in his being afforded our historic individual protections, including those surrounding criminal trials. About them we dare not become careless or complacent when that fashion has become rampant over the earth."

—*Kotteakos v. United States*



Jean Sala Breitenstein '24

Senior Judge (1970–86)
 Judge, U.S. Court of Appeals, Tenth Circuit (1957–70)
 Judge, U.S. District Court for Colorado (1954–57)

Jean Breitenstein practiced law for 30 years and served with great distinction as a federal judge for 32 years. He was considered the

preeminent authority on water law

in the entire West. He served as assistant state attorney general, U.S. District Court Judge, U.S. Court of Appeals Judge for the 10th Circuit appointed by President Dwight Eisenhower, chairman of the Colorado Supreme Court Rules Committee, President of Colorado Bar Association, and in the Army during World War I.

Colorado Law has a scholarship and a classroom in his name, both established by the many alumni who served as Judge Breitenstein's law clerks.



William Lee Knous '11

Judge, U.S. District Court, District of Colorado (1950–59)
 Justice, Colorado Supreme Court (1936–46), Chief Justice (1946–47)

The only man in Colorado ever to have occupied the highest seat in the judicial, legislative, and executive branches of government. W. Lee Knous was

elected as a Colorado Supreme Court Justice and by the time he left, he was regarded as a wizard in parliamentary law, which helped to get him elected Governor of Colorado in 1946. Knous resigned the governorship and President Harry S. Truman appointed Knous as U.S. District Judge of Colorado. Every year, the Law Alumni Board confers the Knous Award, Colorado Law's highest award, to an alumnus or alumna in recognition of outstanding achievement and sustained service to the Law School.

Law Alumni Distinguished Achievement Awards for Judiciary

1982 Conrad L. Ball, '30	1996 Charles D. Pierce, '52
1983 Hugh H. Arnold, '51	1997 William P. DeMoulin, '60
1984 Patricia Ann Clark, '61	1998 Connie Peterson, '76
1985 Orrelle R. Weeks, '62	1999 Richard Paynter, '47
1986 Claus J. Hume, '65	2000 Kenneth Barnhill, '53
1987 John J. Rooney, '40	2001 Claudia J. Jordan, '80
1988 Allen T. Compton, '63	2003 Alex J. Martinez, '76
1989 Linda K. Neuman, '73	2003 Steve C. Briggs, '75
1990 Luis D. Rovira, '50	2004 Morris B. Hoffman, '77
1991 William R. Federici, '41	2005 Robert J. Kapelke, '66
1992 Charles E. Matheson, '61	2006 Michael L. Bender, '67
1994 William D. Neighbors, '65	2007 Nathan B. Coats, '77
1995 Alan L. Sternberg, '50	2008 Steven T. Pelican, '71

FEDERAL COURT JUDGES FROM TIMES PAST



Moses Hallett 1893

U.S. District Judge, State of Colorado (1877–1906)
First Dean, University of Colorado Law School (1892–1902)
Chief Justice, Colorado Territorial Supreme Court (1866–76)
Judge, Colorado Third Judicial District (1866–76)

Moses Hallett came from Illinois to Colorado in 1860 before it was a state or even a territory. His efforts as a gold prospector were unavailing, but his intellect and tenacity earned him the respect of Denver's emerging legal community. In 1861, when the Colorado Territory was established, he was one of only 27 attorneys admitted to the bar of the territorial court. In 1866, Hallett was appointed District Judge of the Third Judicial District of the three-judge Territorial Supreme Court; for the next decade, he served in this capacity and also as Chief Justice. As Colorado was both a geographical and a legal frontier, Judge Hallett once heard arguments in a barn. With a reputation for legal brilliance as well as rigor, he was known among some of his constituents as *el juez severo*, the strict judge.

On August 1, 1876, President Ulysses S. Grant made Colorado a state, and a year later appointed Hallett to be Colorado's first Federal District Judge. Judge Hallett's rulings shaped Colorado state law on a wide range of issues, including mining, water rights, and railroads. At the same time he was sitting on the bench, he also served as the inaugural Dean of the University of Colorado Law School for a decade. He died on April 25, 1913.



Alfred A. Arraj '28

Chief Judge, U.S. District Court, District of Colorado (1959–76)
Judge, U.S. District Court, District of Colorado (1957–76)
Judge, Colorado District Court, 15th Judicial District (1948–57)

Alfred Arraj held many legal positions in Colorado including practitioner, county attorney, city attorney, deputy district

attorney, district judge, and U.S. District Court Judge, appointed by President Dwight Eisenhower. Arraj was the longest serving federal district court judge in Colorado history, sitting 35 years until his death in 1992 at age 86. He also served as president of the Southeast Colorado Bar, senior vice-president of the Colorado Bar Association, president of the Colorado State District Judges' Association, and a member of the CBA's Board of Governors.

In addition, Al Arraj received the Norlin Recognition Award for Distinguished Achievement, the highest award presented to CU alumni, and the William Lee Knous Award by Colorado Law. CU also conferred upon him an honorary LL.D. degree. Judge Arraj's nearly 40 law clerks developed a bond with the judge and amongst themselves. Some of these former law clerks helped fund a scholarship and a reading room at Colorado Law in his name.

“Perhaps the day will come when a computer will have the mental ability of a judge, but the computer, like the Tin Man in the Wizard of Oz, will always lack the important ingredient of a judge, a heart. There is no way to program into a computer the human understanding and compassion that are essential on the bench.”

—Alfred A. Arraj

“I clerked for Judge Alfred Arraj right after commencement in 1972. I think that more than anything led to my interest in pursuing a career as a judge.”

—Judge Edward W. Nottingham '72
U.S. District Court, District of Colorado



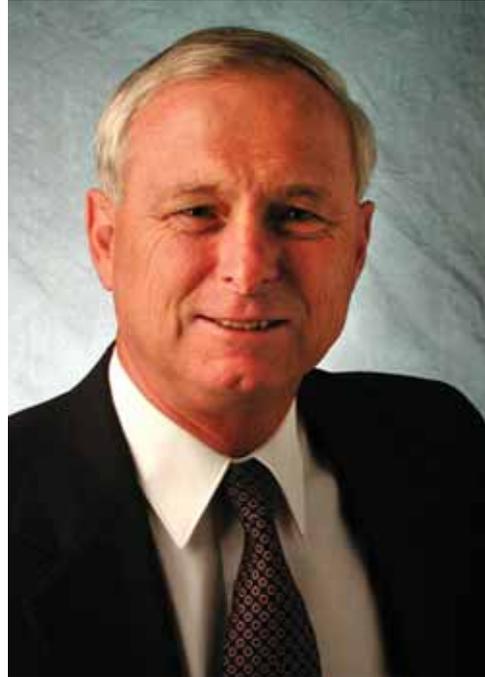
Rethinking the Landmark Case*

FACULTY EDITORIAL BY ROBERT F. NAGEL,
IRA C. ROTHGERBER, JR. PROFESSOR OF CONSTITUTIONAL LAW

Even after more than four decades of conservative and moderate appointments to the Supreme Court, the American judiciary continues to exercise extraordinary power on issues ranging from the recount of the Florida presidential vote in 2000 to the morality of homosexual conduct. The allure of judicial power is strong. To judges it offers a prominent, sometimes even heroic, role. To the educated class it promises the advantages that arise from privileging relatively intellectualized forms of argumentation. To members of minority groups it raises the prospect of protection from majoritarian excesses. To everyone it provides some deeply reassuring possibilities, including not only public decision making that appears to be characterized by apolitical rationality but also mandated progress that comes clothed in the language of continuity.

All this is even more alluring because theories of judicial review typically assert that the practice should be highly selective. This means that judicial interference with democratic values can be conceived of as limited and specially justified. It also means that such interference can carry the bright promise of moral and political clarity. The animating model is the “landmark case” where the Supreme Court strikes a bold, cleansing stroke. Intervening in difficult circumstances on behalf of the highest and best principles, the judiciary rises above political struggle and inertia to achieve powerful lucidity. What was murky or forgotten or ignored or contested is made plain and compelling. Properly chastened and enlightened, political bodies can then carry on with the more ordinary affairs entrusted to them.

Despite this hopeful ideal, the deep commitment of lawyers and judges to the idea of the landmark case has some serious social costs. One is a loss of the public’s political self-confidence. Many, many Americans—and certainly most lawyers—are convinced that public school segregation ended only because of the *Brown v. Board of Education*. When careful historical work indicates that *Brown* itself led to almost no desegregation in the south and that the eventual desegregation that did take place appears to be attributable to the Civil Rights Act of 1964, the work is either ignored or rationalized on the ground that the Civil Rights Act must have been caused by *Brown*. When evidence indicates that the Civil Rights Act was caused largely by northern sympathy for the plight of civil rights protesters, this evidence is rationalized on the ground that the civil rights protests must have been caused by *Brown*. When no evidence for this proposition can be found, the acolytes of *Brown* resort to mere assertion and faith: *Brown* must have caused desegregation in ways that the empirical evidence just does not pick up. One need not resolve the complex questions of social causality involved in this dispute nor insist that *Brown* played no part at all in the grand struggle for desegregation. But it does seem that in this debate there is a strange resistance to the possibility that the American



people—in Congress or on the streets—played a significant role in overcoming one of the nation’s deepest injustices. The idea of the landmark case, and the self-importance of the legal profession that it engenders, thus works against a proper recognition of the decency of the American people.

A second cost of reliance on the landmark case is an increase in public anxiety. The school desegregation litigation began by attacking provable inequalities in specific school systems and by degrees moved to an attack in principle on racial segregation in public schools and ended as a revolutionary assault on the whole system of racial caste in the American South. As laudable as this revolution was, the notion that emerged was that it is generally desirable for society to be vulnerable to revolutionary change imposed by distant and somewhat alien figures on the basis of rather inaccessible legal theories generated by academics and litigators.

The possibility of this kind of sweeping, uncontrollable change comes to seem omnipresent because legal strategies work from small victories to the larger principles that are eventually announced in a landmark case. Thus virtually any of the unexpected decisions that the Court hands down every year could eventually flower into a vast program of social change. For example, a few years ago the Court offered homosexuals what appeared to be an extremely narrow constitutional protection against discrimination. The law reform theories that went into this decision, however, were aimed at nothing less than cultural transformation, including the transformation of the institution of marriage. This past term, posting another victory for these theories, the Court elevated homosexual sodomy to an exalted constitutional freedom.

No one, of course, can know whether this principle will someday threaten traditional marriage laws. Segments of the public, however, already feel anxiously vulnerable to cultural transformations that they have not consented to and cannot control. For these people, whatever the Court finally decides on the right of homosexuals to marry, there is already a significantly enhanced sense of uneasiness and powerlessness that readily translates into anger. The resulting efforts to protect against judicially imposed transformations—efforts like state anti-gay rights initiatives or the proposed federal constitutional amendment prohibiting gay marriage—frighten and enrage the groups who occupy the other side of the cultural divide. Demands become more strident, as distrust and anxiety increase all around. Maybe it is time to rethink our devotion to the idea of the landmark case.

*This essay is adapted from *Unrestrained: Judicial Excess and the Mind of the American Lawyer*, which will be published by Transaction Publishers later this year.



Judicial Term Limits are Unwise and Inconsistent with Our Constitutional Heritage

ALUMNUS EDITORIAL BY WALKER D. MILLER
UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO

When asked by Colorado Law School to a comment on judicial term limits, my immediate reaction was that they were confusing me with my fellow Greeleyite, Bob Miller,¹ who tirelessly led the resistance to the most recent political efforts to enact term limits. No, the school responded, this issue of the *Amicus* focuses on alumni in the judiciary and they desired a judicial perspective. Given the direct self-interest of a state judicial officer, it's probably preferred to have that perspective presented by a federal judge. However, judicial term limits, and the seemingly necessary correlative issue of election of judges, remain topics of considerable political debate. Indeed, Justice Sandra Day O'Connor recently concluded that our judiciary is "experiencing unprecedented pressure to make decisions that are based on politics." *Parade*, p. 4, Feb. 24, 2008. Given that reality and conscious of the proscription against political activity by judges found in our Code of Conduct for United States Judges (Canon 7), I consider these comments to be permitted by the Code as supportive of our legal system (Canon 4).

Any discussion of term limits in Colorado should start with a simple question: Why? For over 40 years, Colorado has had an excellent, nationally recognized merit selection system which has resulted in a fine judiciary without a hint of corruption. Political input into the process is provided by gubernatorial appointment and non-lawyer participation in the selection, disciplinary and retention proceedings. Mandatory retirement at 72 helps avoid incompetence by age. On the other hand, an arbitrary term limit disregards competence and deprives us of our most experienced and often best judges. It dampens the interest of many qualified candidates and in effect excludes those who were prepared to devote a lifetime to the bench. It encourages those seeking a stepping stone rather than individuals who may view it as a capstone to a fine legal career. Whatever the virtue of limited tenure may have for the other branches, depriving the third branch of its most experienced judges is too high a price to pay, particularly in a merit selection and retention system such as Colorado's.

