
The MESSENGER

Larimer County Bar Association

JUNE 2005

PRESIDENT'S MESSAGE

As summer is already quickly passing, I hope you have found the time to slow down a little and enjoy life. Like most attorneys, we tend to work overtime in order to take a vacation, and following the vacation, we put in more overtime to catch up on work. The vacation is then quickly forgotten. Perhaps we need to find a way to slow down each day and enjoy life more thoroughly.

Term Day is scheduled for September 9, 2005. Mark your calendars. We will have our normal business meeting at the courthouse followed by an afternoon of golfing. We plan to have dinner and socialize that evening. More information will be sent later this summer. It's a great opportunity to meet your fellow members of the bar. I find the Larimer County Bar unique as most attorneys in the county know and respect each other. This, of course, helps us maintain our professionalism when working on our cases. Term Day, I believe, helps promote this atmosphere and therefore I believe it remains a very important function to our Bar Association. Please plan to join us!

During the next few months, discussions will be held between attorneys and judges about the mandatory e-filing issues and the problems we are encountering. Please feel free to e-mail me at jdrakelaw@msn.com with any suggestions and/or problems you have encountered.

Lastly, I would like to take the time to say thank you to all executive board members, board of governors, past presidents, and committee chairpersons for all their hard work. These individuals spend hours every week making sure programs for both the bar association and the community run smoothly. They do not hesitate to volunteer their time and graciously perform hours of unpaid work with smiles on their faces. Thank you!

Jeanne Drake
LCBA President





JUDICIAL NEWS AND UPDATES

Clerk of Court

EIGHTH JUDICIAL DISTRICT

Sherlyn Sampson
Clerk of Court

Memorandum

Larimer County Justice Center
201 La Porte Avenue Suite 100
Fort Collins, CO 80521-2761
(970) 498-6100
Fax: (970) 498-6110

Loveland Police and Courts Building
810 E 10th Street Suite 110
Loveland, CO 80537-4942
(970) 679-4417
Fax: (970) 679-4416

To: All attorneys practicing in Larimer County
From: Sherlyn Sampson
Date: June 29, 2005
Re: Issuance of Warrants without proper Demographics

Before a civil warrant can be electronically transferred to law enforcement agencies, the court is required to enter specific demographics. Not having the necessary demographic information causes problems in identifying the proper person and could lead to a false arrest.

Effective immediately, the court will not issue a warrant unless all mandatory information is provided as indicated below.

The mandatory fields:

- DATE OF BIRTH
- RACE
- SEX
- Height
- Weight
- Hair Color
- Eye Color

If all the mandatory information cannot be provided, you may ask the judge to make an exception in your specific case. If the judge does not approve your request, the warrant will not be issued.

Sherlyn Sampson
Clerk of Court, Larimer County

MANDATORY FILING OF RULE 120'S

Please be reminded that beginning July 1st there is a standing order from the Chief Judge that all Rule 120's must be e-filed. Any orders or documents prepared by a judge must be e-filed out. The only documents we will be printing are Notice of Hearings unless the matter goes to trial.

* * *

FROM THE SMALL CLAIMS COURT

It's a great day to be alive.

I would like to thank all of you who have signed up to assist as volunteer mediators during our small claims court sessions. Although this mediation program is still very young, I am very, very pleased with your efforts and the impact on our small claims process. As many of you involved in mediations would attest, we are seeing more positive resolutions by settlement. It is the small claims litigants who benefit by seeing a resolution that is obtained with their agreement, rather than a dictated result from the court after a trial. Thank you very much.

If you have not signed up to serve as a mediator, please, please contact my clerk, Deborah Kuntz, (498-6214), and get yourself on that list. CLE credit is available. The time commitment per lawyer has varied, but it has generally been around an hour and a half. When you leave, you will feel like you have helped someone. And that will be true.

As a reminder to those serving as mediators, please remember to bring your calendar! If we can keep this group together, and expanding, we should be able to have two mediators at every session with an individual commitment of once every quarter.

Thanks again.

Magistrate John A. Jostad



FROM THE PRO BONO PROGRAM

The LCBA Pro Bono Program continues to have intake sessions on Wednesdays in Fort Collins and Thursdays in Loveland. The new chair for this program is Becky Brelsford and the new paralegal/coordinator is Jessica Virgil-Retana.





