

AMICUS

University of Colorado Law School / Fall 2019



Training Lawyers with a Business Edge

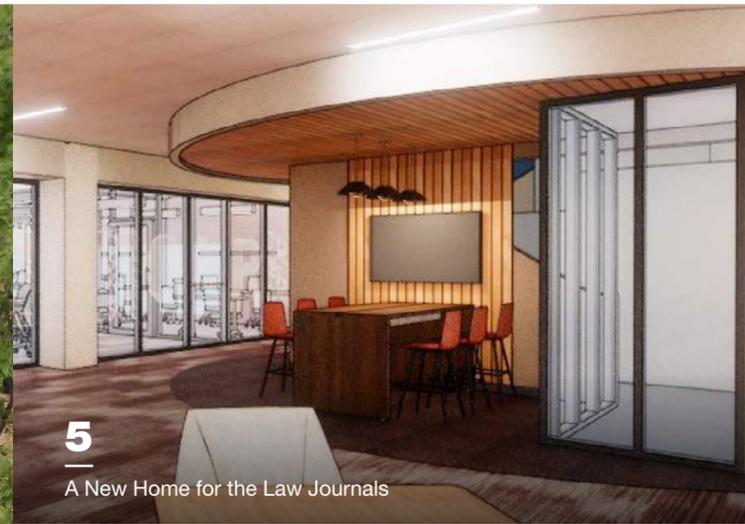
Colorado Law combines legal knowledge with an entrepreneurial mindset to prepare business-savvy attorneys.



COLORADO LAW
UNIVERSITY OF COLORADO **BOULDER**



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

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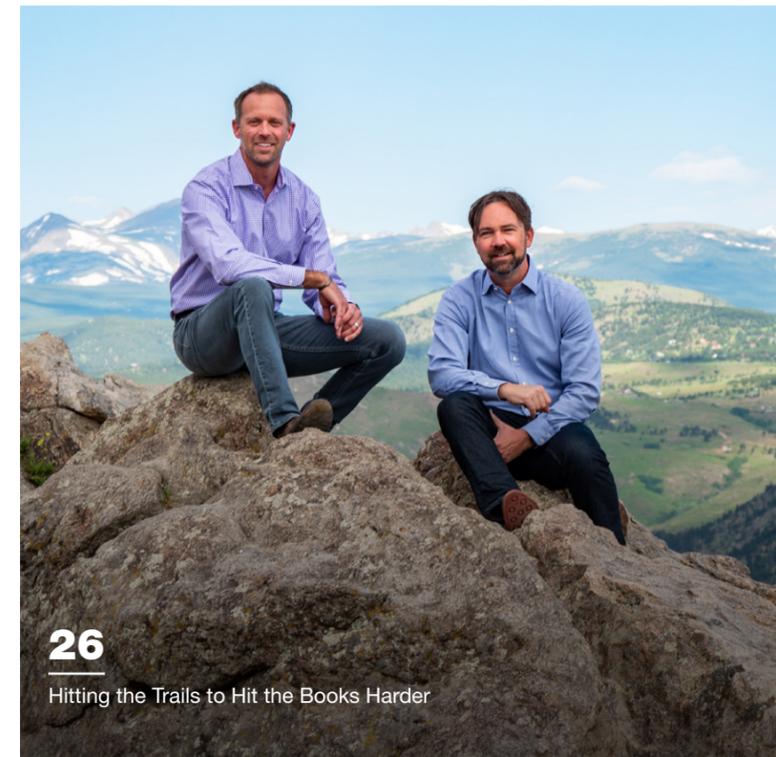
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COVER / Associate Professor Brad Bernthal teaches Venture Capital and Private Equity, a popular course for law, engineering, and business students.

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There's something about Boulder



Dean S. James Anaya

For decades, our city at the foot of the Rocky Mountains has attracted countless startup businesses, venture capitalists, and entrepreneurs.

Boulder has the highest "high-tech startup density" of any metro area in the U.S., according to the August 2013 Kauffmann Foundation Report. *Inc.* magazine has also named Boulder "America's Startup Capital" and "America's Startup City."

The University of Colorado Law School is closely connected to the surrounding business and technology communities. Whether it's through guest lecturers or events hosted by our Silicon Flatirons Center for Law, Technology, and Entrepreneurship or simply by bumping into an entrepreneur in the tight-knit Boulder/Denver legal community, our students closely interact with leaders from the startup world and enjoy rich opportunities for understanding the trends and issues shaping our economy and society.

In this issue of *Amicus*, we focus on Colorado Law's renowned business and entrepreneurial offerings and the symbiotic relationship between Boulder's entrepreneurial community and our law school. You'll read about how our interdisciplinary courses, experiential learning and clinical opportunities, student-run investment competitions, boot camps, and more help students develop the skills they'll need to work at the intersection of law and business. You'll also see how the "Colorado Law

Way" of training attorneys combines a rigorous legal education, an entrepreneurial mindset, and a commitment to contributing positively to society in all professional pursuits.

There are many people at the heart of this rich programming. Associate Professor **Brad Bernthal** ('01) directs the Entrepreneurship Initiative at Silicon Flatirons and has been pivotal in developing and leading on-campus partnerships such as the New Venture Challenge. Professor **Andrew Schwartz's** groundbreaking scholarship on corporate crowdfunding is drawing attention internationally. Former Dean and now Colorado Attorney General **Phil Weiser** founded Silicon Flatirons in 2000, which brings hundreds of business and tech professionals to Colorado Law each year. Additionally, countless community and business leaders generously lend their time to mentor and support our students.

We also can't ignore the importance of Boulder in this mix. There's something about this place that inspires others to invest in each other and the future.

If it's been a while since you've experienced the magic of Boulder, I encourage you to come visit. Homecoming and Reunion Weekend is Nov. 7-9. We'd love to see you there.