Beyond practicality, there are even more compelling reasons to reject judicial term limits. We are rightfully proud of our commitment to the rule of law, particularly when compared to much of the world.² We herald that the *Bush v. Gore* decision peaceably resolved a hotly contested election and was generally accepted because of our core belief in that rule. That pride is also based upon a belief that decisions are made on rational, predictable bases. It is not just an issue of individual rights confronted by the "tyranny of the majority," it is the everyday reality that our world of commerce is dependent upon such predictability. Commerce expects a fair process which leads to a rational decision on the merits rather than on political or other beliefs.



The bedrock of our rule of law is an independent judiciary captured in the sparse words of Article III, Section 1 of our Constitution:

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

With this language we Article III judges are given lifetime appointments during "good behavior" (the Tenure Clause) with protection against any salary reduction (the Compensation Clause). With these two implements our Founding Fathers created a credible judiciary by assuring its independence from the other two branches of government in our system of separation of powers, which is the three-legged stool we call democracy. Without an independent judiciary, the entire system breaks down.

From the onset of the 18th century or before, our English heritage teaches that an independent judiciary needs the protection of judicial tenure and compensation, a lesson well-learned by the Founding

Fathers. See *United States v. Will*, 449 U.S. 200, 218–19 (1980). We frequently refer to the inspirational language of the *Declaration of Independence* to express our democratic ideals. Most forget, however, that one of its grievances against King George was his injury to, or “usurpation” of, an independent judiciary:

He has made Judges dependent on his Will alone, for the Tenure of their Offices, and the Amount and Payment of their Salaries.

Thus our ideal of an independent judiciary is inextricably linked to tenure and compensation and, arguably, tenure is more important. In the *Federalist Papers* No. 78, Alexander Hamilton proclaimed:

That inflexible and uniform adherence to the rights of the Constitution, and of individuals, which we perceive to be indispensable in the courts of justice, can certainly not be expected from judges who hold their offices by a temporary commission. Periodical appointments, however regulated, or by whomsoever made, would, in some way or other, be fatal to their necessary independence.

Interestingly, the Colorado experience tends to confirm this priority. With considerable tenure protection, we benefit from an excellent, well-regarded judiciary, while paying those judges at some of the lower rates in the nation.³

And why is tenure so important? In the end, it is quite simple. Whenever a difficult issue is brought to court for decision, we all want a judge who is open-minded, fair and impartial (not subject to outside influence. If the judge’s tenure is somehow at risk with an unpopular decision, it is unavoidable that there is a concomitant risk that the judge will be influenced.

It’s likely a useless exercise to try to anticipate how a term limits advocate might respond, but one can imagine something to the effect that the Founding Fathers were not exposed to “activist” judges. Assuming that to be the case, without attempting to define an “activist” judge, we also certainly know that they had little or no experience in governing by a democratic republic. As we honor their genius for founding our three-legged democracy, we should not forget that an integral part of that genius was their commitment to an independent, *tenured* judiciary.

Judge Walker D. Miller ’63, Colorado Law’s oldest serving judge, was appointed by President Clinton in 1996 to the U.S. District Court for the District of Colorado.

After graduation from law school, he was awarded a Ford Foundation Fellowship for the study of foreign and international law, resulting in a master’s degree in comparative law from the University of Chicago School of Law. Judge Miller served as an assistant professor at the University of Kansas School of Law, teaching International and Comparative Law, Uniform Commercial Code, Torts, and Real Property. He then practiced in his home town of Greeley for 26 years as a partner in a small firm or, for the majority of the time, as a solo practitioner, specializing in utilities, commercial transactions, and litigation. Judge Miller served as Weld County Bar Association President, Colorado Bar Association (CBA) Vice President, and member of the CBA Board of Governors. He also served on dean selection committees for the Universities of Colorado and Kansas Law Schools—as well as two terms on the Law Alumni Board for Colorado Law (President in 1994).

¹Robert N. Miller, 1965 graduate of the Law School, former Weld County District Attorney and United States Attorney, now partner at Perkins & Coie. He provided valuable insights as well as information from the Institute for the Advancement of the American Legal System at the University of Denver.

²See Sidney B. Brooks, *Building Blocks for a Rule of Law*, 36 Colo. Lawyer 19–20 (December 2007). To paraphrase Judge Brooks, the rule of law may be defined as a rule of enacted or accepted law, not men, with procedural due process, which is interpreted and enforced by a fair, independent judiciary.

³According to 2007 Survey by the National Center for State Courts our ranking for supreme court justices is 41st and 34th for trial judges.



How Does Colorado Law Compare?

Obtaining Judicial Law Clerkships

Colorado Law's Office of Career Development is proud to report that 95.4 percent of the Class of 2007 was employed as of February 2008. Out of that group, 20.7 percent are working in judicial clerkships (19.4 percent for the class of 2006). These numbers compare favorably with our peer institutions, as well as law schools ranked in the top 10 by *U.S. News and World Report*. Based on 2006 data from the National Association for Legal Career Professionals (NALP), Colorado Law compares as follows:

<i>Percent Clerkships Compared to Peer and Top-Ranked Law Schools* (Class of 2006)</i>	
Yale	42.0
Stanford	25.8
Harvard	22.6
Arizona	22.0
Chicago	20.7
Colorado	19.4
Minnesota	19.0
Duke	19.0
Washington	16.3
Virginia	16.0
California-Berkeley	14.0
Columbia	13.5
North Carolina	12.3
Denver	11.0
Wisconsin	7.0
Illinois	6.5
California-Davis	3.0

*NALP Directory of Law Schools, www.nalplawsonline.org. 2006 NALP statistics are the most recent data available from other law schools. Top-ranked defined by *U.S. News & World Report's 2007 America's Best Graduate Schools*

The Class of 2008 students have already received judicial clerkship offers from the:

- Colorado 10th Circuit
- Colorado Court of Appeals
- Boulder District Court
- Intermediate Court of Appeals (Honolulu, Hawaii)
- Colorado Supreme Court
- Montana Supreme Court
- Wyoming Federal Magistrate
- U.S. District Court, District of New Mexico
- U.S. District Court, Western District of Colorado
- U.S. District Court, Western District of Kentucky

4th Best in the West

The *U.S. News & World Report America's Best Graduate Schools 2009* issue ranks Colorado Law 32nd (up four places from the 2008 edition and 11 places since the 2007 edition) among 184 accredited law schools. This places the school fourth among publicly funded law schools in the western United States. Our Environmental Law Program is ranked sixth in the nation by faculty who teach in the field.

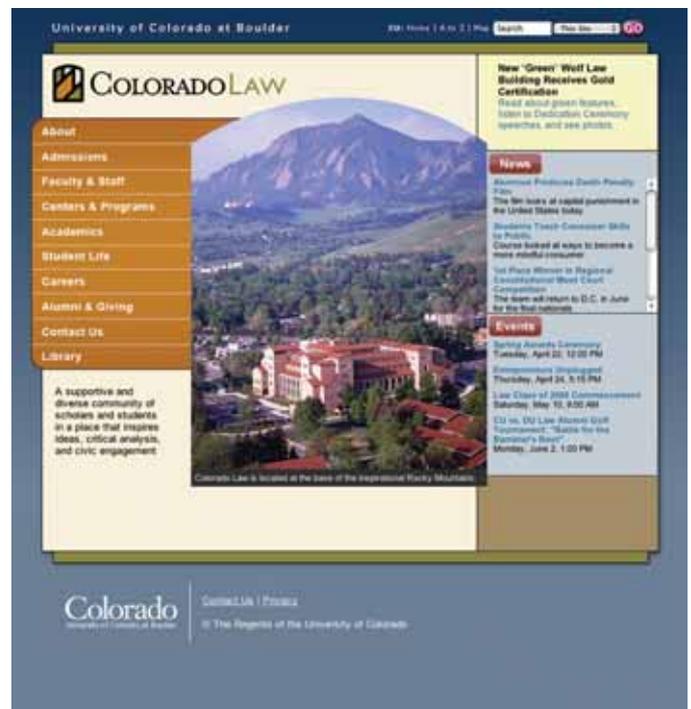
Admissions Applications Reach Record Level

During a time when law school applications decreased 17.4 percent across the nation last year, Colorado Law has a 16 percent increase in new student applications to start in fall 2008. The 3,000 applications received this year are up from 2,588 last year. Recent first-year class size has been 175 students.

New Additions

Visit New Website

The improved Colorado Law website went live in January to rave reviews on improved usability and look. This was many months in the making, involving a great deal of time from many people. In addition to the new home page, many other pages also got a facelift, including the alumni page. The website is the primary resource of Colorado Law information for prospective students and faculty. It now represents the pride and outstanding reputation that the school has always had. Please visit the site and the alumni page at www.colorado.edu/law/alumdev.





Susani Clayton is the New Assistant Dean for Career Development

Dean Susani Clayton served as legal counsel for a settlement consulting firm in Houston for four years and as an attorney at Holland & Hart for 20 years. There, she practiced oil & gas and mining law, and was Of Counsel, Director of Attorney Recruitment and Professional Development, and Director of Diversity and Professional Development (one of the first such positions among law firms). She was

the primary drafter of the original Colorado Pledge to Diversity, signed by 23 Denver law firms in 1993. She also served as co-chair of the Steering Committee for the original Colorado Pledge to Diversity Law Firm Group. Dean Clayton said, "I believe all of my career experience so far has prepared me and led me to this specific position."

New Partnership for Summer Study Abroad Programs

Colorado Law has partnered with the University of San Diego School of Law to provide our students access to their extensive Summer Law Study Abroad program in Barcelona, Dublin, Florence, London, Oxford, Paris, and Moscow/St. Petersburg. This is a great opportunity to study with law students from other countries since the programs have a contingent of foreign students. The 25 to 30 Colorado Law students who participate in summer study each year can take courses in international business, comparative law, European Union law, and international law. Colorado Law is responsible for sending one faculty member or administrator each summer to one of the programs, which will enrich the research and teaching of our faculty.

Red Lodge Clearinghouse Website



The Red Lodge Clearinghouse provides resources to individuals and groups in their efforts to

address environmental challenges through collaboration stories, funding information, the Collaboration Handbook, summaries of legislation and regulations, and up-to-date news. Viewers are provided a primer on how to work within the process, tips on how to write effective comments, and insights from a federal official responsible for running a comment process, as well as links to additional resources. The Liz Claiborne and Art Ortenberg Foundation created the clearinghouse project in 2001.

Colorado Law's Natural Resources Law Center took over management of the clearinghouse this fall, and the Foundation continues to fund it. The Center has created a new information series for the clearinghouse, tools for individuals or groups seeking to address environmental problems. The first edition addresses how to work with federal notice

and comment processes. Future editions will provide information on public hearings, meetings, field trips, open houses, administrative protests and appeals, alternative dispute resolution, legislation, litigation and collaboration. www.rlch.org

Law Students in Court

2nd Place Winner in National Moot Court Competition

For the first time in the law school's history, a Colorado Law team won second place in the nation's most prestigious moot court competition—The National Moot Court Competition. Since 1950, the New York City Bar and the American College of Trial Lawyers have sponsored the competition, where every year over 150 law schools compete in the regional rounds throughout the United States, and the winners advance to the final rounds held at the New York City Bar in January.

After sweeping November's regional competition in Las Vegas, the Colorado Law team of third-year students Abe Alexander, Grant Sullivan, and Mike Wautlet was among the final top 28 teams that had competed in the 14 regional competitions held this fall. Their brief, ranked second in the regional competition and fourth in the national competition, was less than two points shy of the winning brief score. After defeating Campbell, University of Washington, Cardozo, St. Louis, and Duke law schools in the preliminary, octo-final, quarter-final, and semi-final rounds, the Colorado Law team faced off against Chicago-Kent in the final round, where they were narrowly defeated. Mike Wautlet won the Second-Place Oralist Award.

"Achievements of this magnitude do not come without immense effort and tremendous talent," said Gabrielle Marks Stafford, Director of Colorado Law's Moot Court Programs and faculty coach. Student coach Cash Parker, who won the second-place oralist award at the regional competition, traveled with the team.



1st Place Winner in Regional Constitutional Moot Court Competition

Colorado Law's third-year students Cash Parker and Patrick Thiessen won the regional round of the American Constitution Society Constance Baker Motley Moot Court Competition held at Georgetown Law School in March. The team will travel back to Washington, DC, in June to compete in the final national competition against a team from University of California-Berkeley School of Law. The judges for the final round at Georgetown were Judge Henry Kennedy from the U.S. District Court for the District of Columbia, Judge Vanessa Ruiz from the District of Columbia Court of Appeals, and Lisa Brown, ACS Executive Director and former Counsel to Vice-President Al Gore.