**Colorado Judicial Branch
Office of Dispute Resolution
Eighth Judicial District**

**Julie Kunce Field, Mediator
123 N. College, Suite 200
Fort Collins, CO 80524
(970) 219-5380
Fax: (970) 266-1603
E-Mail: julie.field@comcast.net**

MEMO

**TO: Larimer County Attorneys/Pro se parties
RE: Office of Dispute Resolution Mediation Practice Changes
DATE: June 20, 2005**

Effective July 1, 2005, mediation fees and payment options are changing. The three most significant changes are: (1) fees are being reduced for domestic mediations (to \$100 per hour), (2) payment of a deposit of two hours of mediation is required seven days prior to the scheduled mediation. If payment is not received, the mediation may be cancelled; and (3) the Office of Dispute Resolution must approve indigent or low-income parties fee waivers in Denver 10 days before the mediation.

Office of Dispute Resolution Fees Effective July 1:

District Court Civil and Probate:

These fees apply to all services except for the One Day Jury Trial process:

\$75.00 per party per hour.

\$150 per party per hour when one party is present.

The following fees (per case, split between the parties) apply to the One Day Jury Trial process:

\$800 fee for the neutral.

District Court Domestic Relations, Juvenile, and Criminal, and County Court Civil and Criminal:

\$50.00 per party per hour.

\$100.00 per party per hour when one party is present.

Small Claims

\$30.00 per party per hour.

\$60.00 per party per hour when one party is present.

Fees for Services Provided to Government Agencies:

These fees apply to services for any case type, including dependency and neglect, truancy, parenting, and other issues:

\$80 per hour.

Scheduling Office of Dispute Resolution Mediations:

Although most ODR mediations are the result of the Court ordering the parties into mediation, ODR can also be used for party- or attorney-initiated mediations. The intake and scheduling process is the same for all types of mediation.

A party, or attorney on behalf of a party, must complete the mediation intake form (attached) as thoroughly as possible, and include contact information for each party. Intake forms are available through the Court Facilitator, the Court Clerk, or by contacting the mediator directly. Once completed, the form should be faxed to the number on the form, or sent to the address on the form. The parties will be contacted directly by the assigned mediator or scheduler. If the attorneys wish to participate in the mediation or the scheduling of mediation, please indicate that on the form, and the assigned mediator or scheduler will contact the attorneys rather than the parties.

Once the mediation date is confirmed with the participants to the mediation, a confirmation letter will be sent to the parties and attorneys who are expected to attend the mediation. Each party must pay a deposit of \$100 (\$50 per party, per hour, for a scheduled two hour mediation) directly to the mediator no later than seven days before the scheduled mediation session. If the deposit is not paid, the mediation may be cancelled. Payment may be made by cash, check or money order. Credit card payment is not available at this time, but may be in the future. The \$100 deposit will be applied to the first two hours of mediation. If the parties cancel the mediation after paying the deposit and more than 3 business days before the mediation, the deposit will be refunded. If a party cancels or changes the mediation date less than 3 business days before the mediation, her or his deposit will be forfeited. If a party does not appear for mediation, her or his deposit will be forfeited, and he or she may be charged an additional \$100. If the mediation is more than two hours, payment for the additional time is expected at the end of the mediation session. An additional fee of \$50 per hour per party (2 hour maximum) may be assessed for the preparation of a Memorandum of Understanding, which is a summary of the agreements reached in the mediation.

At the conclusion of the mediation, the mediator will file a Mediation Status Report with the Court in every court-ordered case. The Mediation Status Report will be provided to the parties or attorneys who request it at the time of mediation, or it will be available to the parties or attorneys in the court file. The mediator will draft the Memorandum of Understanding if requested by the parties or the attorneys and the drafting fees are paid.

A party may qualify for indigent or low-income status, and the cost for the mediation may then be waived or reduced on domestic cases involving parenting issues. Parties who believe that they may qualify for a fee waiver or reduced fee must have that status approved before the mediation by contacting Ronna Vigil at the Arapahoe County Justice Center, 303-649-6187, ronna.vigil@judicial.state.co.us. Approval must occur 10 days before the mediation. If approval is not given, or not requested in time, payment to the mediator will be expected 7 days before the mediation.

The same fee schedules and guidelines apply to med-arb or arbitrations or other dispute resolution processes.

If you have any questions or comments about the information contained in this memo, please contact Julie Field, ODR Mediator, at 219-5380.



LARIMER COUNTY WOMEN'S ASSOCIATION

TO: ALL MEMBERS
PROSPECTIVE MEMBERS

THE LCWBA WILL BE CO-SPONSORING BROWN-BAG CLE'S WITH THE LARIMER COUNTY YOUNG LAWYERS THIS CALENDAR YEAR, DATES AND DETAILS TBA.