My best,



Above: Rising high school juniors from across Colorado attend a class taught by Clinical Professor **Colene Robinson** during Journey to JD, a partnership between the Center for Legal Inclusiveness and Colorado Law that brings 20 students to Colorado Law for a weeklong residential program.

Through attending classes, interacting with Colorado Law students, and visiting law firms, government agencies, and local businesses in Boulder and Denver, Journey to JD teaches students a basic understanding of the legal system and empowers them to explore the possibilities of a career in the law.

Meet the Class of 2022

Colorado Law's most diverse class yet.

3,190
number of applications

179
number of first-year students

3.61
median GPA

163
median LSAT

55%
female students

33%
students of color*

25
average age

111
undergraduate colleges represented

38%
Colorado residents

36
states plus D.C.

17
Master of Studies in Law (MSL) students

12
LLM students (from 10 countries including the U.S.)

*racially and ethnically diverse, self-identified
Statistics as of August 23, 2019.



The 2019-20 LLM class

LLM Program Receives Top Honors

In its latest assessment of the best LLM programs for international attorneys, the *International Jurist* magazine commended Colorado Law for its law school experience, value, career assistance, and academics. Colorado Law was the only school in the nation to be recognized in all four categories.

The rankings, based on a survey of 150 law schools with LLM programs for foreign attorneys, pointed to Colorado Law's signature offerings that are open to LLM students, including the Law of the Colorado River seminar (see more on page 22), three student-led journals, and clinical courses. The rankings also noted the intentionally small size of the LLM program, low student-to-faculty ratio, and partnerships with national and international organizations, including the Governors' Climate and Forest Task Force, the Rocky Mountain Mineral Foundation, and the Inter-American Commission for Human Rights, which provide valuable hands-on experience and networking opportunities.

A New Home for the Law Journals



Rendering of the expanded journals suite
Hord Coplan Macht

Serving on a journal is, for many, among the most memorable and rewarding experiences of law school. This fall, Colorado Law's three student-led journals will have a new, state-of-the-art home in the Wolf Law Building.

The space includes double the previous square footage for journals staff to work, collaborate, and publish robust and high-quality scholarship. It was designed with collaboration and flexibility in mind, offering office suites, conference room, lounge, and large common area for socializing and events. The renovation will be completed this fall.

"Law review is your opportunity to speak beyond the walls of the law school and have a voice in the conversations happening about really important issues," said **Leah Fugere** ('20), editor-in-chief of the *University of Colorado Law Review*. "It really means a lot that the university invests in supporting us as students, as journals, and in the space that we use."

Besides honing writing, editing, and research skills, the social aspect of serving on a journal cannot be overlooked. Connections made with fellow editors and journals staff, who often become lifelong friends and colleagues, span far beyond the three years of law school.

"The potential for this new space is to build even stronger, closer, more robust relationships between the people on the journals because now, for the first time, we'll have a space where everybody can be there together," said **Rob McCary** ('19), who served as managing editor of the *University of Colorado Law Review* in 2018-19. "There's room for all of the team that needs to be there at the same time instead of cycling through single-file. And there's a huge common room where we can have 15 or 20 people working or we can host a social event for the entire team—all 60 members—in one space. That is something we have never had before and I think it is going to facilitate even stronger relationships and a more positive sense of community."

This space is going to impact students for many years. It will make their journals experience so much more valuable, meaningful, and fun, he said.

There are a number of philanthropic opportunities to support the expanded journals suite. Please contact **Jason Bouck**, senior director of development, for more information: jason.bouck@colorado.edu or 303-735-3689.

"This space is going to impact so many students for so long. It will make their journals experience so much more valuable, meaningful, and fun."

Rob McCary ('19)

Journals at a glance

University of Colorado Law Review

- Largest active student-run organization
- Colorado Law's oldest journal of legal scholarship
- Published as the *Rocky Mountain Law Review* from 1928 to 1962
- Publishes four times per year on all topics of legal importance

Colorado Natural Resources, Energy, and Environmental Law Review

- Biannual publication, founded in 1989
- Formerly the *Colorado Journal of International Environmental Law and Policy*
- Publishes articles related to natural resources, energy, and environmental law and policy

Colorado Technology Law Journal

- Formerly the *Journal on Telecommunications and High Technology Law*
- Founded in 2001

Watch students reflect on their journals experience:
cu.law/journals.

New Faculty



Rabea Benhalim Joins Faculty

Rabea Benhalim joined Colorado Law this fall as an associate professor, where she teaches Contracts and Secured Transactions. Prior to joining the Colorado Law faculty, she was the 2017-2019 William H. Hastie Fellow at the University of Wisconsin Law School. Her research focuses on comparative Islamic and Jewish Law. Her article “The Case for American Muslim Arbitration” was recently published in the *Wisconsin Law Review*, and her article “Religious Courts in Secular Jurisdictions” was recently published in the *Brooklyn Law Review*.

Benhalim’s prior work experience as a lawyer and policy expert includes positions at the Brookings Institution, Mayer Brown LLP, Maersk Oil, and the Carter Center. She holds a master’s of public policy degree from the University of Michigan and a JD from the University of Texas. She is a PhD candidate in Islamic Studies at the University of Texas at Austin.

Finance Scholar Nadav Orian Peer Joins Faculty

Nadav Orian Peer joined Colorado Law this fall and will teach Financial Institutions, Bankruptcy, and Property, as well as a seminar titled Public Purpose Finance.

His research and teaching focus on the law of financial institutions, including banking, capital markets, derivatives, and community development. His work studies the intense framework of governance and regulation that undergirds the day-to-day functioning of financial markets. The design and operation of this framework has profound implications for the distribution of credit and economic opportunity in society. His current research explores policy proposals to increase access to credit in the fields of fair housing and climate mitigation.

His recent articles include “Negotiating the Lender-of-Last-Resort: The 1913 Fed Act as a Debate Over Credit Distribution” (15 *NYU Journal of Law & Business*, 2019) and “Your Grandfather’s Shadow Banking: Clearing and Call Loans in Gilded Age New York” (forthcoming in *Inside Money: Re-Theorizing Liquidity*, Christine Desan ed.).