Rothgerber Moot Court Competition

Once again, the Law School's two Rothgerber moot court teams had their final round case in March. The Respondents' team of Abe Alexander, Grant Sullivan, and Mike Wautlet (same team that competed in the National Moot Court Competition) edged out the Petitioner's team of Courtney Kramer, Cash Parker, and Patrick Thiessen for the "best team" award. Mike Wautlet won the Austin W. Scott Best Oralists award. Judges included Judge John Webb '73, attorney Richard Schaden, and Professor Pat Furman '80. The case involved issues similar to those recently argued before the U.S. Supreme Court. The Moot Court case asked whether a law allowing guns to be registered lawfully only for law enforcement officers violates Second Amendment right to "keep and bear" arms. A second issue was whether the Federal Aviation Administration Authorization Act, which prohibits states from regulating transportation of property, preempted a state's attempt to regulate delivery of ammunition.

Colorado Supreme Court Win

The American Indian Law Clinic won its appeal in the Colorado Supreme Court in a case concerning a contested guardianship of an American Indian child. *In the Matter of J.C.T.* the Court reversed the decision of the Court of Appeals and upheld the rulings of the Denver Probate Court finding that it was an appropriate exercise of the Probate Court's authority to consider the potential of a prospective guardian to be an adoptive parent. This decision will allow the boy to be adopted finally after being under various guardianships for 10 years. Ann Rhodes '07 did an outstanding job of briefing the case on behalf of the boy's tribe. Professor Jill Tompkins argued the case. Maggie Wetmore '05 was the student attorney who handled the complex trial-level work.

Serving the Public

Law Students Vote on Public Service Graduation Requirement

More than 50 percent of Colorado Law students responded to a poll that asked whether they supported a public service requirement, whether it should be mandatory, whether 30 hours over the course of law school was an appropriate target number, whether clinical work should count toward the requirement, and whether completion of the requirement should be reflected on student transcripts. Of the 64 percent who believed that public service should be part of the law school experience, 59 percent believe that the service should be a mandatory graduation requirement.

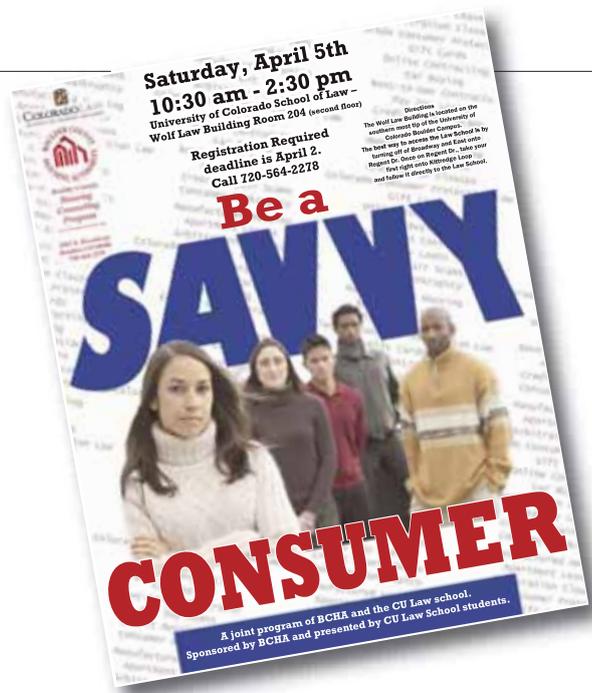
The Colorado Law Public Interest Task Force—a group of faculty, students, and administrators—recommended that the law school adopt a public service requirement. The Task Force spent a year studying trends in other law schools, arguments for and against a requirement, and different forms of public service programming. The model proposed mirrors one that other law schools have adopted successfully and that would require students to complete 30 hours of law-related public service work that they do not otherwise receive credit or compensation. The recommendation will necessitate appointing a staff member to serve as public service coordinator. A faculty oversight committee would assist the coordinator in implementing the requirement. Colorado Law would reflect completion of the requirement on student transcripts. The faculty has enthusiastically embraced the public service mission and is considering a voluntary public service pledge for students and faculty.

Presidential Award for Exemplary Community Service

CU-Boulder was one of only three colleges and universities in the United States to receive a 2007 Presidential Award for General Community Service from the Corporation for National and Community Service, sponsored by the President's Council on Service and Civic Participation, the USA Freedom Corps, and the U.S. Departments of Education and Housing and Urban Development. In addition, CU-Boulder is ranked third in the nation for the number of alumni currently serving as volunteers.

Colorado Law students contribute more than 2,500 hours of volunteer work a year in addition to countless hours spent in legal clinic work and externships. An estimated 13,397 CU-Boulder students participate in some form of community service and 3,512 are engaged in academic service-learning, a teaching strategy that integrates meaningful community service with instruction.

CU-Boulder student programs honored by the award include The Volunteer Clearing House, Institute for Ethical And Civic Engagement, Engineers Without Borders, Puksta Scholars Program, INVST Community Studies, Simply the Best!, and the Peace Corps Recruitment Program.



Students Teach Consumer Skills to Public

A Consumer Skills course, “Be a Savvy Consumer,” was offered to the public jointly by the Boulder Community Housing Authority (BCHA) and Professor Amy Schmitz’s Consumer Empowerment Service-Learning Seminar at Colorado Law. The course focused on how to be a savvy consumer in areas such as apartment leasing, automobile purchases, online contracts, and more. Law students covered each topic using a booklet they wrote, which BCHA and other local organizations will distribute to Boulder County consumers.

Community Education Project: American Indian Probate Reform Act

American Indian Law Clinic student attorneys are working to educate Indian communities about the American Indian Probate Reform Act (AIPRA). The Act took effect in June 2006 and affects the land interests of thousands of American Indians. Without specific wording in a will or legal document, certain small land interests may not pass after death to family members. Clinic student attorneys have developed and presented community education materials designed to explain AIPRA’s key provisions and help community members and legal practitioners in the estate planning process. They have presented two community education seminars for Metro Denver and Durango-area American Indian residents and attorneys, and staffed a booth at the Denver March Pow Wow.

Can You Keep Your Land
in Family Hands?



*Steps for Transferring
Allotted Indian Land
to Your Family*

American Indian Law Clinic



American Indian Law Clinic Receives Diversity Service Recognition Award

Colorado Law’s American Indian Law Clinic received the 2008 CU-Boulder Diversity Service Recognition Award presented by the Chancellor’s Advisory Committee on Minority Affairs. The clinic promotes diversity through its legal services and education. In addition, the clinic’s campus-wide initiatives have included multiple panel discussions about tribal efforts to force the federal government to account for its handling of tribal trust funds, and a panel discussion about the impact of Indian gaming on tribal courts.

Law Students Represent Sudanese Asylum Seeker

Three law students in the Civil Practice Clinic—Karam Saab, Patrick Thiessen, and David Shaw—under the supervision of Professor Norman Aaronson, are representing a Sudanese man who is seeking asylum in the United States for speaking out against the government of Sudan and for organizing a political action against the government’s actions in Darfur.

ABA Awards Bronze Key to Colorado Law

Colorado Law received the 2008 ABA Bronze Key award for having strengthened law student participation in the programs and activities of the ABA Law Student Division, and for having achieved the most improved Association or Division membership in the Fifteenth Circuit. “ABA membership and participation by Colorado Law students is an important aspect of active engagement in self-governance and policy decision-making in the legal profession,” said Assistant Dean Lorenzo Trujillo. “Our students’ presence and voice at the national level is reflective of their current and future stature in the profession. This award is testimony to their commitment to law in America.”

Lawyering Skills and Professionalism Curriculum

In June 2007, Dean Getches charged the Lawyering Skills and Professionalism Task Force with exploring the ways in which we might improve our Law School curriculum to prepare students better to join the practice of law. This spring, the task force presented the Dean with nine proposals to bring practical lawyering skills and education about the ethos of being a lawyer into our curriculum. Recommendations included upper-level writing classes and strengthening the Trial Advocacy and Moot Court programs. Throughout the summer and next year, faculty will consider the report. The task force consisted of Colorado Supreme Court justices, a federal district court judge, a regent, a student, two practicing lawyers, and law school faculty and administrators. The Law Alumni Board provided additional suggestions at their March meeting.



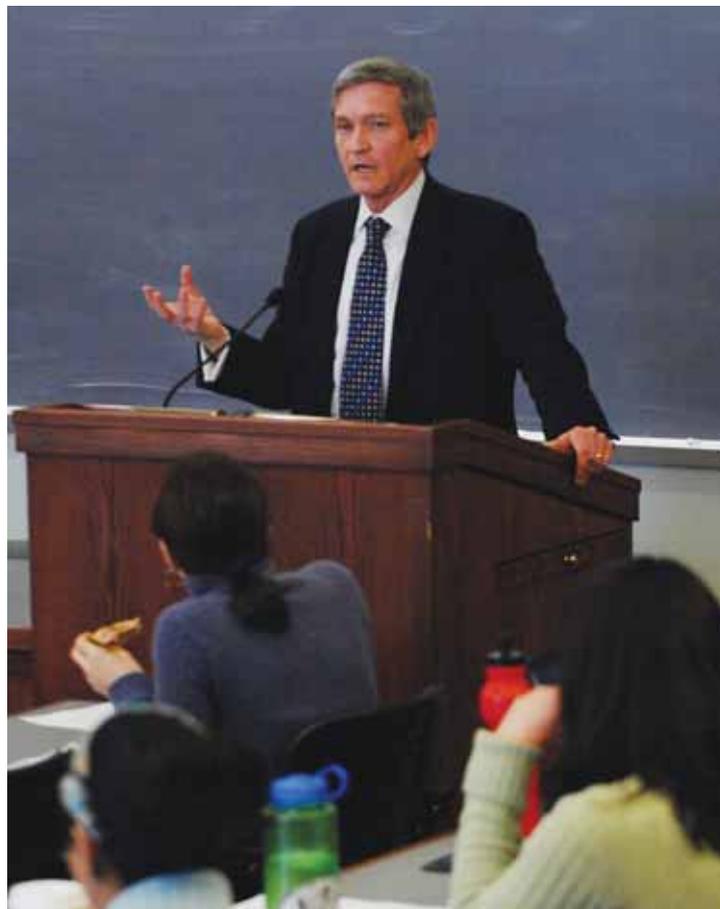
CONFERENCES, WORKSHOPS, AND PRESENTATIONS

The Courtroom

Justice Sandra Day O'Connor Imparts Wisdom to Students

Colorado Law and the Center for the American West collaborated to sponsor a visit by former Justice Sandra Day O'Connor in April. Having stepped down from office, the U.S. Supreme Court's 102nd Justice and its first female member spoke candidly about her place in history. In her private talk at the Law School, she discussed her career, advising students to take opportunities even if it is not a top position right away. Students asked questions about her Supreme Court decisions on affirmative action, taxes, and Indian law. Justice O'Connor also spoke about the rule of law and independent judiciary, citing differences in state judiciary systems and criticizing recent state proposals aimed at the judiciary, such as the term limit initiative in Colorado. She advised students to "care about the judiciary in the state you're in and encourage them to be responsible, impartial, and fair."

Justice O'Connor is a native westerner and wrote a memoir, *Lazy B: Growing Up on a Cattle Ranch in the American Southwest*, with her brother, Alan, that recounts their youth on a ranch along the Arizona–New Mexico border. The Center for the American West presented her with the 2008 Wallace Stegner Award, given to individuals who have contributed to the culture and identity of the American West.



UN War Crimes Tribunals

United Nations Assistant Secretary-General for Legal Affairs Larry Johnson gave a presentation in March titled "The Proliferation of UN War Crimes Tribunals: What Works and What Doesn't?" in which he spoke on the role and efficacy of war crimes tribunals. Mr. Johnson was on the team that drafted the Statute of the International Criminal Tribunal for the Former Yugoslavia, creating the first war crimes tribunal since Nuremberg. That statute became the blueprint for the Rwanda, Sierra Leone, and Cambodia tribunals. He provided an overview of the objectives, legal basis, applicable law, composition, and financing of those tribunals, comparing and contrasting each. He noted that each tribunal is context-specific and has been set up accordingly. He also pointed out that the convictions and sentences of 70 people to date indicate the courts' effectiveness. Tensions between defense rights and prosecutorial strategy on behalf of victims have hampered the tribunals' efficiency at times. Nevertheless, he questioned whether they were any more expensive than domestic trials, as has been claimed.





Navajo Nation Supreme Court & Peacemaking Court

The Navajo Nation Supreme Court and Navajo Peacemaking Court traveled from Arizona to hold special sessions at Colorado Law in March. The school's Native American Law Students Association sponsored the visit. A mock session of the Navajo Nation Peacemakers Court gave the audience insight into this renowned restorative justice program. Participants are treated as equals so to preserve relationships and restore harmony among the parties. There are no offenders or victims and no plaintiffs or defendants. There are 242 certified peacemakers at large in the 110 Chapters (or districts) of the Navajo Nation.

