

## *Fly By Messenger* *June Edition 2020*

Tidbits that need to be shared before the next Messenger goes out. Deadlines to get an ad or notice in the next edition would be July 28 (odd numbered months). Cost for the ads or notices is \$25 and payable in advance. If you would like to place an ad or notice, please email me [cvasak@larimer.org](mailto:cvasak@larimer.org) with the information and mail your check to Cathy Vlasak, 415 South Howes 609N, Fort Collins, Colorado 80521. Make checks payable to Larimer County Bar Association.

### **PRESIDENT'S MESSAGE**

My Dear Colleagues, the Executive Committee's workload is little right now. The most important thing that I can report to you is the great work that Cindi Hendrix is doing with the Pro Bono Program. Please read her article in this Messenger. On behalf of the entire LCBA I say "thank you" to Cindi and the Program co-chairs, Cody Knebel and Ben Kramer, for the work they are doing to meet the needs of financially challenged members of our community. I urge everyone to use at least just a little bit of your time to offer assistance to the public, either through the Pro Bono Program or in some other way.

Since I have so little to tell you about Bar business, I will take this chance to invite you to share your comments about the LCBA with myself and Executive Committee. How can we serve you better? How can the LCBA meet your needs? Do you have suggestions for professional or social activities and other Bar events that meet the current community restrictions? Please send me a note: [Spicciati.law@gmail.com](mailto:Spicciati.law@gmail.com)

Any suggestions you can provide will be appreciated. I can't wait to see you all again. Thank you for your membership in the LCBA and your commitment to our community.

**Art Spicciati**  
**2020-2021 LCBA President**

## NEWS FROM LARIMER COUNTY COURTS

**NOTICE OF COURT REMINDER PROGRAM:** Effective June 23, 2020, the 8<sup>th</sup> will roll out the Court Reminder Program established with Senate Bill 19-036. This will allow a defendant or juvenile to opt-in to receive text messages for upcoming court appearances, notify them of unplanned court closures, and alert them when they have missed court. Participation in the program is voluntary.

Thanks,

**Kristin Sheeran**  
**Court Executive III**  
**Judicial Administration - 8th District**



## Clerk of Courts

EIGHTH JUDICIAL DISTRICT  
201 LA PORTE AVENUE SUITE 100  
FORT COLLINS CO 80521-2761

Suzanne Fredrickson  
Combined Clerk of Court

(970) 494-3500  
Fax: (970) 494-3580

5/12/2020

To: County Court Civil case filers:

Subject: COUNTY COURT AND FORCIBLE ENTRY AND DETAINER PROCESS CHANGE

In light of the continuing public health risk posed by COVID-19 ("novel coronavirus") and per the 8<sup>th</sup> Judicial District Administrative Order 2020-2, the civil return process in Larimer County has changed.

### **County Court civil returns will no longer be scheduled in person in any Larimer court facility**

In an effort to reduce the number of people coming in to the Justice Center, we are changing the way our civil returns are set and asking that you serve the attached instruction sheet with your summons and complaint so defendants have some additional information on how to proceed in their case without having to appear in person at the Justice Center.

**FED RETURNS:** Set at 8:15am Monday-Friday

### **COUNTY COURT MONEY CASE RETURNS:**

Defendant last name beginning with A-M return at 9:00am Monday-Friday

Defendant last name beginning N-Z return at 10:00am Monday-Friday

\*If there are multiple defendants listed, use the first name listed on the complaint.

If you are filing multiple new cases at one time, please do not set them all on the same day.

If you need a clean copy of the attached instructions, you may download additional copies from our website at [https://www.courts.state.co.us/Courts/County/Index.cfm?County\\_ID=22](https://www.courts.state.co.us/Courts/County/Index.cfm?County_ID=22) under the special announcements section.

If you have any questions, please contact the Clerk's Office.

Thank you.  
Suzanne Fredrickson

## **INSTRUCTIONS FOR DEFENDANT IF YOU HAVE BEEN SERVED WITH A CIVIL COMPLAINT AND SUMMONS**

**Please read the summons carefully.**

In light of the continuing public health risk posed by COVID-19 ("novel coronavirus") and per the 8<sup>th</sup> Judicial District Administrative Order 2020-2, the civil return process in Larimer County has changed.

**County Court civil returns will no longer be scheduled in person in any Larimer court facility. Your answer will be due on or before the date and time stated in the summons.** The date on your summons is not a Court appearance date. This date and time is the deadline for filing your answer.