Prior to joining Colorado Law, Orian Peer taught as a visiting assistant professor at Tulane Law School and worked as a business economist at the Federal Reserve Bank of Chicago (Financial Markets Group). He completed an SJD at Harvard Law School, where he taught as a Byse Fellow, and an LLB at Tel-Aviv University. As a member of the Israel Bar Association, he also practiced commercial litigation, specializing in bankruptcy and secured transactions.



Former U.S. Department of Housing and Urban Development Attorney Zach Mountin ('10) Joins Clinical Faculty

Colorado Law alumnus **Zach Mountin** ('10) joined the Clinical Education Program in June as associate clinical professor and director of the Civil Practice Clinic.

A native of Milwaukee, Wisconsin, Mountin earned a BA from Marquette University. He served in the Jesuit Volunteer Corps in Anchorage, Alaska, working as a case worker with runaway and homeless teenagers at Covenant House Alaska. His work with at-risk youth sparked an interest in the law and ultimately brought him to Colorado Law, where he served as editor-in-chief of the *University of Colorado Law Review*. Mountin also served as a law clerk for Justice Melissa Hart on the Colorado Supreme Court.

Mountin previously served as a trial attorney with the U.S. Department of Housing and Urban Development, where he focused his practice on employment and housing discrimination cases and litigated cases before a variety of administrative courts coordinating with the Department of Justice on federal court litigation. He gave frequent trainings to both internal and external stakeholders on employment and fair-housing issues.

Mountin is developing a new employment law component of the Civil Practice Clinic in which law students will represent low-income wage workers seeking compensation, workers facing discrimination, and government employees at risk of losing their jobs. These cases will allow students to develop their civil litigation skills while expanding access to justice for workers who would normally go unrepresented.

New Staff



Cybersecurity and Privacy Law Expert Amie Stepanovich Named Executive Director of Silicon Flatirons

Amie Stepanovich, a nationally recognized leader in domestic surveillance, cybersecurity, and privacy law, joined Colorado Law in July as executive director of the Silicon Flatirons Center for Law, Technology, and Entrepreneurship.

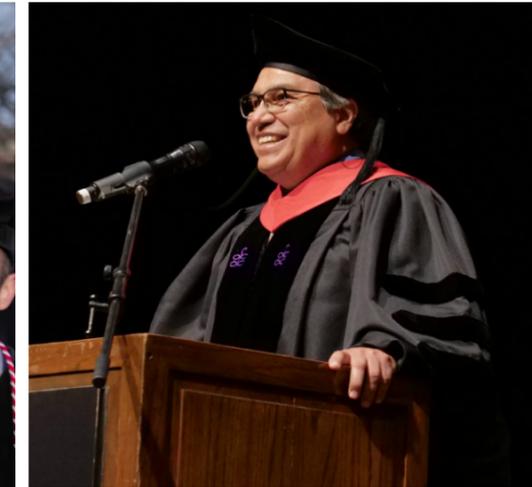
Stepanovich holds a JD from New York Law School and a BS from Florida State University.

She previously served as U.S. policy manager and global policy counsel at Access Now in Washington, D.C., where she worked to protect human rights in laws and policies involving technologies and their use. Prior to that, she was director of the domestic surveillance project at the Electronic Privacy Information Center, where she testified in hearings in both the Senate and the House of Representatives, as well as before the German and Australian parliaments.

“I am excited to join the team at Silicon Flatirons as it embarks on its next chapter,” Stepanovich said. “Today we’re at a critical juncture in the conversations about the evolution and governance of technology, and the world-class directors and staff of Silicon Flatirons are helping to shape those discussions. As executive director, I hope to live up to the standards set for the role by **Phil Weiser** as our founder and longtime leader, while also seeking out new opportunities and means for engagement. I look forward to connecting with the students of Colorado Law and the University of Colorado as well as the entire Silicon Flatirons community. I am grateful for this opportunity and am committed to the center’s mission and to continuing to grow Silicon Flatirons as an inclusive leader in law and innovation.”

Celebrating the Class of 2019

On Friday, May 10, 2019, the University of Colorado Law School celebrated the commencement of 157 JD graduates, nine LLM graduates, and 10 Master of Studies in Law (MSL) graduates.



Class of 2018 Employment Outcomes Surpass Decade-High Streak

Our most recent post-graduation employment data for the Class of 2018, as reported in April to the American Bar Association and the National Association for Law Placement, show that 94 percent of graduates were employed 10 months after graduation. Of these graduates, 85 percent were in long-term (one year or more), full-time, non-school funded jobs for which bar passage was required or a JD degree was an advantage—the highest of any class in 11 years.

Eighty percent of 2018 graduates reported accepting a full-time, long-term, non-school funded job for which bar passage was required—also the highest number in the last 11 years.

These figures put the class at 36th in the nation for overall employment and 35th in the nation for the percentage of graduates in full-time, long-term, bar passage-required jobs. See a full summary of employment data at colorado.edu/law/careers.

Holding Government Speech Accountable

A new book by Professor Helen Norton investigates the variety and abundance of government speech.



Constitutional law tends to focus on the rules that apply to what the government *does* — like the rules that apply to the laws that the government enacts to the government's taxes and the government's decisions to arrest and imprison. What's less clear are the constitutional rules that apply to what the government says.

In her new book, *The Government's Speech and the Constitution* (Cambridge University Press), constitutional law scholar and Professor **Helen Norton** investigates the variety and abundance of government speech, from early proclamations and pamphlets to the electronic media of radio and television and to today's digital age.

"At its core, constitutional law addresses the uses and abuses of government power. This includes the uses and abuses of the government's expressive powers," Norton said. "When we see or hear the terms 'government' and 'speech' in close proximity, we often think of the constitutional issues triggered when the government regulates our expression. In this book I focus on the constitutional issues raised when the government itself is doing the talking."