The Navajo Nation Supreme Court heard the case of *Gishie v. Morris* concerning tribal jurisdiction over a Navajo allotment dispute. Chief Justice Herb Yazzie and Justices Alan Sloane and Eleanor Shirley heard the case. The issue was whether a Navajo Nation local grazing committee and the Navajo Office of Hearings and Appeals have jurisdiction to decide a dispute over fencing of an allotment or whether it is exclusively a federal matter for the Bureau of Indian Affairs, implicating the longstanding tension between Navajo sovereignty and federal authority. Resolution of that issue could drive the outcome because Navajo culture favors allowing land to be used by the person who is going to get the most use out of it, not necessarily by the person who inherited use rights on the land.



U.S. 10th Circuit Court of Appeals

The 10th Circuit visited the Law School again this year. Judges and law clerks talked to students about the work of the court and the benefits of doing a judicial clerkship. Then the court held a live session, with Judges Timothy M. Tymkovich '82, Neil M. Gorsuch, and James A. Parker (U.S. District Court for the District of New Mexico, sitting by designation) presiding, giving students the opportunity to hear actual cases.

American Constitutional Society (ASC) Moot Court Competition

During the weekend of March 15–16, the Constance Baker Motley National Moot Court Competition in Constitutional Law held the 2008 western regional competition at Colorado Law. Apropos of the upcoming general elections and the fact that in 38 states judicial candidates must stand for election, the 24 student teams debated issues on state elections and their role in helping ensure a fair and independent judiciary. Almost 65 alumni and other members of the legal community—including 15 members from the state and federal judiciary—graciously volunteered to judge the competition. They were impressed with the quality of the law students' arguments.

Professor Melissa Hart, a steering committee member for the Denver Lawyers' Chapter of ACS and the faculty advisor for the Law School's student chapter, organized the event. ACS is a national organization of lawyers, judges, law students, and others interested in ensuring that the fundamental principles of human dignity, individual rights and liberties, genuine equality, and access to justice enjoy a meaningful place in American law.

Centers Host Public Debates & Hot Topics

Byron R. White Center for the Study of American Constitutional Law

www.colorado.edu/law/centers/byronwhite

Center for Energy and Environmental Security (CEES)

www.colorado.edu/law/eesi

Natural Resources Law Center (NRLC)

www.colorado.edu/law/centers/nrlc

Silicon Flatirons Center for Law, Technology, and Entrepreneurship

www.silicon-flatirons.org/index.php

Reapportioning Colorado

The Byron R. White Center for the Study of American Constitutional Law presented the 15th Ira C. Rothgerber, Jr. Conference: "Reapportioning Colorado." The January program at the Colorado Capitol included discussions on the Colorado Reapportionment Commission, the place of districting in democratic theory, current voting rights act issues, whether Colorado should create a commission to allocate congressional seats, and the General Assembly's perspective. Speakers included Nina Perales of the Mexican-American Legal Defense and Education Fund, Rosemary Rodriguez of the U.S. Election Assistance Administration, Nate Persily of the University of Pennsylvania, Sanford Levinson of the University of Texas, and Michael McDonald of George Mason University.



Climate Change and Energy Security: The Nuclear Solution?

Center for Energy and Environmental Security (CEES) presented an illuminating discussion and debate by three renowned world-class experts on the merits of nuclear power as a solution to climate change and energy security: Peter Bradford of the Union of Concerned Scientists, David Caron of UC-Berkeley Boalt Hall and Nuclear Oceans Program, and Jerry Peterson of U.S. State Department and UC-Berkeley.

For the past 30 years, no new nuclear power plants have been built in the United States. However, the Nuclear Regulatory Commission estimates that it will receive applications for a total of 32 new nuclear power units by 2009. While expanded use of nuclear power could potentially provide the U.S. with a secure domestic source of energy without further contributing to climate change, significant barriers stand in the way of widespread implementation of nuclear power, including perceptions of public health and safety, supply of uranium, disposal of nuclear waste, and weapons proliferation. The discussion focused on the key question: Can these barriers be sufficiently addressed to allow for the expansion of nuclear power in the U.S. and the world? What role should nuclear power play in helping to develop a sustainable energy future?

2nd Congressional District Candidates Debate Energy Issues

Colorado's Second Congressional District candidates Joan Fitz-Gerald (D), Jared Polis (D), and Will Shafroth (D) squared off in a debate over what the United States should do to achieve energy security and halt



global warming. At the time, there was no Republican candidate in the race for the congressional seat now held by Mark Udall. Sponsored by CEES, each candidate described how the nation's coal, oil, and gas might be converted into a renewable-energy civilization of the future.

"The great thing about this election is that no one here is just horrible on this issue," Polis told the audience of about 300, which packed the Wolf Law Building's Wittemyer Courtroom. "The real challenge will be to find the leadership to break the influence that the oil and gas industry wields in Congress."

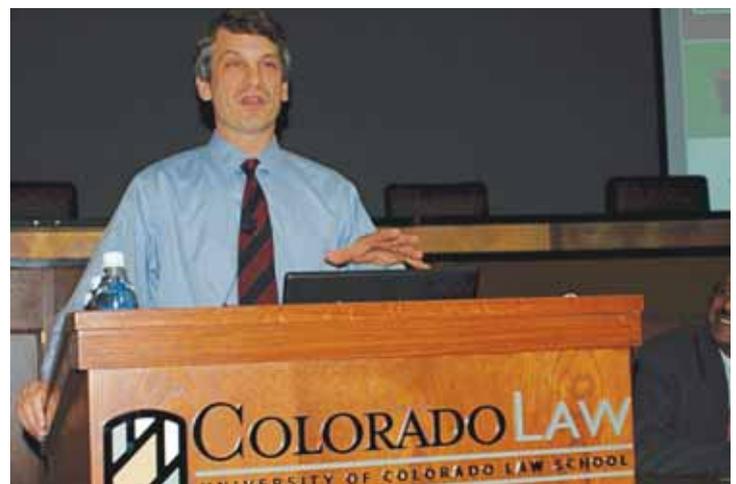
Fitz-Gerald mentioned the necessity for more research and development for coal. Polis does not believe that clean-coal technology is in our future. And Shafroth would oppose additional coal power plants until the technology reduces more carbon emissions.

The Global Climate Crisis: Colorado's Response

In December, Xcel Energy and CEES bought together public and private sector leaders to discuss Colorado's response to the global climate crisis. Speakers presented concrete strategies for achieving the goals set by Governor Ritter's recently announced Colorado Climate Action Plan, which sets a goal of reducing Colorado's greenhouse gas emissions to 20 percent below 2005 levels by 2020. They discussed national strategies for achieving meaningful progress on climate change, and assessed what developing countries—such as India and China—can and should be doing to reduce greenhouse gas emissions. Distinguished speakers included James B. Martin of the Colorado Department of Public Health and Environment and former director of Colorado Law's NRLC, Tom Plant of the Governor's Energy Office, Roy Palmer of the Government and Regulatory Affairs, and Hal Harvey of the Hewlett Foundation.

Freedom from Oil

David Sandalow of the Brookings Institute and Joel Swisher of the Rocky Mountain Institute visited the Law School in November to discuss the extent of U.S. oil dependency, and propose what the incoming U.S. President can do to free the country from oil addiction and create a clean energy future. At this CEES-sponsored event, Mr. Sandalow signed copies of his new book, *Freedom From Oil: How the Next President Can End the Oil Addiction*.



Energy Justice for the Developing World

While over 1.5 billion people use traditional biomass for cooking and boiling water, 1.5 million die from the pollution from these fuel sources every year. One-third of the world lacks access to clean and efficient energy systems. The CEES-sponsored discussion, "Fuel for Life: Energy Justice for the Developing World," featured two world-class innovators and experts dedicated to solving these problems. Dr. Bryan Willson and Mr. Paul Hudnut are pioneers in developing retrofits that dramatically reduce pollution from traditional fuel sources, and subsequently decrease mortality and morbidity in the developing world. Dr. Willson is a professor of mechanical engineering at Colorado State University and founder of CSU's Engines & Energy Conservation Laboratory. Mr. Hudnut is a co-founder of Envirofit and of the Global Social and Sustainable Enterprise Program at CSU.

Securing Environmental Flows on the Colorado River

The Natural Resources Law Center (NRLC) presented a half-day event titled "Securing Environmental Flows on the Colorado River in an Era of Climate Change: Issues, Challenges, and Opportunities." The Colorado River is the primary surface water resource of the Southwest, providing water to approximately 30 million residents. Recent studies point to an ever-tightening water supply resulting from long-standing growth pressures exacerbated by significant climate change impacts. Given these trends, the event looked at "how the river's environmental needs can be satisfied?" Speakers included Brad Udall, Director of the CU/NOAA Western Water Assessment; Terry Fulp, Area Manager of the U.S. Bureau of Reclamation in Nevada; Robert Adler, Professor of Law at University of Utah; and Jennifer Pitt, Senior Resource Analyst at Environmental Defense.

From the Death of Environmentalism to the Politics of Possibility

Ted Nordhaus and Michael Shellenberger, authors of the controversial essay "The Death of Environmentalism," discussed their new book *Breakthrough: From the Death of Environmentalism to the Politics of Possibility*, in which they articulate a new politics for a new century, one where we are focused on aspirations not complaints, human possibility, not limits. At the event co-hosted by NRLC, the authors advocated a new paradigm of environmental protection that stresses innovation and opportunity in place of the politics of limits that they believe motivated many of our current environmental laws.

The Digital Broadband Migration: Information Policy for the Next Administration

This two-day conference underscored the challenging information policy issues that will be high on the agenda for the incoming President. Conference participants evaluated questions related to changing broadband and wireless markets, challenges related to protecting privacy and security, and the optimal direction for intellectual property reform. Silicon Flatirons Center for Law, Technology, and Entrepreneurship continues its tradition of encouraging "bolder thinking" in Boulder.



Speakers included Federal Communications Commissioner Jonathan Adelstein and Federal Trade Commissioner Jon Leibowitz, Senior Judge Stephen Williams, and Ron Binz of Colorado Public Utilities Commission. Presenters included an impressive list of leaders from Comcast, Level 3 Communications, Microsoft, Mobius Venture Capital, Public Knowledge, Qwest, U.S. Department of Justice, Verizon, Walt Disney, Washington Telecom, and professors from Chicago, Colorado Law, Columbia, Duke, Georgetown, Ohio State, Princeton, Rutgers, Stanford, UC-Berkeley, Virginia, and Wharton. Proceedings will be published in the third volume of the *Journal on Telecommunications and High Technology Law*.



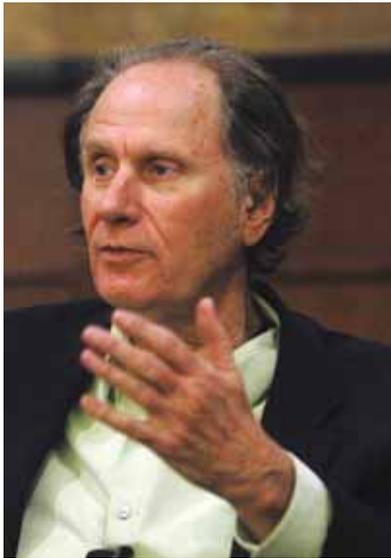
New Technology Meet-Ups

New Technology Meet-Ups provide a time and place for technologists and entrepreneurs to showcase the new technology developing in Boulder-Denver technology

community. On the first Tuesday each month at the Law School, five people or companies get five minutes each to demonstrate their new technologies, followed by five minutes for questions from the audience. The Meet-Up Group, which has more than 900 members and attracts 100 to 200 people to each event, serves as a nerve center for area start-ups, attorneys, business people, investors, and others in the Front Range's entrepreneurial community. Meet-Up sponsors include Silicon Flatirons, Robert Reich of Me.dium, Viawest, and w3w3. For more information, visit newtech.meetup.com/27.

“Innovation, IP, and Entrepreneurship in the Information Industries”

This Silicon Flatirons conference evaluated the appropriate role for government policy in facilitating entrepreneurship and innovation. During a keynote address, Qualcomm CEO Paul Jacobs stated that other wireless firms often get upset with Qualcomm for having to pay royalties, but the company uses those royalty payments to reinvest in research and development. He also said that there is no truth to the European Union complaints that Qualcomm slows innovation and keeps prices high.



David Bonderman of Texas Pacific Group Talks about Private Equity

David Bonderman, a principal and founding partner of Texas Pacific Group and its Asian affiliate, Newbridge Capital, engaged in a public discussion in February titled “Private Equity, Sovereign Wealth Funds and Today’s Capital Markets.” With more than \$30 billion of capital under management, Bonderman’s firms invest primarily in restructurings, recapitalizations, and

buyouts in the United States, Canada, Europe, and Asia. His talk was part of Silicon Flatirons’ entrepreneurial initiatives to engage the local entrepreneurial and finance communities, and engage the school community in entrepreneurial activities.