Prior to the return date stated on the summons the Defendant may:

1. Contact the Plaintiff to see if an agreement can be reached.
2. Fill out the Answer form setting forth a **legal defense** to the allegations in the Complaint. The answer form should be included with the complaint and summons that were served.

If an answer setting forth a legal defense is not filed prior to or on the date and time listed on your summons, a judgment may be entered against you.

If you choose to file an answer, the filing fee schedule is included at the bottom of this page. The filing fee must accompany the filing of an Answer unless the Court has granted a Motion to Waive the Filing Fee.

**Mail the Answer and filing fee to the address indicated on your summons**

OR

File your answer and pay the filing fee in person at the Clerk's office in Fort Collins or Loveland on or before the date and time on your summons.

If you intend to file a Motion to File Without Payment and Supporting Financial Affidavit, the motion may be found at

[https://www.courts.state.co.us/Forms/Forms\\_List.cfm?Form\\_Type\\_ID=119](https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=119)  
(form number is JDF 205).

If the motion is denied by the Court, then you will be required to pay the filing by the date indicated on the order denying the motion before the Court will review the Answer.

You may contact the Loveland Clerk's Office at 970-622-2100 or Fort Collins Clerk's Office at 970-494-3500 if you have any questions.

<b>COUNTY CIVIL MONEY AND FORCIBLE ENTRY AND DETAINER (FED)</b>	<b>ANSWER FILING FEES</b> Based on the total \$ amount requested on Complaint	<b>ANSWER AND JURY DEMAND</b>
\$1- \$999.99 or FED possession only	\$80	\$178
\$1,000 - \$14,999.99	\$100	\$198
\$15,000. - \$25,000	\$130	\$228
<b>3<sup>RD</sup> PARTY, CROSS CLAIM / COUNTER CLAIM</b>		
\$1- \$999.99	\$84	\$182
\$1,000 - \$14,999.99	\$104	\$202
\$15,000. - \$25,000	\$134	\$232



**Fiduciary Services  
Carol Johnson, J.D.**

Client seeking a competent Trustee or Personal Representative to execute their estate less expensively than a law firm or bank?

**[CarolJohnsonFiduciary.com](http://CarolJohnsonFiduciary.com)**

## BYRON WHITE INN NEWS

Hello All,

In consideration of continuing uncertainty regarding COVID-19, we will not be hosting a June event.

We are, however, planning something special for July, when we hope to see the national and state outlook improved.

Please look out for a follow-up email with an update and additional details mid-June.

If you have any topic ideas or recommended speakers for the Fall that you would like us to coordinate, or if you have any other recommendations or requests that you would like to share with the Inn executives, please send your thoughts to [daniellespalardy@gmail.com](mailto:daniellespalardy@gmail.com).

We can't wait to catch up with everyone at our next event!

Sincerely,

**Danielle S. Palardy**  
Byron White Inn Secretary

## LARIMER COUNTY WOMEN'S BAR ASSOCIATION

With the covid-19 prevention measures, our annual elections were postponed. We are going to conduct an online election at the beginning of June. The slate of candidates for the Board are:

President – Claire Havelda  
Vice President – Rene Doak  
Liaison Colorado Women's Bar – Callen Reidel

If you are interested in a position on the Board, please send me an email prior to June 1<sup>st</sup>. We will send out a surveymonkey link for voting on or about June 8<sup>th</sup> to all paid members of the Women's Bar Association. To ensure you are a voting member, please go to <https://www.cwba.org/JOIN-US> and pay your membership dues. The Colorado Women's Bar will provide us with an updated list of members.

The incoming Board will be planning events as restrictions on gatherings ease. Until then, stay healthy and stay connected.

**Heidi Whitaker, [heidi@burnhamlaw.com](mailto:heidi@burnhamlaw.com)**  
LCWBA President

## LARIMER COUNTY PRO BONO PROGRAM

The Pro Bono Program is seeking attorneys to assist with cases. We need attorneys who have never volunteered with the program as well as a recommitment from attorneys who have graciously given their time and expertise in the past. There are several ways to help this worthwhile program in order to serve our community. The Pro Bono Program is currently still under the in-person suspension for Covid-19. However, applications and requests for referrals and consultations are still being processed online. If you are new to the program and would like further information please contact Cindi Hendrix at 970-308-3590 (private cell) or email at [cindihendrix@yahoo.com](mailto:cindihendrix@yahoo.com). We also have a newly established email at [lcbaprobono@mail.com](mailto:lcbaprobono@mail.com). Thank you for your time and consideration!

### **PROFESSIONAL OFFICE FOR LEASE (417 West Mountain Avenue, Fort Collins)**

We currently have one office available for lease. We are looking for professionals to join our building. Convenient downtown location that is within walking distance to the *Larimer County Justice Center*.