Norton, who holds the Rothgerber Chair in Constitutional Law at Colorado Law, focuses her teaching and scholarship on constitutional and civil rights law. Before entering academia, she served as deputy

assistant attorney general for civil rights at the U.S. Department of Justice during the Clinton administration. Her constitutional law scholarship has appeared in the *Duke Law Journal*, *Northwestern University Law Review*, *Stanford Law Review Online*, and the *Supreme Court Review*, among other journals.

Q: First, let's start with a definition. How do you define government speech?

When I talk about the government's speech, I'm referring to the speech of a governmental body like an agency or congressional committee (think of the surgeon general's report on the dangers of tobacco) as well as the speech of an individual who speaks when backed by the government's power (like the attorney general announcing official policy or a police officer interrogating a suspect).

Q: How is speech by the government different from when anyone else speaks?

The government is unique among speakers because of its coercive power, its enormous resources, its often privileged access to key information, and its wide variety of expressive roles. The government speaks not only as sovereign, but also as employer, as educator, as property owner, as commander-in-chief, and in many other roles. For all these reasons, the government's speech has unusual

potential for great value as well as great harm.

Q: Why does the government's speech deserve our attention right now?

The government's speech can serve, or instead threaten, democracy. We need to empower our government to operate effectively to serve and protect us, even while we need to limit its power to harm us. Think of governmental threats that silence dissenters as effectively as jailing them, or governmental lies that pressure their targets into abandoning their constitutional rights as effectively as denying those rights outright. These concerns are as important now as they've ever been.

Q: Are there ever instances when the government can lie to its citizens? Under what circumstances?

The government's lies, like our own, can be complicated. Sometimes the government tells lies in hopes of achieving important public objectives: think of undercover police officers' falsehoods about their identities, which are told to discover and stop wrongdoing. But of course, the government's lies sometimes inflict devastating injuries—for example, when the government lies to the public to avoid legal or political accountability or to justify certain military actions. This requires us to wrestle with hard questions about when we can

effectively challenge those lies through constitutional litigation and when we must instead rely solely on political action like protesting and voting.

Q: You've written extensively about free speech as it relates to artificial intelligence, employers, and the government. What inspired you to write this book about government speech?

I've worked for the government myself when I helped lead the Department of Justice's Civil Rights Division during the Clinton administration, so I have some experience with the challenges and benefits that come with speaking for the government. After I entered academia, my early work in this area focused on the value and importance of the government's speech so long as its governmental source is made clear to the public. As the years passed, I also became interested in the dark side of the government's speech—in other words, the government's destructive expressive choices. This led me to wonder whether and when the Constitution limits the government's speech. This book represents my efforts to describe and analyze the tensions between these two sides of the government speech coin.

Q: How has writing the book influenced your future scholarship?

Thinking about the constitutional rules that apply, or should apply, to the government's speech invites lots of important and challenging questions both about the nature of speech and the nature of government. It requires us to expose our views about how government does and should work, and our views about how speech does and should work. What value does the government's speech offer, what dangers does the government's speech threaten—and does the Constitution protect us from those dangers? These are questions that I'll continue to explore.

The
**GOVERNMENT'S
SPEECH** *and the*
CONSTITUTION
HELEN NORTON





Training Lawyers with a Business Edge: The Colorado Law Way

By Julia Roth

The skills needed to be a successful lawyer in 2019 and beyond are changing.

Law professors and practitioners agree: law practices today—as well as in the future—require broad and interdisciplinary skills that combine legal knowledge with an understanding of technology and data, problem-solving, collaboration, and personal effectiveness. In addition to the practice of law, clients expect new lawyers to also be competent in understanding the business of a client.

Many schools, including Colorado Law, have responded to the shifting market demand for business and technology-savvy attorneys with specialized courses and clinics, partnerships with the business community, and opportunities for hands-on training.

When students leave Colorado Law, they not only have a legal skill set, they also are familiar with what makes and breaks a company, said Associate Professor **Brad Bernthal** ('01), who is at the forefront of Colorado Law's entrepreneurial efforts. This is important in setting our graduates up for success, no matter their chosen area of practice, he said.

The "Colorado Law Way" of training attorneys combines a rigorous education, one that goes deep in the legal discipline, along with cultivating an entrepreneurial mindset, Bernthal said.

The foundation of the school's success is rooted in high-caliber business law classroom work as well as clinical opportunities. Colorado Law further differentiates itself with an outward-facing emphasis. Students engage with the business community where they regularly interact with entrepreneurs, venture capitalists, and professional service providers. Further, Colorado Law's affiliation with the University of Colorado, which Reuters named the 29th most innovative university in the world, puts the school in the right place at the right time for entrepreneurially minded lawyers.

Curriculum

Colorado Law's curriculum provides its students a competitive advantage amid a changing legal landscape, where many of today's employers focus on recruiting attorneys with a strong business orientation.

The building blocks for business law include courses such as Contracts, Corporations, and Securities Regulation. These foundational substantive areas remain table stakes for effective business attorneys.

Professor **Andrew Schwartz**, who joined the Colorado Law faculty in 2008, offers the example of *Akorn v. Fresenius*, a corporate law case out of Delaware.

"*Akorn* was a landmark corporate case where the court allowed a corporate acquirer to walk away from a \$5 billion merger agreement. But that merger agreement was itself just a type of contract, and so the court premised its ruling on foundational principles that we study every year at Colorado Law in the first-year Contracts course," Schwartz said. (The court cited a *UCLA Law Review* article by Schwartz in its opinion.)

In addition, practical skills courses such as Transactional Drafting, Deals, Legal Negotiation, Venture Capital and Private Equity, Software Transactions, and Data Analytics require students to transfer skills to the real world. Such courses provide relevant, practical, and valuable information that students will use regardless of their chosen career path.