As a major force in private equity, Bonderman explained how private investors acquire, restructure, and sell a company to generate significant profits. He gave students career advice by saying, “relax, develop a good sense of value, and be likeable. Nobody can or needs to give you permission to be successful or to do the things you really want to do. If you are waiting for something or someone to say it’s okay, you’re in trouble.”

Protecting Minority and Disadvantaged Populations

Attorney Training Program in Family Law

The Colorado Supreme Court and Office of the Child’s Representative, in partnership with the Rocky Mountain Children’s Law Center at the University of Denver Sturm College of Law and University of Colorado Law School’s Juvenile Law Clinic, held the third annual

multidisciplinary attorney training program in April. The competition consisted of settlement conferences and a mock trial in a fictional termination of parental rights case to cultivate well-trained lawyers to be able to meet the complex legal needs of children and families. This training program was created from the Colorado Judicial Branch’s Court Improvement Program, which recognizes the importance of family law education.

Adolescent Brain R&D used in Juvenile Cases

A half-day conference co-sponsored by Colorado Law, titled “The Adolescent Brain: New Discoveries and the Law,” focused on the evolving research on the development of the adolescent brain and how that is used in juvenile cases in Colorado and around the country. Current research indicates that adolescents often lack the elements of mature psycho/social development, which impact their decision-making capacity in the areas of autonomous choice, self-management, risk perception, and the calculation of future consequences. The event was held at the Colorado History Museum and panelists included Dr. Jerry Yager of the Denver Children’s Home, Maureen Cain of the Colorado Criminal Defense Bar, and Curt Alfrey of the Denver chief deputy district attorney.

Affirmative Action Debated

Law professors Robert Nagel and Melissa Hart, along with CU’s School of Education Professor Michele Moses and political consultant Brad Jones, participated in a panel discussion titled “Affirmative Action: Institutionalizing or Eliminating Racism?” The panelists debated the role of affirmative action and other policies designed to address the historical legacy of racism and segregation, whether it is the role of government to “level the playing field,” and if such policies are both effective and fair. There was also a lively debate about how schools like CU are properly considering race or gender in their admissions and hiring processes.

Panelists briefly discussed Initiative #31 and Initiative #61, alternative measures that have been proposed for inclusion on Colorado’s ballot in November 2008. Initiative #31 seeks to ban all “preferential treatment” by the state and mirrors initiatives that have passed in California, Michigan, and Washington in recent years. Initiative #61 would offer a Colorado alternative that will eliminate illegal preferential treatment, but preserve the state’s authority to offer modest equal opportunity programs consistent with the U.S. Constitution.

Feminist Theory & Economic Vulnerability

In March, Colorado Law’s Professor Laura Spitz and Emory University Law School’s Professor Martha Fineman co-sponsored a workshop titled “Feminist Theory & Economic Vulnerability.” There were three panels on vulnerability and theory, organization of societal institutions, rethinking state responsibility. Faculty members attended from several law schools, including SUNY, Tilburg, Santa Clara, Cornell, UNC, CUNY, DU, Ulster, and Keele.



Research on Prisoners Symposium

The Institute of Medicine released a report in 2006 titled *Ethical Considerations for Research Involving Prisoners*. Citing the benefits of recent advancements in medical care to prisoners, the report recommends loosening restrictions on pharmaceutical testing of the prisoner population. Colorado Law co-sponsored this interdisciplinary public day-and-a-half discussion among activists, community members, and scholars to address ethical, legal, and human rights questions surrounding experimentation on vulnerable human subjects. At issue was the clash between advances in human achievement and injustice to poor and minority populations.

The keynote speaker was Professor George J. Annas, the Edward R. Utley Professor of Health Law and Chairman of the Health Law Department at the Boston University School of Public Health and the cofounder of the Global Lawyers & Physicians and the Patients Rights Project. He discussed his most recent work on prisoners, bioterrorism, and legal ethics.



Contemporary Legal Lectures

- “Endemic Secrecy in the Practice of Law” was presented by Senior Judge John L. Kane of the U.S. District Court for the District of Colorado. Increasingly, parties seek to prevent public disclosure of information by requesting in camera review, sealed settlement orders, and other information restricting devices.
- “Guantanamo Detainee Round-Table” (pictured below left) discussed habeas corpus rights for detainees at Guantanamo Bay with J. Wells Dixon ’99, as well as legal issues surrounding the Foreign Intelligence Surveillance Act. Dixon works for the Center for Constitutional Rights, where he works on the Guantanamo Global Justice Initiative.
- “Alberto Fujimori Trial in Peru” was an overview by Hayden Gore of the Denver Justice and Peace Committee, who spent February in Peru observing the trial of former President Alberto Fujimori and accompanying the family members of the victims from the Barrios Altos and La Cantuta University massacres for which Fujimori stands accused. Gore discussed the court case, shared his reflections on the testimony of the death squad agents that carried out the massacres, and described the events that lead up to this historic trial.
- *Less Safe, Less Free: Why America is Losing the War on Terror* is a new book by Professor David Cole from the Georgetown University Law Center, who discussed the current state of civil liberties.
- “Will Colorado be the Next State to Ban Affirmative Action?” in honor of Black History Month, discussed the two opposing ballot initiatives from Ward Connerly and the Equal Opportunity Initiative, with Professors Emily Calhoun and Melissa Hart.
- “African American Youth in the Criminal Justice System,” also in honor of Black History Month, addressed problems the African American youth face in the criminal justice system, nationally and in Colorado. They discussed the case of Randall Nelson in Steamboat Springs in which an African American middle school student was charged with felony second-degree assault for engaging in a fight in response to racial harassment. Speakers included Kris Hammond ’85 (Nelson’s defense attorney), Dr. Wilbert Miles (a psychologist who testified as an expert witness), and Professor Ahmed White.
- “Role of the Colorado Commission of Indian Affairs” presented a panel of commissioners to discuss the CCIA’s work and possible future initiatives, such as an exemption to summer fire bans for Native American religious practices and legislative amendments affecting Indian children and families. Speakers included Lieutenant Governor Barbara O’Brien, Commissioners Steve Moore ’79 and Corrine Lindsey, Executive Secretary Ernest House Jr., and AILC Advisory Committee Co-Chair Karen Wilde-Rogers.
- “Net Neutrality: Conforming Communications Policy to a Constitutional Culture” was a debate between Free State Foundation President Randolph May and Professors Phil Weiser and J. Brad Bernthal ’01 on whether net neutrality is inconsistent with the First Amendment and if the FCC itself, as an independent agency that operates to a significant extent under the vague public interest doctrine, runs against the constitutional grain.



Judicial Clerkships of Colorado Law Faculty

Maxine Burkett

Judge Susan Illston, U.S. District Court, Northern District of California

Alan Canner '87

Chief Justice Joseph R. Quinn, Colorado Supreme Court

Deborah Cantrell

Judge Ferdinand F. Fernandez, U.S. Court of Appeals, Ninth Circuit

Richard B. Collins

Judge Charles M. Merrill, U.S. Court of Appeals, Ninth Circuit

Nestor Davidson

Justice David H. Souter, U.S. Supreme Court
Judge David S. Tatel, U.S. Court of Appeals, District of Columbia Circuit

Melissa Hart

Justice John Paul Stevens, U.S. Supreme Court
Judge Guido Calabresi, U.S. Court of Appeals, Second Circuit

Louisa Heiny '00

Chief Judge Lewis T. Babcock, U.S. District Court, District of Colorado

Clare Huntington

Justices Harry A. Blackmun and Stephen Breyer, U.S. Supreme Court
Judge Merrick B. Garland, U.S. Court of Appeals, District of Columbia Circuit
Judge Denise Cote, U.S. District Court, Southern District of New York

Derek H. Kiernan-Johnson

Justice Michael L. Bender, Colorado Supreme Court

Sarah Krakoff

Judge Warren J. Ferguson, U.S. Court of Appeals, Ninth Circuit

Natalie Mack '00

Judge Leonard P. Plank, Colorado Court of Appeals

Dayna Bowen Matthew

Honorable John Charles Thomas, Virginia Supreme Court

Scott Moss

Judge Constance Baker Motley, U.S. District Court, Southern District of New York

Paul Ohm

Judge Betty Fletcher, U.S. Court of Appeals, Ninth Circuit
Judge Mariana Pfaelzer, U.S. District Court, Central District of California

Scott R. Peppet

Associate Justice Charles Fried, Massachusetts Supreme Judicial Court

Carolyn Ramsey

Judge Paul J. Kelly, Jr., U.S. Court of Appeals, Tenth Circuit
Judge Marilyn Hall Patel, U.S. District Court, Northern District of California

Colene Robinson

Justices Richard Palmer and Frances McDonald, Connecticut Supreme Court

Amy J. Schmitz

Chief Judge James B. Loken, U.S. Court of Appeals, Eighth Circuit

Laura Spitz

Justices Warren and Vickers, British Columbia Supreme Court

Philip J. Weiser

Justices Byron R. White and Ruth Bader Ginsburg, U.S. Supreme Court
Judge David M. Ebel, U.S. Court of Appeals, Tenth Circuit

Marianne Wesson

Judge William Wayne Justice, U.S. District Court, Eastern District of Texas

Judges Teaching at Colorado Law

Judge Michael Bender '67

Colorado Supreme Court
Course: Legal Ethics and Professionalism

Judge Wiley Daniel

U.S. District Court, District of Colorado
Course: Trial Advocacy

Judge David M. Ebel

U.S. Court of Appeals, Tenth Circuit
Course: Legal Ethics and Professionalism

Judge Maurice B. Foley

U.S. Tax Court
Course: Federal Tax Politics

Judge Neil M. Gorsuch

U.S. Court of Appeals, Tenth Circuit
Course: Advanced Appellate Advocacy

Judge Morris Hoffman '77

Colorado Second Judicial District Court
Courses: Jury Selection & History and Law & the Biology of Human Nature

Judge Nancy Jean Lichtenstein

Colorado Court of Appeals
Course: Appellate Advisory Clinic

Judge Nancy Rice

Colorado Supreme Court
Courses: Advanced Trial Advocacy and Motions Advocacy

Judge Edward Richardson (ret.)

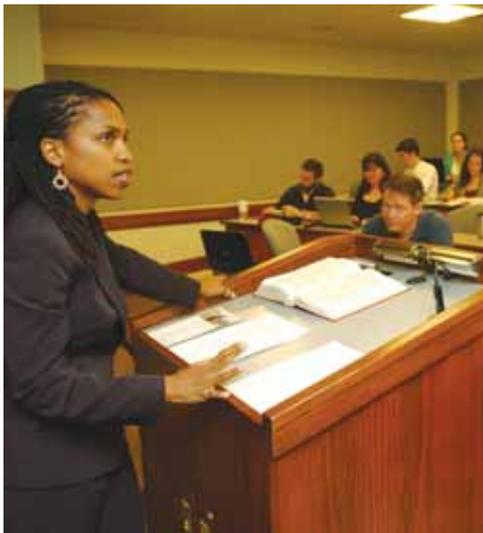
Florida Circuit Court
Courses: Domestic Violence and Juvenile Justice

Judge Robert M. Russel '84

Colorado Court of Appeals
Course: Advanced Legal Writing

Judge Tim Tymkovich '82

U.S. Court of Appeals, Tenth Circuit
Course: Election Law



New and Visiting Faculty for 2008–09

Three new full-time faculty will join Colorado Law this fall as associate professors.

- William Boyd is an energy lawyer at Covington & Burling in Washington, D.C., and received his JD from Stanford Law School and a PhD and MA from the University of California at Berkeley.
- Andrew A. Schwartz is an intellectual property lawyer at Wachtell, Lipton, Rosen & Katz in New York and received his JD from Columbia University School of Law.
- Harry Surden is the inaugural fellow at the Stanford Center for Computers and the Law (CodeX) and received his JD from Stanford Law School.

Visiting faculty for next year include:

- Professor Hannah Garry has graciously agreed to spend a second year teaching Public International Law, International Arbitration, and International Law, in addition to exciting skills-based experiences for students.
- Professor Aya Gruber will join Colorado Law next spring from Florida International University College of Law, teaching International Criminal Law and Criminal Procedure.
- Professor Maureen Weston '92 will visit this fall from Pepperdine, teaching Legal Ethics & Professionalism and Alternative Dispute Resolution.
- Mr. Young Kim will be a Scholar In Residence, bringing corporate and international business expertise to teach three courses, including International Business Transactions and Advanced Contracts. Mr. Kim, who holds an appointment as a Fulbright Senior Specialist through 2012, is at Williams, Bax & Saltzman in Chicago.

The Courts

Amicus Briefs on Retaliation Claims

Associate Professor Melissa Hart filed an amicus curial brief in the U.S. Supreme Court on behalf of 48 historians in the case of *CBOCS West Inc. v. Humphries*. The case raises the question whether 42 U.S.C. 1981 (equal rights under the law) permits retaliation claims against employers. The case was argued in February. Professor Charles Ogletree and the Charles Hamilton Houston Institute at Harvard Law School engaged Professor Hart to author the brief. Several second-year students—Warren Myers, Thea Mustari, and Jonathan Friesen—helped with research on the brief, for which Professor Hart wrote as a pro bono project.