CURRENTLY SCHEDULED TOPICS AND SPEAKERS INCLUDE:

DATE TBA TED BORRILLO, RETIRED ATTORNEY
RETIREMENT AND POETRY

DATE TBA KATE MCNAMARA, PH.D.
WORK-RELATED STRESS FOR ATTORNEYS

PLEASE SUPPORT YOUR LOCAL WOMEN'S BAR BY JOINING THE COLORADO WOMEN'S BAR ASSOCIATION. A PORTION OF YOUR DUES IS PAID DIRECTLY TO THE LCWBA.

YOUR DUES ARE USED TO PAY FOR CONTINUING EDUCATION PROGRAMS, THE LCWBA'S PARTICIPATION IN MOCHA MONDAY, AND THE LCWBA-SPONSORED HOLIDAY PARTY RECOGNIZING LARIMER COUNTY COURT STAFF.

THIS YEAR THE LCWBA ALSO PLANS TO CONTINUE ITS PARTICIPATION IN THE CROSSROADS PROGRAM THROUGH ITS MEMBERS.

FOR INFORMATION ON MEMBERSHIP AND OTHER QUESTIONS OR COMMENTS, PLEASE CONTACT:

CARA J. STEGEMANN
2625 REDWING ROAD, SUITE. 200
FORT COLLINS, COLORADO 80526
970.211.2800
cstegemann@mkadlaw.com

JENNIFER RICE
OLD TOWN SQUARE, SUITE 238
FORT COLLINS, COLORADO 80524
970.494.1700
ricelawjr@earthlink.net



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YOUNG LAWYERS DIVISION

DATES FOR BROWN BAGS

July 13, 2005 Noon

Reba Nance

Casmaker legal research computer program (a new CBA membership benefit) The presentation is a one-hour CLE program on Casemaker--an overview of the library and tips on usage. It's a great chance to get hands-on training on this great membership benefit and get your questions answered on other CBA products and services.

Larimer County Justice Center, Jury Room

August 10, 2005 Noon TBA

September 14, 2005

TBA

The Young Lawyers meet the 3rd Wednesday of every month and the location always changes. Generally they are at noon but on Wednesdays where we have call a lawyer they will be in the evening just prior to call a lawyer. [If you would like to be notified of our meetings, their locations and come join us, please contact Julie Stencel at \[julie@avjlaw.com\]\(mailto:julie@avjlaw.com\) so you can be added to the YLD email list.](#)

The next Young Lawyer meeting will be held on July 20th at Pueblo Viejo at noon.

REMINDER -- cell phones needed for donation to Crossroads. Phones can be dropped off at Allen, Vahrenwald & Johnson, LLC ATTN: JULIE STENCEL, 125 South Howes, Key Bank Building, 11th Floor, Fort Collins, weekdays between the hours of 8 am -5pm or contact Julie Stencel at julie@avjlaw.com and schedule pick up of your old cell phone. All donations welcome.

"Save the date" note for September 17, 2005 for the annual Partners Superstars Competition - more details to come.



Larimer County Bar Association Executive Committee 2005 – 2006

<p>President Jeanne Drake</p>	<p>2695 West Eisenhower, Suite 200 Loveland, Colorado 80537 Telephone: (970) 663-0898 Fax: (970) 461-1177 E-mail: jdrakelaw@msn.com</p>
<p>Vice President Daniel C. Muffly</p>	<p>323 South College Avenue, Suite 1 Fort Collins, Colorado 80524 Telephone: (970) 482-4846 Fax: (970) 482-3038 E-mail: dmuffly@verinet.com</p>
<p>Treasurer David H. Johnson</p>	<p>425 West Mulberry Street, Suite 112 Fort Collins, Colorado 80521 Telephone: (970) 482-9770 Fax: (970) 482-0339 E-mail: dhjlaw@frii.com</p>
<p>Secretary Richard S. Gast</p>	<p>323 South College Avenue, Suite 1 Fort Collins, Colorado 80524 Telephone: (970) 482-4846 Fax: (970) 482-3038 E-mail: rgast@verinet.com</p>
<p>Past President Linda S. Miller</p>	<p>520 South Howes (Post Office Box 504) Fort Collins, Colorado 80522 482-5300 FAX 493-5257 Email: Linda@LSM-Law.com</p>
<p>Young Lawyers – Liaison Julie A. Stencil</p>	<p>125 South Howes, Suite 1100 Fort Collins, Colorado 80521 Telephone: (970) 482-5058 Fax: (970) 482-5175 E-mail: julie@avjlaw.com</p>
<p>Board of Governors - Representatives Randolph W. Starr</p>	<p>150 East 29th Street, Suite 285 Post Office Box 642 Loveland, Colorado 80539-0642 Telephone: (970) 667-1029 Fax: (970) 669-3841 Email: rstarr8553@aol.com</p>
<p>R. Bruce Fickel</p>	<p>343 Mountain Avenue (Post Office Box S) Berthoud, Colorado 80513 Telephone: (970) 532-2652 Fax: (970) 532-2764 E-mail: rbfickel@aol.com</p>