Venture Capital and Private Equity, taught by Bernthal and local venture capitalist **Jason Mendelson** since 2008, is a popular course for entrepreneurially minded students, as well as others without a business background who are interested in exploring the world of startups and investment. The course teaches the legal and financial principles relevant to representation of privately held companies, their founders and managers, and their investors.

"We cover startup finance," Bernthal said. "But Jason [Mendelson] is such a gifted communicator with deep expertise that the course could also be titled Startups 101 or How Startup Communities Work. For many students, the VC class provides access to a new world of opportunities surrounding emerging companies."

The VC course attracts a cross-campus mix of 60-70 graduate students each year, with roughly 50 percent of class participants from the law school, 40 percent from the MBA program, and 10 percent from engineering.

Program highlights

Entrepreneurial Law Clinic: Students work with local entrepreneurs, providing transactional legal services for the formation and development of small businesses in Colorado.

Silicon Flatirons Center for Law, Technology, and Entrepreneurship: Colorado Law's epicenter for students, entrepreneurs, policymakers, and professionals at the intersection of law, policy, and technology. Its Entrepreneurship Initiative, launched in 2008 by Associate Professor Brad Bernthal, facilitates interaction between CU and Colorado's high-tech entrepreneurial community.

LEFT: Brad Bernthal and Jason Mendelson's fall 2019 Venture Capital and Private Equity class.

"Students respond in such an energetic way that the class has a jazz-like improvisation in the back-and-forth between students and professors," said Bernthal. "Each session has something unexpected and creative." The course is so valued that students established an endowed scholarship fund in Bernthal's name and created a separate campus entrepreneurship gift in Mendelson's honor.

"The VC class was my first look at how businesses are funded and what startups are looking for to scale their businesses," said **Jon Milgrom** ('15), founder and partner at Milgrom & Daskam. "We negotiated terms for the purchase and sale of equity in a company. This is something I do nearly every day in my current practice. The class was super practical in terms of exposing you to deal structures, entity structures, and industry terms and terminology."

Several alumni of the class have gone on to work in investing or start their own firms or companies: **Chris White** ('14), founder and CEO of clothing company Shonesty; **Cami Yuasa** ('14), vice president of bank management at Goldman Sachs; **Josh Fitch** ('17) and **Nick Troxel** ('17), founders of Troxel Fitch, LLC; **Ben Abell** ('11), co-founder of sunglasses company goodr; **Shannon Liston** ('15), senior corporate counsel at Techstars; and **Sierra Moller** ('16), corporate counsel at Techstars, to name just a few.

Colorado Law's business law curriculum also focuses on building students' "transactional IQ." Transactional IQ is defined as the measure of an individual's ability to serve as a

trusted business legal advisor. Colorado Law takes an innovative approach to integrating traditional doctrinal and experiential learning. In Transactional Drafting, a course designed and spearheaded by Legal Writing Professor **Amy Bauer** in 2010, students learn the principles of contemporary commercial drafting, gaining skills that are applicable to transactional practice and are also useful to future litigators.

"Transactional Drafting shows students how the skills they are learning transfer to the real world and provides relevant, practical, and valuable information that they will use regardless of their chosen career path," said Bauer, who created an Advanced Transactional Drafting course and regularly teaches Colorado Bar Association CLE courses on drafting. She frequently speaks with legal writing faculty at other law schools to encourage them to develop and offer their own drafting courses, as she did.

"In Transactional Drafting, we actually wrote the contracts we analyzed only theoretically in a Contracts course," said **Ali Lipman** ('14), an associate at Johnson & Repucci, LLP in Boulder. "In each Legal Negotiation class, we simulated real-world negotiations, which helped us better understand how to effectuate a meaningful agreement. Both of these courses were hands-on and thus immensely helpful in preparing me for client work. Ultimately, these courses made me more confident in my law practice."

Deming Center Venture Fund: Working as investors, law students team up with students from across CU's campus to make angel investments into local startups.

Institute for the Future of Law Practice (IFLP): Law students advance their academic knowledge and real-world business and technology experiences as participants in IFLP's three-week boot camp conducted by industry leaders, followed by paid internships in Colorado, Silicon Valley, and elsewhere.

Venture Capital Investment Team: Moot court competition for investing headquartered at CU's Leeds School of Business.

Transactional LawMeets Competition: The transactional counterpart to the National Moot Court competition in which students are tasked with drafting contract provisions and negotiating those provisions within the bounds of the client's instructions. Colorado Law is a three-time national winner.

New Venture Challenge: CU Boulder's entrepreneurial "flight simulator" for the last decade, giving aspiring entrepreneurs the chance to build a startup through support and mentorship.

Defy Ventures: Through a partnership with Defy Colorado, Colorado Law students volunteer with inmates at Colorado prisons to teach entrepreneurship and create business plans.



Entrepreneurial and business law faculty Sloan Speck, Andrew Schwartz, Mark Loewenstein, Erik Gerding, Amy Bauer, and Brad Bernthal

Community

Beyond the classroom, experiential opportunities abound for Colorado Law students to hone their business skills. These experiences are enriched by Colorado Law's location in Boulder, one of the top U.S. cities for startup businesses, and the #GiveFirst mentality that permeates the entrepreneurial ecosystem in Boulder.

#GiveFirst describes a norm of behavior in the Front Range, championed over the past decade by venture capital firm and entrepreneurial network Techstars. It refers to individuals helping others, without any expectation of direct payment in return. #GiveFirst is not pure philanthropy. Rather, it is participation in a system where an individual trusts that benefits provided to others will, over time, indirectly come back to the individual. Thanks to the generosity of dozens of venture capitalists, entrepreneurs, and attorneys willing to lend an ear, hour, or email, Colorado Law students enjoy invaluable connections in the Boulder-Denver area that often lead to internship, externship, and job opportunities.