Professor Hart is working on another amicus brief in a case being heard by the U.S. Supreme Court next Term. The case, *Crawford v. Nashville*, raises the question whether employees are protected from employer retaliation for answering questions in an employer-initiated internal investigation of alleged sexual harassment. Professor Hart is writing the brief on behalf of the National Women's Law Center and other organizations. The brief will offer the court important information from social science research about the difficulties women face in reporting and

challenging sexual harassment, and the strong relationship between organizational climate and the likelihood of reporting. Second-year law student Warren Myers is working with Professor Hart on the brief.

Dems' Views on Court Missing in Debate

Associate Professor Scott Moss' editorial about the Democratic presidential candidates and their stances on debate issues appeared in *The Rocky Mountain News*. Professor Moss writes, "But the lack of any major ideological divide among the Democratic candidates is obscuring a few telling differences in their records—including in their attitude toward the *Roe v. Wade* abortion right—differences that have gone largely unnoticed in a campaign focused more on caucus date squabbles than our rights as citizens."

"Six of the nine justices will be over 70 during the next President's first term (four would be over 80 in a second term), so that president might reshape the Supreme Court. Given these stakes, we cannot ignore presidential candidates' differences on constitutional issues fundamental to their choice of federal judges who will determine our rights for decades."



Legislation

Workplace Religious Freedom Act

Professor Helen Norton testified in January before the House Subcommittee on Health, Education, Labor and Pensions as an expert in constitutional law and employment discrimination on the pending Workplace Religious Freedom Act (H.R. 1431). Her testimony (1) explained her support for the bill's overarching goal of amending Title VII to provide greater protections for workers' religious practices, (2) expressed concern that the language as drafted may create significant conflicts with other persons' important civil and health care rights, and (3) suggested some possible approaches for resolving those concerns.

Professor Norton provided two possible approaches to resolving these concerns. One possible solution would revise H.R. 1431's definition of "undue hardship" to expressly provide that accommodations that impose an undue hardship include practices that conflict with employers' legally mandated or voluntarily adopted antidiscrimination requirements or that delay or disrupt the delivery of health care services. Another approach might require an employer to accommodate the most frequently requested accommodations—and those that do not create conflicts of the sort described above—unless it can show that the accommodation would pose an undue hardship as rigorously defined under H.R. 1431 as proposed.

Faculty Accolades

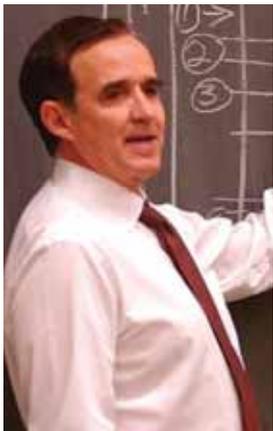
Professor Bintliff Receives CU Stearns Award

Barbara Bintliff, Nicholas Rosenbaum Professor of Law and director of the William A. Wise Law Library, was presented the Robert L. Stearns Award at the 78th CU-Boulder Annual Alumni Association Ceremony in May in recognition of her extraordinary contributions to the university. The Stearns Award recognizes achievement of members of the current CU-Boulder faculty and staff. Professor Bintliff was one of the first women at CU-Boulder to hold an endowed chair, served as Chair of the Boulder Faculty Assembly and the Boulder Athletics Board, served on the Chancellor's Executive Committee and the previous Presidential Search Committee, and much more.

Dean Getches Receives Community Service Award

The Colorado Hispanic Bar Association presented David H. Getches with the Community Service Award at their 2008 Annual banquet, titled "Diversity and the Legal Profession: A Timeless Struggle." CHBA gives this prestigious award to a non-profit organization or individual committed to providing services to benefit the Hispanic Community.

During his tenure, Dean Getches has helped increase Colorado Law's student scholarship awards, increase Hispanic student enrollment, gain passage of a state law to allow public universities to grant Loan Repayment Assistance Program grants to graduates entering public interest legal careers, increase diverse administrators, and create the Dean's Diversity Council. He also has published significant works on environmental issues in Latin America with Latin American academics.



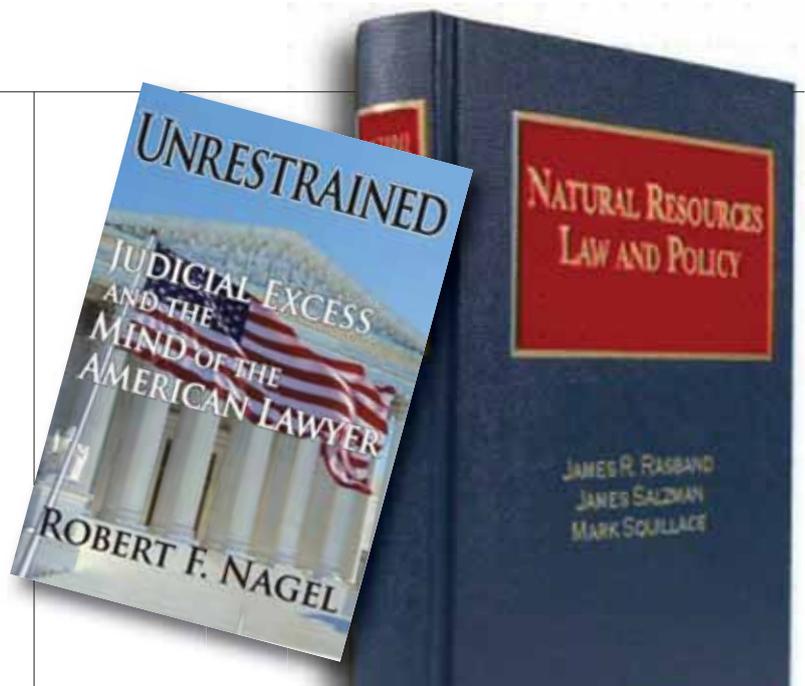
Professor Mueller Ranked Sixth Most Cited Evidence Scholar

Professor Christopher Mueller was listed as the sixth Most Cited Law Professor in the specialty area of Evidence by Leiter's Law School Rankings. The listings are drawn from data collected in July 2007 about citations since 2000 in articles that references the scholar.

In addition, Professor Pierre Schlag was listed as a "Runner Up" in the Critical Theory specialty area.

Professor Robinson Receives Grant to Study in Dominican Republic

The CU Office of International Education awarded Associate Clinical Professor Colene Flynn Robinson a faculty grant to study service-learning course development while working in the Dominican Republic this summer with a nonprofit addressing poverty in the country.



Faculty Books—2008

Christopher B. Mueller

Henry S. Lindsley Professor of Procedure and Advocacy

Evidence Under the Rules: Text, Cases, and Problems (Aspen 6th ed. 2008) (with Laird C. Kirkpatrick).

Black Letter Outline on Evidence (West 2nd ed. 2008) (with C. Laird Kirkpatrick).

Robert F. Nagel

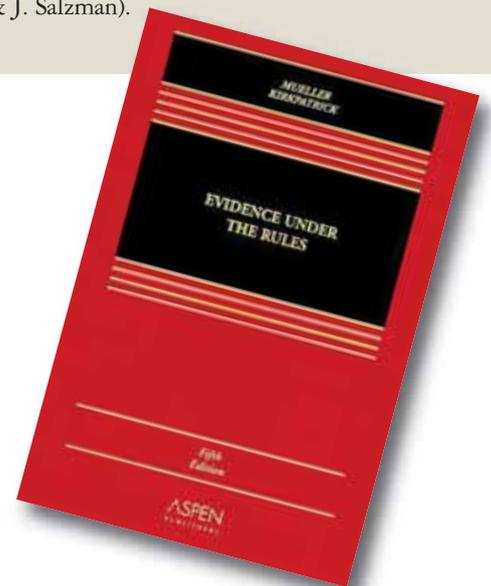
Ira C. Rothgerber Jr. Professor of Constitutional Law

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

Mark Squillace

Professor of Law and Director of the Natural Resources Law Center

Natural Resources Law and Policy (Foundation Press 2nd ed. 2008) (with J. Rasband & J. Salzman).





Letter from Law Alumni Board Chair



Dear Alumni:

Recently, the Law Alumni Board established the Law Alumni Network Committee. The Committee's goals are to: (1) encourage volunteering at Colorado Law and (2) foster relationships among alumni. Representatives from both Colorado Law's Office Alumni Relations and the Office of Career Development have been working with the Committee. We are encouraged by the Committee's enthusiasm and dedication to accomplish these goals.

There are many opportunities to volunteer at Colorado Law. For example, alumni can speak at brown bag seminars, participate in the Career Symposium through the Office of Career Development, organize events for Homecoming, participate in mentoring roundtables, and speak at CLEs hosted by Colorado Law. This is by no means an exhaustive list. If you are interested in any of these opportunities or volunteering with the Law Alumni Network Committee, please contact me.

On a different note, the Law Alumni Board hosted the 27th Annual Law Alumni Banquet on March 20, 2008. Mr. Neil C. King, Judge Steven Pelican, and Governor Bill Ritter received the Distinguished Alumni Awards. The banquet was a great success. There were more participants this year than ever before and we raised more than \$40,000 for the Alumni Scholarship Fund. Thank you for your support. We hope to see you at next year's banquet.

Sincerely,

Kara Veitch, '00
LAB Chair 2007-08
Isaacson Rosenbaum, P.C.
303-256-7029
kveitch@ir-law.com

Letter from Director of Alumni Relations



Dear Alumni:

If you haven't visited our new alumni website www.colorado.edu/law/alumdev, please take some time and look over the list of alumni services, publications, and volunteer opportunities at Colorado Law. In keeping to the judiciary theme of this issue of the *Amicus*, there are numerous opportunities to volunteer as a moot court judge. Alumni came out in amazing numbers this past semester to help judge student competitions. We could not have had successful events without them. Thank you.

Another exciting volunteer opportunity is the upcoming Alumni Reunion Weekend on October 3-5, 2008. We are expanding Homecoming activities to occupy much of Friday and Saturday. We will have the traditional ethics CLE, Knous Award, and Saturday BBQ preceding the football game against Texas. In addition, classes celebrating an anniversary year will have special events on Friday evening including a jazz & cocktails reception and individual reunion dinners. Keep an eye out for invitations from your Event Chair. We've also added a new Saturday breakfast for donors who belong to the Dean's Cabinet and Dean's Circle.

Call me any time if you have a question. Stay connected!

Elisa Dalton
Director of Communications and Alumni Relations
303-492-3124
elisa.dalton@colorado.edu

Alumni Input Needed: ABA Accreditation Inspection

As part of the American Bar Association Accreditation Committee's seven-year review of our accreditation, Colorado Law is scheduled for a site evaluation next year. In preparation for this visit by a team of evaluators from several other law schools, we must prepare a comprehensive Self-Study Report. It will take account of all of our programs and accomplishments and will assess our strengths and weaknesses. Particularly important to our effort to make the report thorough and reflective, and self-critical where appropriate, **we need alumni input**. If you have views about any aspect of the Law School's performance or quality, or ideas for how we should do our job better, please send them to our Self-Study Committee Chair, Associate Dean Dayna Matthew, at dayna.matthew@colorado.edu. Your comments will not be attributed to you by name.

INVITATION TO ALUMNI

You are invited...

...to join a growing number of generous annual contributors who support the Dean's Fund for Excellence at \$1,500 and above and to become more engaged with your fellow alumni and in the life of the school.

Beginning this year, we will recognize and involve annual fund donors starting at the \$1,500 level by recognizing them in the fall *Amicus* each year, sending an exclusive mid-year report from the dean, and inviting them to special events.

Colorado Law welcomes greater alumni participation in yearly contributions to the Dean's Fund for Excellence. The fund provides flexibility for the dean to direct support each year to the areas needing it most. Funds have been used for student scholarships, faculty fellowships, programmatic support, and alumni gatherings.

In assessing a school's excellence for the law school rankings, *U.S. News & World Report* and others consider alumni participation in annual fund giving to be an important measure of a school's standing. We need an increased commitment from our alumni base to continue our rise in the law school rankings.

Please join us. We need your help. We want to welcome you to these special alumni gatherings and into closer alliance with the Dean and the school. Please join this effort now by completing and returning the form in the envelope in the center of *Amicus*.

Dean's Cabinet

(\$5,000 and up)

Recognition in Fall *Amicus*
Dean's Mid-Year Report
Denver Spring/Summer Lunch
Homecoming Breakfast
Dinner with the Dean

Dean's Circle

(\$2,500-4,999)

Recognition in Fall *Amicus*
Dean's Mid-Year Report
Denver Spring/Summer Lunch
Homecoming Breakfast

Dean's Club

(\$1,500-2,499)

Recognition in Fall *Amicus*
Dean's Mid-Year Report
Denver Spring/Summer Lunch



"Colorado Law continually demonstrates that it is an institution clearly deserving of our ongoing support. I know others realize this as well: regular donations contribute to the value of current students' education and, at the same time, enhance the worth of the degrees of all alumni."