#### **One-year lease required.**

Rent includes the use of common area spaces, including conference room, break room, copy room, internet services (Wi-Fi) and client parking.

Monthly rent for the office is as follows:

Westside office #4: \$1,100.00 per month: (Security deposit \$1,100.00)

**PLEASE CALL BILL KNEELAND @ 970-217-5939 (c)**

**COAN, PAYTON & PAYNE, LLC  
IS PLEASED TO ANNOUNCE  
AMANDA T. HUSTON HAS  
BEEN PROMOTED TO SENIOR  
ASSOCIATE AT THE FIRM.**



Ms. Huston's practice focuses on business and real estate law including, business entities, contracts, mergers & acquisitions, commercial real estate leases and transactions as well as land use planning and zoning.



**COAN,  
PAYTON &  
PAYNE, LLC**

**AMANDA T. HUSTON**  
ahuston@cp2law.com  
Denver | Fort Collins | Greeley  
www.cp2law.com

## FORT COLLINS ASSISTANT COUNTY ATTORNEY JOB POSTING

**POSITION TITLE:** Assistant City Attorney II (Full-Time Regular)  
(Unclassified Management)

**REQUISITION #:** req2431

**DEPARTMENT:** City Attorney's Office

**LOCATION:** CITY HALL

**BENEFIT CATEGORY:** Unclassified Management **EMPLOYMENT**

**TYPE:** Full-Time Regular

**ANNUAL SALARY RANGE:** \$82,500.00 - 137,500.00 (Salaries are paid biweekly)

**ANTICIPATED ANNUAL HIRING RANGE:** \$85,000.00 - \$105,000.00 (Salaries are paid biweekly)

**DEADLINE#:** 3:00 p.m. MT on 6/05/2020.

### SUMMARY:

Serve as the lead Municipal Prosecutor for the City. Prosecute violations of the City's ordinances, including traffic laws, criminal laws, building codes, and nuisance and zoning enforcement. Represent the City in court proceedings. Prepare motions, briefs, ordinances, resolutions, and other legal documents. Supervise the prosecution team and coordinate the prosecution function with the municipal court. Identify legal issues raised by City policies and practices and recommend actions to address such issues. Draft and distribute legal opinions. Lead and facilitate projects and trainings. Serve on office and interdepartmental teams.

### EXPERIENCE REQUIREMENTS:

5 years' experience as a practicing attorney with an emphasis in criminal law. Supervisory experience preferred.

### FOR MORE INFORMATION AND WHERE TO

**APPLY:** <https://www.fcgov.com/jobs/>



# CONDUCTING MEETINGS AND DEPOSITIONS BY REMOTE MEANS (CAN OLD DOGS CAN LEARN NEW TRICKS?)

By:

Jason Meadors, FAPR, RPR, CRR, CRC  
David Herrera, Esq., Partner, Herms & Herrera, LLC

In this moment of social distancing and outright isolation, conducting meetings and depositions by remote means may be challenging, even foreign, to any number of practitioners. Here are a few guidelines and helpful hints for practicing under conditions that are suddenly the new normal.

## **The platform, i.e., the means to do so.**

For **meetings**, it will be helpful to have your own hosting capability. Any number of platforms are out there: Zoom, WebEx, GoToMeeting, among others. There are free versions, but free likely comes with restrictions (e.g., limited time, advertising, or decreased bandwidth). It behooves a law office to have a dedicated and dependable videoconferencing account.

As of this writing, and despite some disaffecting headlines, Zoom is the popular platform. With all platforms, use passwords to ensure security. The most basic premium services are inexpensive, at about \$15/month, and usability and reliability is quite high. For ease of reference, any videoconference details mentioned in this article will refer to Zoom protocols.

For **depositions**, recommended practice is to engage the court reporting service to host. This provides a neutral third party for arranging access, impartiality in hosting protocols, and controlling on/off times.

## **Setup**

The videoconference host, whether it is you, another party, or the court reporter, will need email addresses of all attendees in order to send out invites to participate. If you want your remote client to be able to attend, they will need an invitation to be able to join in.

A good backdrop is nice, but lighting is more important. Test your microphone and speakers during the setup phase.

An invitation will consist of a URL to click on or a phone number, meeting number, and perhaps a password in order to join.

The host should begin the meeting prior to the appointed time. The attendees can join once the host has begun the meeting. For security, it is recommended to keep the attendees in the “waiting room” and have the host admit them to the meeting.