"Along with mountains and sun, #GiveFirst is one of the attractions that motivates entrepreneurs to migrate to the Front Range," Bernthal said at a recent entrepreneurship conference hosted by Colorado Law's Silicon Flatirons Center. "It is a mode of behavior about how exchanges work between people working in the startup scene. In my estimation, it facilitates what Brian Eno calls 'scenius,' which he defines as the communal form of genius."

Jon Milgrom ('15) cites his participation in the Deming Center Venture Fund, which supports emerging companies in Boulder and surrounding communities, as one of his most formative law school experiences. Law students can join the student team, which serves as a venture fund for making seed investments in local companies. Working under the guidance of an experienced advisory board, including **David DiGiacomo** ('14) and **Mike Dornik** ('14), and local business leaders, students learn the ins and outs of venture capital and angel investing. Since the program was founded in 2009, nearly 40 Colorado Law students have served as team members and have gone on to work at companies like Zayo, Level III, Cooley LLP, Latham Watkins LLP, McKinsey & Company, Deloitte, Blackstone Entrepreneurs Network, Boomtown, DISH, Greenlite Labs, Greenmont Capital, and Oracle.

"You get pitches from all these different businesses and you have to break down their business plans. Working with an interdisciplinary team that includes students from business, architecture, journalism, and engineering, you collaborate to break down the business plans and ideas and provide entrepreneurship advice, listen to their pitches, and source deals. You're doing basically what a venture fund does, except we're making seed investments," Milgrom said.

Through its course offerings, programming, and community partnerships, Colorado Law is giving its students the tools they need to be better allies for the businesses they may one day represent.

"As an attorney, if you can relate to your clients—almost all of which are businesses—you can represent their interests much more effectively," Milgrom said. "This comes up on a daily basis. Understanding business helps you to know what they're up against and advise them in a more meaningful way."

Sally Hatcher ('97), a serial entrepreneur who co-founded two companies after law school and now advises graduate students interested in pursuing companies, agrees: "Lawyers with business experience understand better than most lawyers what it's like to be in the trenches and understand the decisions you have to make as an entrepreneur," she said. "If you understand what your clients are going through, you are going to be a better lawyer because you are going to understand their needs better."

Entrepreneurial and Business Law Faculty Highlights



Bernthal: A New Way to Categorize Startup Financing

When an early-stage startup needs money to launch its business, conventional fundraising involves selling the startup's stock to an angel investor or venture capitalist in return for an investment of capital. Yet the last two decades have seen an explosion in different ways to structure fundraising. Startup finance, once dominated by preferred stock, now features at least eight different instruments often used by startup companies and investors—six of which have only become widely used in the last decade.

In an article published in the *BYU Law Review*, Associate Professor **Brad Bernthal** points out that legal scholars have yet to consider this proliferation of instrument types as a whole and find a way to organize them into a common framework.

"New financial instruments confound the conventional wisdom that startups routinely rely upon stock issuances to raise capital," Bernthal writes. His article describes several nontraditional investment instruments that are relative newcomers to startup finance. These include revenue-based financing, demand dividends, venture debt, series seed preferred structures, convertible debt, simple agreement for future equity (Safe), prepayment enabled by crowdfunding portals, and simple agreement for future tokens in the form of cryptocurrency.

"A typology of startup instruments was unnecessary in 1998, for example, when entrepreneurs and investors had limited choices about how to structure capital investment. Yet today's landscape involves an array of alternatives," he said. Reflecting on the diversification of startup investment forms, Bernthal puts forth a new way to analyze and classify startup instruments in the form of a three-fold classification scheme: lock-in, park-n-ride, and payouts.

"The functional framework of the new typology helps surface 'the economic and sociological realities' of a startup-investor relationship," Bernthal writes. "The new typology is multidimensional, providing a tool to examine economic, control, time, and regulatory aspects of instruments. In this way, the typology incorporates broadly accepted analytic tools from law and entrepreneurship."

Read more: J. Brad Bernthal, "The Evolution of Entrepreneurial Finance: A New Typology," 2018 *BYU L. Rev.* 773.



Schwartz: What the U.S. Can Learn From New Zealand about Equity Crowdfunding

Securities crowdfunding, while born in the United States, has become a worldwide phenomenon, with New Zealand leading the charge, writes Professor **Andrew A. Schwartz**. He spent the first half of 2017 in New Zealand conducting research and interviewing entrepreneurs, platform operators, investors, lawyers, academics, government officials, and other participants in the crowdfunding market to compare the two systems. Schwartz's findings have been published in the *Washington and Lee Law Review*, New Zealand's *National Business Review*, Oxford's business law blog, and elsewhere.

The main difference between the U.S.'s and New Zealand's approaches to this form of internet-based public stock market modeled on Kickstarter and the like appears to stem from the varying amounts and types of startup capital available in each country, Schwartz found.

In "The Gatekeepers of Crowdfunding," Schwartz points out the contradiction at the core of securities crowdfunding. On one hand, crowdfunding seeks to create an inclusive system where entrepreneurs, regardless of where they are or whom they know, are invited to pitch their company directly to the public. On the other hand, crowdfunding is supposed to be an efficient system that allows startups and small businesses to be financed so that they can grow, create jobs, and contribute to the economy. Unfortunately, he writes, these policy goals of inclusivity and efficiency are in tension.

"The U.S. has long had the largest and most mature system of venture capital and angel financing in the world, and could afford to view crowdfunding as a complementary system focused on inclusive opportunities for entrepreneurs," he writes. "New Zealand has long had much less venture capital and angel financing, even for its size, and crowdfunding helps make up for that shortfall. New Zealand could not afford to be distracted by the secondary goal of inclusivity."

Read more: Andrew A. Schwartz, "The Gatekeepers of Crowdfunding," 75 *Wash. & Lee L. Rev.* 885 (2018).



Bauer: Transactional Drafting for Practice-Ready Attorneys

The demand for law school courses that cover practical lawyering skills is at an all-time high, as employers—in an effort to reduce spending by providing less training—focus on recruiting practice-ready attorneys.