-Eric Elliff, Class of 1987



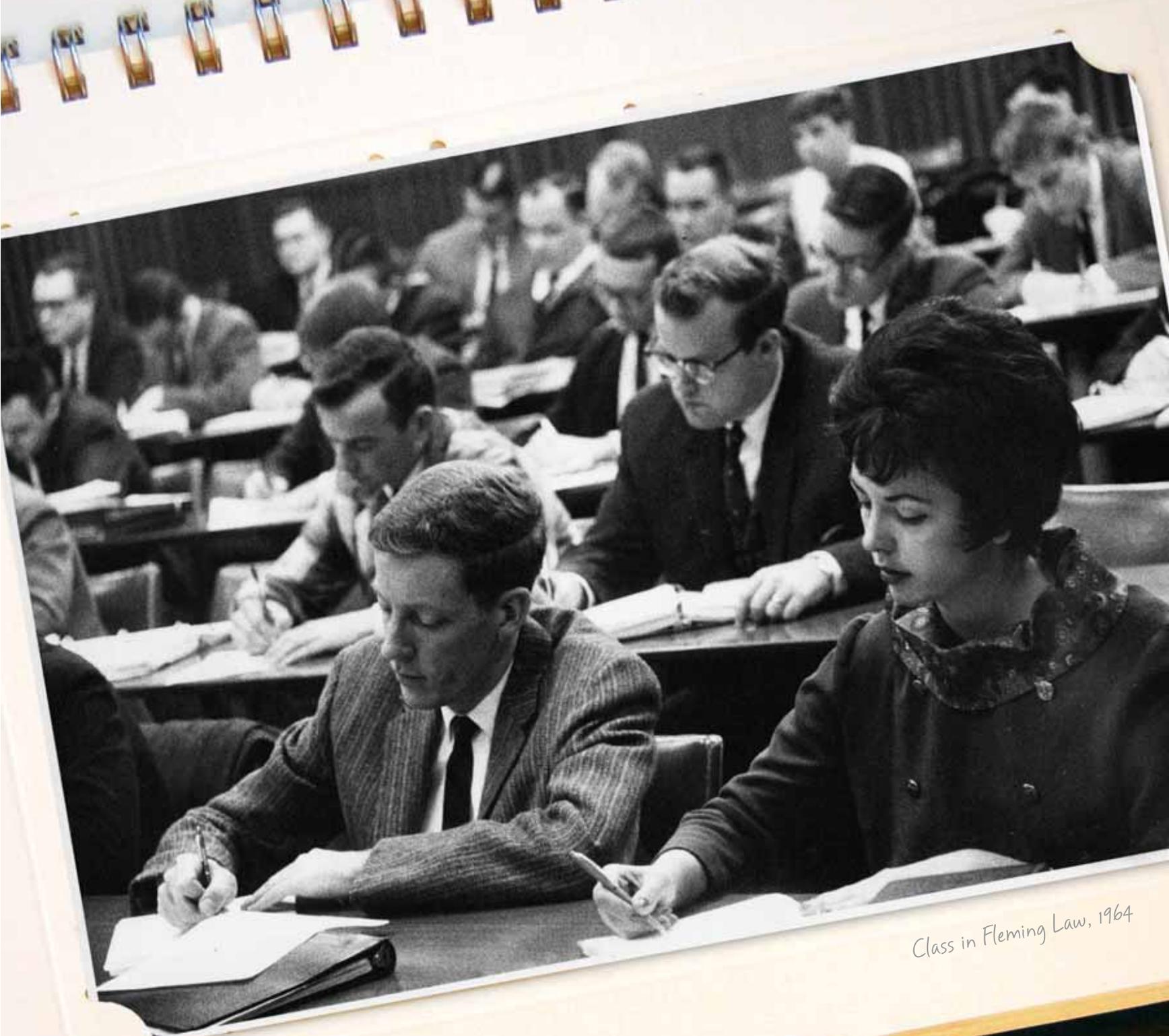
"I give annually to Colorado Law as I so well remember when I was a law student and Professor Al Menard told me about my scholarship. He urged me not to treat it just as a gift, but also as a loan to be someday repaid with 'interest,' implying that the 'interest' would be a function of my ability to help future law students."

-Tom Brown, Class of 1964



"As the state's funding to the university has diminished over the last several years, I have felt more of a responsibility to contribute to the Law School on an annual basis to help replace that source of revenue."

**-Denise (McClelland) Frau,
Class of 1988**



Class in Fleming Law, 1964

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Consider leaving a legacy with a bequest to Colorado Law. A bequest for scholarships or for program or faculty support will prompt future generations to be grateful.

To explore options, contact Julie Levine, Director of Development, at (303) 735-6196 or julie.levine@cufund.org.



UNIVERSITY OF COLORADO
FOUNDATION

ALUMNI EVENTS

27th Annual Alumni Awards Banquet March 20, 2008 Denver, Colorado

Congratulations to our Distinguished Achievement Award Recipients

Governor Bill Ritter '81 for Public Service
Judge Steven T. Pelican '71 for Judiciary
Neil C. King '56 for Solo/Small Firm Practitioner

Thank you to our Lead Sponsors

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Otten Johnson Robinson Neff & Ragonetti
Wheeler Trigg Kennedy



Class Actions

Class Actions is an update on the personal and professional news of Colorado Law alumni. Please submit your news and photographs to Office of Alumni Relations, University of Colorado Law School, 401 UCB, Boulder, CO 80309.

'59

Thomas Farley has been appointed by Governor Bill Ritter to the Board of Governors of the Colorado State University System. Farley formerly served as a state representative in Pueblo and is a senior partner in Petersen & Fonda, a Pueblo law firm.

'66

Dick Holme has been appointed to the Colorado Supreme Court Nominating Commission. The commission is responsible for reviewing applications for judgeship vacancies. Currently, the commission is trying to fill former Judge Jose Marquez's seat on the Court of Appeals.

'68

Norm Brownstein and **Steve Farber** were ranked as the second and third most powerful people in Colorado by *Colorado Biz Magazine*, by "creating one of the largest water practices in the country, with 210 attorneys."

'69

Hank Brown was honored as this year's Citizen of the West on January 16, 2008, during a sold-out dinner at the Adam's Mark Hotel. Brown resigned CU president and is returning to teaching, starting with a Maymester course at Colorado Law. "I've loved everything I've done in my life, but teaching is really special to me," said Brown.

Charles Sisk was re-elected as mayor of Louisville, Colorado. Sisk is currently practicing law with the Boulder-based law firm, Hurth Yeager Sisk and Blakemore.

Carlton Stoiber, after leaving the federal government about 10 years ago (Departments of Justice, State, and Nuclear Regulatory Commission), has continued a very active consulting career in international and nuclear law. Just back from Nigeria and

Vienna, he traveled to Riyadh in April to lecture on nuclear security. He is also traveling to Tbilisi and Manila to assist in the drafting of nuclear legislation. He has 10 more 14ers to summit before completing all 54 in Colorado.

'71

Steve Carter announced his candidacy for the District 3 county commissioner seat in Parachute, Rifle, and Glenwood Springs. Carter is currently a partner in the Carter & Sands law firm.

'72

Frances Koncilja, founder of the law firm Koncilja & Associates, was appointed to Senator Ken Salazar's eight-member bipartisan judicial selection advisory commission to review candidates for vacancies on the U.S. District Court in Colorado.

'73

Dave Thomas, former Jefferson County District Attorney, joined forces with **Maureen O'Brien** '90 in creating the Lakewood, Colorado, law firm of O'Brien & Thomas, specializing in criminal defense.

'75

B. Lawrence Theis has been elected chair of Holme Roberts & Owen's executive committee. Theis is currently a partner in the firm's Litigation Practice Group.

'77

John Suthers, Colorado's Attorney General, recently finished his third book, *The People's Lawyer: The History of the Colorado Attorney General's Office*, which details the history of the Colorado Attorney General's office going back to 1861. In addition, he has written a book titled *No Higher Calling. No*

Greater Responsibility: A Prosecutor Makes His Case (to be released on June 15, 2008). It's an analysis of the prosecutor's role in the justice system based on his experience as a district attorney, U.S. attorney, and attorney general.

'78

Andrew M. Hodgkin, finished a 4 1/2 year stint as chief legal counsel to the governor of Rhode Island. He is back in private practice part time and working with investors on a start-up national bank in New York City. He also teaches part time and is involved with some nonprofits. Both kids are through college and he and his wife, Gina, are enjoying a slightly slower pace as they approach their 30th anniversary.

'81

Bill Ritter, Colorado's Governor, was ranked as the number one most powerful person in Colorado by *Colorado Biz Magazine*, which said he "is on his way to becoming our first 'green' governor, unveiling a climate action plan that calls for reducing the state's greenhouse-gas emissions by 20 percent by 2020. He's assigned big issues to blue ribbon panels, which are addressing education, transportation and health care."

Vija Kemanis Stamey has been appointed to the office of Principal Court Attorney for the appellate division New York state supreme court, second judicial department.

'85

Thomas Bradford Flesher, of Pueblo, was named to the District Court bench in the 10th Judicial District in March by Governor Bill Ritter.

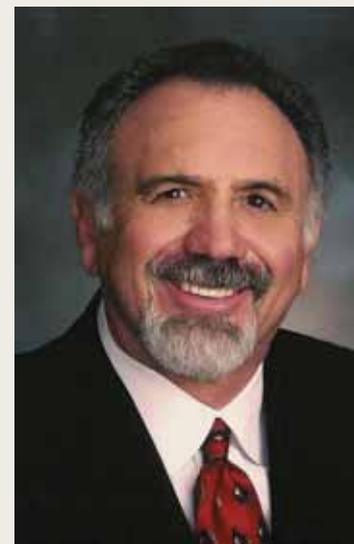
2008 George Norlin Award Winners

Mr. Gary M. Jackson '70 (left) and the Honorable **Charles Dennis Maes '72** (right) received the George Norlin Award at the 78th Annual CU Alumni Association Ceremony on May 7.

Gary M. Jackson is a partner at DiManna & Jackson. W. "Sonny" Harold Flowers, Jr. '71 of Hurth, Yeager, Sisk & Blakemore nominated Mr. Jackson because of "his efforts at building our Colorado community." He added, "This award is so richly deserved. Gary has contributed in so many ways to the lives of so many. Please spread the light!"

Judge Charles Dennis Maes is the Chief Judge for the 10th Judicial District. Bernadette Langbein '78 nominated her brother because he "has been heavily involved with multiple initiatives in his effort to get Pueblo youth and their families away from the courts and back into the schools. This is in addition to his countless hours in the court and support of young lawyers and judges throughout the state."

The George Norlin Award, the Association's highest award, recognizes the most outstanding CU-Boulder alumni who throughout their lives have demonstrated a commitment to excellence in their chosen field and a devotion to the betterment of society and their community.

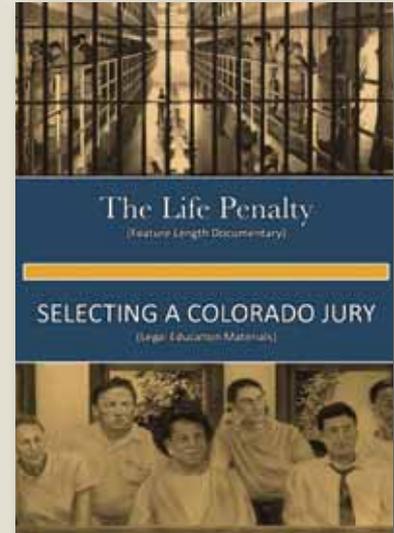


Class Actions

Alumni Make Death Penalty Film

Douglas Bry '78 produced *The Life Penalty*, a film about the death penalty and specifically about the jury selection work of **David Wymore** '76, who successfully exonerated Timothy Masters, a Fort Collins resident who had been convicted in 1998 for the murder of Peggy Hettrick. Wymore worked tirelessly for three years along with co-counsel Maria Liu, eventually gaining Masters' freedom through the use of DNA evidence.

The film was shown as part of the Boulder International Film Festival and during April at the Mayan in Denver and at Colorado Law. It is available as part of the four-disc DVD set, *The Life Penalty and Selecting a Colorado Jury*, approved by the Colorado Supreme Court for 13 CLE credits. The price is \$249.95 and proceeds will go to the David Wymore College of Criminal Defense and Jury Selection, which is being coordinated by Associate Clinical Professor Ann England. Visit www.thelifepeny.com to see a preview and order the film.



Marsha Piccone joined the Denver based firm Wheeler Trigg Kennedy as a partner. Piccone is a former Colorado Court of Appeals judge who concentrates her practice on complex litigation, litigation management, and appellate work.