Zachary Wilson

425 West Mulberry Street, Suite 112
Fort Collins, Colorado 80521
Telephone: (970) 482-9770
Fax: (970) 482-0339
E-mail: zgwlaw@frii.com

Legal Aid

Becky S. Brelsford, Chair

123 North College Avenue, Suite 330
Fort Collins, Colorado 80524
Telephone: (970) 484-5858
Fax: (970) 482-1565
E-mail: lathrop@frii.com

Jessica R. Virgil-Retana (paralegal/coordinator)

Telephone: (970) 402-2075
E-mail:

Library Liaison

Ian D. McCargar

318 Canyon Avenue, Suite 200
Post Office Box 2283
Fort Collins, Colorado 80522
Telephone: (970) 493-8622
Fax: 493-1218
E-mail: imccargar@fkmlaw.com

The Messenger

Cathy L. Vlasak

Post Office Box 1606
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Telephone: (970) 482-7777
Fax: (970) 482-8084
E-mail: cathy@hshh.com

Women's Bar

Cara Stegemann

2625 Redwing Road, Suite 200
Fort Collins, Colorado 80526
Telephone: (970) 221-2800
Fax: (970) 221-0271
E-mail: cstegemann@mkadlaw.com

Access to Justice

Jennifer L. Rice

19 Old Town Square, Suite 238
Fort Collins, Colorado 80521
Telephone: (970) 494-1700
Fax: (970) 419-8258
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Ethics/Professionalism

Eric Sunness

318 Canyon Avenue, Suite 200
Post Office Box 2283
Fort Collins, Colorado 80522
Telephone: (970) 493-8622
Fax: 493-1218
E-mail: eric.sunness@fkmlaw.com

OFFICE SPACE FOR RENT

Four offices for rent, which can be rented as a package or individually, located at 417 W. Mountain Avenue. Great downtown location, near the Larimer County Justice Center.

Please call **Bill Kneeland** or **John Aylward**.
(970) 493-6556

COLORADO STATE UNIVERSITY DIVISION OF STUDENT AFFAIRS Student Legal Services

Colorado State University is accepting applications for the one (1) Director and one (1) Staff Attorney – Student Legal Services. The complete position descriptions and information on how to apply can be found at: <http://www.sls.colostate.edu>. AA/EO employer.

OPEN HOUSE

Ray, Jouard, & Pickering, PC
And
VanMeveren Law Group, PC

To celebrate the relocation of our respective law offices
at our new location in the Timberline Office Park

Friday July 8, 2005
4:30-6:00

Suites 100 & 101
2038 Caribou Drive
Fort Collins, CO 80522

Please join us for refreshments and a tour of our new offices

RSVP appreciated but not required
482-1977 or 495-9741

DENVER ATTORNEY YEARNING TO RELOCATE TO FORT COLLINS

I have been practicing since October 2004 in Denver and would love to practice in Fort Collins, where I lived before law school. I attended law school in Oregon and do not have any Fort Collins legal contacts.

I believe I have a lot to offer a firm – I have two licenses (Colorado and Wyoming), I am intelligent and very people-oriented, I can handle an incredible amount of stress efficiently and easily, I am familiar with Fort Collins, and I have an exceptional work ethic. Although I have only been practicing since October, I have quite a bit of practical experience. For instance, I have taken 10 depositions, appeared in court numerous times, and held my own case load with cases ranging from civil rights to family law.

If anyone is interested in expanding, or knows of anyone who is, I would truly appreciate any information you could give me. I am happy to provide anyone who is interested with a resume, cover letter, references, and anything else you would like.

I can be reached at
krees@willamettealumni.com
or 303/669-8903.

Thank you for your time.
Kelly Rees