If you are not familiar with the videoconference platform, take five minutes to take a virtual tour.

### **Conducting proceedings appropriately**

Just like in a “normal” conversation, participants like to interact face-to-face. Please enable your video feed. A party may phone in absent the availability of a video feed, but this is unusual. Cameras have been embedded on cellphones for years now. Please use the video function. It doesn’t cost extra.

Talking one at a time, that *de rigueur* instruction for depositions, becomes ever more important in this context. When more than one person speaks at the same time, one can be heard and the other(s) will be occluded. You will not know if your important words are actually being heard by anyone. Speak one at a time; and if you find yourself talking at the same time as another, play it safe and repeat your statement when you have a chance to be heard solo. Pro tip: To avoid embarrassment, mute your microphone whenever appropriate. And . . . wear pants.

In meetings, the host can either serve as the moderator or the group may appoint a moderator to ensure full participation and, if necessary, control or regain control of the meeting. In larger group meetings, it helps to identify yourself before speaking. Remember, courtesy matters.

In depositions, due to the vagaries of remote access, if the court reporter asks for a repeat, be patient. This will occur more often in an environment where speech clarity is much more tenuous. In the instructions phase of the deposition, it may be appropriate to ask for the deponent to pause a beat between the question and the answer to allow remote counsel to state an objection before the answer is given.

Documents may be shared in advance. For a deposition, send a .pdf to the court reporter at least 24 hours before the deposition with your exhibits pre-marked. You may share documents with opposing counsel during the deposition, but trying to do so “on the fly” is awkward and likely a doomed effort. Pro tip: Send your .pdf exhibits pre-marked to opposing counsel after you give them a courtesy notification that you will send the exhibits in advance. Use your own best professional judgment about how soon in advance you wish to share your deposition exhibits.

For documents revealed during a deposition, go off the record and consult with the court reporter. There are tools available to mark and share documents electronically.

### **The Legalities of Remote Depositions**

As to whether remote depositions, where no participant is physically present with another, are allowable, CRCP Rule 29 provides, in part, upon written stipulation: "... depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used like other depositions."

In the absence of a written stipulation, recommended practice is to have attorneys stipulate on the record at the opening of the deposition as to the acceptability of conducting the deposition and administering the oath remotely.

As to the legal authority for the officer (court reporter) to administer an oath remotely, Governor Polis issued Executive Order D 2020-019 on March 27, 2020, temporarily suspending the requirement of personal appearance for notarial acts. You may wish to check for similar rules in other jurisdictions if the case is not filed in Colorado.

Reminder. A deposition by videoconference is NOT the same as a video deposition which requires a certified court videographer. You may not use the Zoom recording as evidence or for impeachment purposes. Ask your court reporter for details.

### **Overview**

As of March and April of 2020, the above outlines the preferred means for meetings of two or more in the interests of social distancing and allowing the gears of the legal system to mesh as smoothly as possible under these circumstances. Remote conferencing is literally the new normal. Attorneys can serve your clients best by being the reliable resource for conducting meetings or, in the case of deposition, providing the court reporter with the information necessary for a successful proceeding.

We wish you success and good health as we navigate the current and unprecedented environment.

## MISCELLANEOUS MEETINGS AND UPDATES

There is an informal group of “trust and estate” lawyers called the LCBA Trust & Estate Bar. It meets five times a year, from September through May, usually on the fourth Wednesday of the month. The meetings are from 7:30 to 8:30 a.m. at First National Bank downtown. If you are interested, you can email Pete Bullard at [pete@estate-planning-help.com](mailto:pete@estate-planning-help.com).

The Colorado Criminal Defense Bar (Larimer Chapter) meets monthly. Jeffrey Schwartz is the contact person at [jeff@jkwlaw.com](mailto:jeff@jkwlaw.com). He sends out notices by email so if you would like to be included, contact him.

The Larimer County Young Lawyers meets the third Wednesday of every month. If you are interested in their group, contact Fred Long at (970) 692-3440 or [fred@bell-law.com](mailto:fred@bell-law.com)

Heidi Whitaker is the contact person for the Larimer County Women’s Bar. If interested, contact Heidi at [heidi@burnhamlaw.com](mailto:heidi@burnhamlaw.com)

For those that do not know Larimer County Bar has a web page. Lisa Ritter keeps our webpage current. If there is something you would like to see on the page, please contact her at [lritter@ftccolaw.com](mailto:lritter@ftccolaw.com).

If you haven’t checked out our webpage, you can find it [www.larimerbar.org](http://www.larimerbar.org)

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**CBA High School Mock Trial**

Linda K. Connors  
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