John Seebom joined the law firm Socha Perczak Setter & Andersen.

'87

Michael Vellone became a shareholder at the law firm Allen & Vellone.



Patrick Mulligan (CU undergrad '84) announced that he will run for the CU Board of Regents in the 7th Congressional District this November. Mulligan has been a guest lecturer to the CU President's Leadership Class and a Colorado Law adjunct professor of trial advocacy.

Mulligan is a Colorado native and lives in Jefferson County with his wife, Julia, and their three sons, the oldest of which will be a freshman at CU this fall.

'88

Larry McClung joined the law firm Wells, Anderson & Race as a special counsel. He will practice in the areas of construction and surety litigation, professional liability, and commercial carriers.

Colin Reid joined Sherman & Howard's Construction and Design Practice Group.

'90

Glen Gordon was plaintiffs' class counsel in a recent disability rights lawsuit against the state of Colorado. As part of the settlement of the class

action, Gordon successfully requested that the court allocate a portion of *cy pres* funds (\$20,000) to Colorado Law's Clinical Education Program. The clinic will use the funds to cover expenses in its Social Security disability appeals.

Bruce Johnson was named partner at the Denver law firm Feagre & Benson. Johnson has extensive experience as a health care attorney and consultant.

'91



Todd Fredrickson was named as the managing partner of Fisher & Phillips' new Denver office in January. Fredrickson practices traditional labor law where he represents companies in a variety of issues including union campaigns and unfair labor practice charges.

'93

Barbara Grandjean has been elected as Chairman of the Board for Easter Seals Colorado. Grandjean is currently a partner in Jacobs Chase Frick Kleinkopf & Kelly's litigation practice.

Gail Warkentin was appointed as Chief Deputy District Attorney in April 2007 by John Newsome, District Attorney for the Fourth Judicial District.

'94

Michael Carrigan was presented with the 2007 Richard Marden Davis award. The award is given out annually by Davis Graham & Stubbs, the Denver Bar Foundation, and the Davis family to a Denver lawyer who is under 40 and has demonstrated excellent civic, cultural, charitable, and educational leadership.



Mark Hurlbert, the current Summit County District Attorney, has announced that he will run for re-election in November. Hurlbert points to his success prosecuting murder and human smuggling cases as reason for his re-election.

Vance Knapp has been named president-elect of the Sam Cary Bar Association, an organization dedicated to facilitating the exchange of ideas among African-American lawyers.

'95

Joshua Widoff, a lawyer at Brownstein Hyatt Farber Schreck, recently became the general counsel for Dividend Capital Total Realty Trust. The company has a portfolio worth \$1.6 billion and 60 properties in 19 U.S. markets.

'96

Randy Shefman was announced as one of eleven new associates at the law firm Hogan & Hartson, where he will focus on domestic and international energy project development and finance.

'97

Kristin Bronson, of Rothgerber Johnson & Lyons, was named one of *Law Week's* 2007 lawyers of the year and named as a *Denver Business Journal's* Forty Under 40. Bronson spearheaded her firm's Women's Initiative program and served on the board of the Curious Theatre Company.

Kent Lembke was named partner at the Boulder office of Marsh Fischmann & Breyfogle.

ALUMNI NEWS

'99

Charles R. Sensiba became a member of Van Ness Feldman their District of Columbia office, where he practices issues related to the hydropower industry. He serves as Vice Chair of the American Bar Association's Hydro Committee and a member of the National Hydropower.

'00

Jeffrey Beuche was named partner at Feagre & Benson, practicing corporate group and specializes in mergers and acquisitions and financing transactions.

Andy Crain is now the data forensics litigation director at Bridge City Legal in Portland, consulting on electronic discovery, computer forensic, and Internet cases.

Franz Hardy has been named partner at the Denver law office of Gordon and Rees.



Christian Hendrickson, a Member of the Commercial Litigation Practice Group at Sherman & Howard, was named a *Denver Business Journal's* Forty Under 40.

Marie Williams was named partner at Feagre & Benson, where she specializes in complex commercial litigation.

'01

David Wolf is engaged to Norie Kizaki and will be married in October 2008 in her hometown of Nata, Japan. Norie is a climbing and travel guide and David is a partner in the wealth management firm Baydush Simon Weaver, which manages \$600 million on behalf of about 50 families. He is a member of the board of directors of the CU Leeds School of Business and the CU Real Estate Council.

'02

Damon Davis has become a shareholder of the law firm Killian, Jensen & Davis.

Brad Hendrick has been named partner at the Denver based immigration-only law firm, Stern Elkind Curray & Alterman. Hendrick assists organizations, investors, and healthcare providers with employment based-immigration.

William Robinson has become a shareholder of the law firm Frasca, Joiner, Goodman, and Greenstein.

Danielle Urban will be transferring from Fisher & Phillips' Tampa office to their newly opened office in Denver. Urban's practice involves representation of employers in a variety of employment disputes.

'03

David St. John-Larkin has joined the law firm Merchant & Gould as an associate. He specializes in patent law dealing with a range of technologies.

Abraham J. Laydon and Kimberly just gave birth to their second child. Thane Lewan Laydon was born on October 13, 2007. Ava is enjoying her new little brother and the family is getting adjusted to another round of late night feedings, etc. Abraham is practicing law at Fairfield and Woods downtown and Kimberly is still working one day a week for her family's foundation.

'04

Emily Berkeley has joined the law firm Elkus and Sisson as an associate.



Karen (Masciulli) Trojanowski, Colorado Law's Associate Director of Public Sector & Externships, and husband **Adam Trojanowski** '04 became parents on November 15, 2007, to Sophie Anna Trojanowski, 7 lbs, 14 oz.

'05

John Friedberg recently joined the law firm Pendleton Friedberg Wilson & Hennessey as an associate. He will represent individuals and companies in a variety of litigation and transactional matters.

Tucker Katz has joined the firm Dietze and Davis as an associate. He will practice in Family Law and Civil Litigation.

Jeremy Markiewicz and his wife, Cheryl, welcomed their first child, Ava Dianne Markiewicz, into this world on December 18, 2007.



Christy (Surr) McCann and her husband Frank recently became parents to daughter Cedar Jane McCann in July 2007. Christy is currently working in Spokane, Washington, as a law clerk for the Honorable Robert H. Whaley.

Daniel R. Pabon of Holland & Hart was appointed to the Auraria Higher Education Center Board by Governor Ritter in November. The Auraria Higher Education Center is home to the Community College of Denver, Metropolitan State College of Denver and the University of Colorado Denver's Downtown Campus. The AHEC is committed to providing an effective, comprehensive and supportive environment which facilitates the missions of campus' three educational institutions.

'06

Meghan Hungate completed her clerkship in Boulder District Court last year and is now working as an associate for Wood Ris & Hames in Denver, Colorado.

Nicholas Kant became an Assistant Attorney General with the New Jersey Attorney General's Office in the Consumer Fraud Prosecutions Section in December.

Lindsay (Woodward) Reilly is an Assistant District Attorney with the Larimer County office.

'07

Sarah E. Quicksall is now working at Colorado Legal Services and living in Denver. She mistakenly ended up in the R.I.P. section of the March 2008 *CU Colorado* magazine, but would like everyone to know that she is alive and, much to the happiness of her family and fiancé, **David Lipka** '06, still getting married in August.

Richard M. Murray passed the July 2007 Colorado Bar Examination and was sworn in at the October ceremony. He is currently clerking for Justice Nathan B. Coats of the Colorado Supreme Court and recently joined the Courts Subcommittee of the Colorado Access to Justice Commission.

Colorado Law Points

Quarterly Alumni eNewsletter

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In Memoriam



Don Walter Sears (1921–2007), former Colorado Law Dean and Professor Emeritus, passed away on November 21, 2007. He fought some of World War II's most intense battles as a member of the 8th Armored Division in the European Theater of Operations, earning the Purple Heart and the Bronze Star. Sears

served on the Colorado Law faculty for 50 years and was the dean from 1968 to 1973. He served as a member of the Colorado Bar Ethics Committee for 40 years, Colorado Supreme Court Grievance Committee, Boulder County Bar Association, National Academy of Arbitrators, and a Major League Baseball arbitrator. Major awards established in his name include Colorado Law School's Don W. Sears Award and Don Sears Diversity Scholarship, and the Colorado Bar Association Ethics Committee's Don W. Sears Award for Ethical Enhancement of the Legal Profession in Colorado. He is survived by his children (Stephanie Volkman, Lance Sears '75, Don C. Sears, Shannon Chinatti, and Kathleen Sears), nine grandchildren and one great-grandchild. Contributions can be made to: Don W. Sears Scholarship Fund, c/o University of Colorado Foundation, 4740 Walnut Street, Boulder, CO 80301. Make checks payable to: University of Colorado Foundation, noting Fund number 0154327.

Anthony Williams, '51 (1926–2007), who passed away on November 29, 2007, spent his entire law career at Smith & Holmes, retiring in 2005. He was a member of the CBA (1973–74 president) and served as president of the Mesa County Bar Association. He is survived by his wife, Treva, and his children, Miland, Matthew '80, Jeffery, and Janet.

Alan C. DeMuth '61, a retired attorney of DeMuth & DeMuth in Colorado, passed away October 9, 2007. He is survived by his wife, Susan; sons, Scott, Evan, Joel; brothers, Laurence '53, and Lael '55; and granddaughter, Lily. Donations can be sent to: The Salvation Army, 1370 Pennsylvania St., Denver, CO 80203.

Lawrence R. "Larry" Reno '63 (1933–2008) passed away on January 27 and will be remembered for the love of his three sons and history of his family. He was an active member in the University Club, The Denver Mile High Rotary Club, The Western Outlaw Lawman History Association, Sons of the American Revolution, and the Trout and Salmon Foundation.

James A. Windholz, '70 (1943–2008), who passed away on January 1, 2008, began practicing law in Boulder in 1971 and was a member of the Colorado and Boulder County Bar Associations. He specialized in municipal and urban renewal law, and served as City Attorney for Golden, Sheridan, Lafayette, and Edgewater throughout his career. He is survived by his friend and partner, Martha Dunham, his three children, and his four grandchildren.

Angela Marie Lujan Ogle '82 (1952–2008), who passed away on April 9, was an ardent social justice advocate. She worked in the Colorado Attorney General's Office, Moving to End Sexual Assault (MESA), and Safehouse Progressive Alliance for Nonviolence. She is survived by her husband, Scott Ogle, and children, Tobias E. Lujan and Virginia Lujan. Contributions can be made to MESA or Safehouse in Boulder.



Jennifer Lee Shelton '08 was a third-year law student who died unexpectedly on December 17 from lymphocytic myocarditis. Jennifer will receive her JD degree posthumously at the 2008 Commencement ceremony. "Jenn was a vibrant member of our community and will be sorely missed," stated Dean David Getches. Contributions

in her memory can be sent to: The Class of 2008 Jennifer Lee Shelton Scholarship, c/o University of Colorado Foundation, 4740 Walnut Street, Boulder, CO 80301. The scholarship is to be given to one or more third-year law students who embody Jenn's spirit of untiring love of life.

2008 LAW ALUMNI REUNION & HOMECOMING

October 3-5, 2008

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CLASS REUNION DINNERS

For classes celebrating an anniversary year, your Class Reunion Chair will be contacting you regarding times and locations. To help plan your class reunion, contact your Reunion Chair or Alumni Relations at 303-492-3124.

QUESTIONS, RSVP'S, AND GAME TICKET

Danielle.Hayward@colorado.edu or 303-492-8048

FRIDAY

Building Tours
State of the Law School Address by Dean Getches
Jazz & Cocktails Reception (for reunion classes)
Individual Class Reunion Dinners

SATURDAY

Breakfast for Dean's Circle and Dean's Cabinet
Building Tours
Ethics CLE
William Lee Knous Award
BBQ Picnic
CU v. Texas Homecoming Football Game

SUNDAY: Free Day

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

Applicant's Name

Alumnus's Name

Class Year

Alumnus's Address

Applicants must include this card with their application.

5/2008



LAW SCHOOL CALENDAR

2008

- May 7** CU Alumni Association Awards Ceremony presenting Gary M. Jackson '70 and the Honorable Charles Dennis Maes with the George Norlin Award
- May 8–9** Class of 1958 Reunion
- May 10** 2008 Commencement
- June 2** CU vs. DU Law Alumni Golf Tournament: "Battle for the Barrister's Boot"
- June 4–6** Natural Resources Law Center Summer Conference: "Shifting Baselines and New Meridians: Water, Resources, Landscapes, and the Transformation"
- June 11** Silicon Flatirons Center "Mapping the Legal Frontiers of New Institutional Economics and Experimental Economics"
- October 3–5** Alumni Reunion/Homecoming: Celebrating classes ending in '3' and '8'

For more event information, visit www.colorado.edu/law.

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