“To ensure that students get a strong return on investment and are able to compete in this new landscape, law schools must expand their curriculum and offer practical skills courses well beyond the traditional first-year legal writing class that focuses almost exclusively on drafting in the litigation context,” Legal Writing Professor **Amy Bauer** writes.

Colorado Law has responded to this need by offering a number of specialized programs, clinics, and course offerings—including courses in transactional drafting. In an article published in *Transactions: The Tennessee Journal of Business Law*, Bauer details her career path from litigation to teaching legal writing to creating and teaching Colorado Law’s first transactional drafting course in 2010.

Since then, Bauer has taught Transactional Drafting 21 times to nearly 400 students, created an Advanced Transactional Drafting course, and taught several Colorado Bar Association CLE courses on drafting. Her class has grown to one of Colorado Law’s most popular.

“Transactional Drafting consistently has one of the longest waitlists, and despite offering the course in the summer, spring, and fall for almost eight years, my class is simply not sufficient to satisfy student demand,” Bauer writes.

To meet this interest, Colorado Law hired adjunct professors to teach additional sections of the course.

The result? Law students gain the practical skills necessary to be well-rounded lawyers who are ready to hit the ground running on day one.

“Transactional Drafting shows students how the skills they are learning transfer to the real world and provides relevant, practical, and valuable information that they will use regardless of their chosen career path,” Bauer writes.

Read more: Amy Bauer, “From the Courtroom to the Classroom: How a Litigator Became a Transactional Drafting Professor,” 20 *Transactions: Tenn. J. Bus. L.* 559 (2019).



Speck: Is Crowdfunding for Medical Care Taxable?

As the price of health care goes up, hundreds of thousands of individuals have raised billions of dollars through crowdfunding to help with the costs of surgeries, hospital stays, and lost wages due to illness and injuries.

Associate Professor **Sloan Speck**’s latest research explores the tax consequences of medical crowdfunding, in terms of both the positive state of current law and the normative question of how medical crowdfunding should be treated.

“Although some accounts explore issues surrounding access, bias, and the distribution of benefits, virtually no attention has been paid to these issues in the tax context,” Speck said. Crowdfunding contributions may appear to be nontaxable gifts under current law, but the nature and mechanics of online crowdfunding raise doctrinal and policy questions about this conclusion.

In addition, crowdfunders may receive IRS forms that report amounts raised. These forms can be an unwelcome surprise, and they have led to audits in some cases. “For several years, the IRS has listed medical crowdfunding in its priority guidance plan, but there is a dearth of clear, formal guidance in this area,” he said.

“We really need to think about how medical crowdfunding fits within the Internal Revenue Code,” said Speck. “Medical crowdfunding challenges our patchwork system of tax benefits for health care, and we should either rationalize crowdfunding within the existing rules or use crowdfunding as a call for more fundamental reform.”

Brunet Marks: Incentivizing Farmers to Adopt Sustainable Food Systems

The sustainable shopper is here. As food consumers pay more attention to labels and aligning food purchases with values, economists would normally predict that supply would follow, prompting farmers to produce for these value-added markets. This is not necessarily the case, however, Professor **Alexia Brunet Marks** argues in a recent *Vermont Law Review* article, which received Colorado Law’s Sandgrund Award for Best Consumer Rights Work in 2019.

For some farmers, the barriers to producing more sustainable food extend beyond the usual agricultural production constraints, such as access to inputs like seeds and technology. Brunet Marks discusses one seldom-discussed barrier to producing more sustainable food: whether the farmers rent or own their land, otherwise known as the “land tenure” status.

Brunet Marks found that renters adopt fewer sustainable practices—not because there is anything inherent in farmland rental that results in inferior environmental stewardship, but because legal agreements between the landlord and tenant do not incentivize sustainable practices.

In order to feed the “eco-consumer”—those who consider environmental sustainability as an important purchasing priority—and motivate sustainable practice adoption, renters need incentives to adopt sustainable practices, Brunet Marks writes. Incentives to produce sustainably are vital given that 10 percent of farmers are due to retire in the next 20 years, placing more land in tenancy and into the hands of landlords with little farming experience.

She recommends several public and private sector mechanisms to incentivize farmers to adopt sustainable practices, including expanding access to federal conservation programs, integrating conservation goals into other federal programs, reforming lease contracts by adding environmental stipulations or sustainability provisions, and industry collaborations and other contracting opportunities.

Further, Brunet Marks points out that research on the price premium offered by certification programs is necessary to show farmers that sustainable practices provide a return on investment. Additionally, expanding state legislative programs favoring conservation and industry collaborations that provide farmers with funding to undergo organic certification will be critical as farmers strive to adopt sustainable practices.

In a subsequent and complementary article, “(Carbon) Farming Our Way Out of Climate Change,” forthcoming in the *Denver Law Review* (2020), Brunet Marks continues to argue for sustainable farming practices and introduces a food certification for ‘carbon farming’—namely, agricultural practices that remove carbon from the atmosphere and sequester it beneath the ground.

Read more: Alexia Brunet Marks, “Feeding the Eco-Consumer,” 42 *Vt. L. Rev.* 567 (2018).

Alexia Brunet Marks, “(Carbon) Farming Our Way Out of Climate Change,” 87 *Denv. U. L. Rev.* 3 (forthcoming 2020).



Entrepreneurial and Business Law Alumni Profiles



Sarah Boulden

Senior Associate Attorney
Silicon Legal Strategy

Through classes and activities with the business school, Boulden broadened her knowledge base and acquired new skills not often taught in the classroom.

Additionally, through experiential learning in the Entrepreneurial Law Clinic, Boulden gained valuable practical skills. “In the clinic I had three clients with different needs, and I learned skills that are hard to obtain outside of an experience with a clinic or legal internship, such as drafting documents and client emails and the importance of responsiveness to clients. All of the skills I learned in clinic I still use today. Additionally, I’m currently a supervising attorney for the Entrepreneurial Law Clinic, so I’m able to advise and train current students.”

Boulden noted the importance of taking practical classes. “The classes that stand out to me are Venture Capital with Associate Professor **Brad Bernthal** and Adjunct Faculty **Jason Mendelson**, Deals with Professor **Erik Gerding**, and Transactional Drafting with Legal Writing Professor **Amy Bauer**,” she said. “These practical classes have been the most helpful for me in my career. Theoretical classes are excellent for setting a solid foundation of the law, but practical courses allow students to be off to a running start as an associate. Additionally, networking and internships while you are a student are helpful to learn more about what you would like to do in the future and provide a much-needed break from legal coursework.”

For students interested in business law, Boulden notes: “Students should try to gain a general understanding of the typical lifecycle of a business. Early stage companies typically need help with setting up the structure of the business to limit liability. They need form documents to issue equity, build a team, and work with vendors and customers. As companies grow, their needs change as they take on outside investment, grow their team, continue expanding their products and services and get ready for a successful exit. Additionally, knowing how to effectively use legal software and even Excel are important skills to have.”

Sarah Boulden (JD/MBA '13)

As a graduate of Colorado Law’s JD/MBA dual degree program, Sarah Boulden got the best of both worlds: experiential education and practical coursework at Colorado Law and business-focused learnings at the Leeds School of Business.

Today, Boulden is a senior associate attorney at Silicon Legal Strategy, a boutique law firm providing transactional legal services to technology startups and investors. She heads the Denver office of Silicon Legal Strategy, which is headquartered in San Francisco.

As outside general counsel for startup companies and venture capital firms, about 70 percent of her work is with startups and 30 percent is with venture capital investors. Most of Boulden’s day-to-day work consists of transactional legal work such as helping startups with formation and corporate governance, employment and consulting agreements, commercial agreements, equity and debt financings, and mergers and acquisitions.

“While I was a student I participated in activities across both the law school and business school. I was involved with Silicon Flatirons and the New Venture Challenge, and I was an articles editor on the *Colorado Technology Law Journal*,” she said. “I was also a student attorney in the Entrepreneurial Law Clinic and served as a course assistant for a Philosophy of Entrepreneurship class taught by Associate Professors **Brad Bernthal** and **Phil Weiser**, along with **Brad Feld** of the Foundry Group. At the business school I was also a director on the Deming Center Venture Fund.”

Otto Hanson ('16)

Otto Hanson’s entrepreneurial spirit helped pave his way to the University of Colorado Law School and to co-founding his own company. As a staff attorney at Davis Graham & Stubbs LLP and founder of TermScout, a legal tech startup that helps businesses and consumers build and understand contracts, Hanson recognizes the important practical skills he gained while attending Colorado Law.

Hanson earned his MBA from the Middlebury Institute of International Studies and worked for various startups before attending law school. “A big part of the reason why I chose Colorado Law was the programs run by Associate Professor **Brad Bernthal** and former Dean **Phil Weiser**,” he said. “I started out in the Silicon Flatirons student group and was president during my second year. I also competed in transactional competitions, and my team won the national Transactional LawMeets competition in New York City in 2015.”

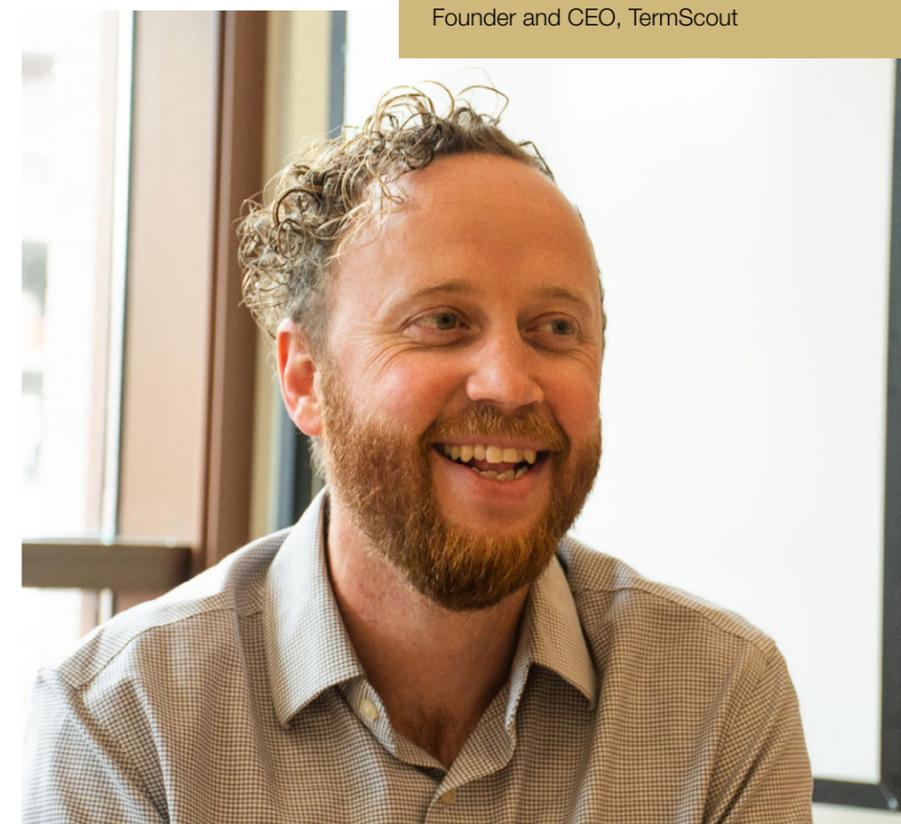
The Tech Lawyer Accelerator and the Deming Center Venture Fund (DCVF), led by a cross-disciplinary team of CU Boulder graduate students, were two of the biggest influences on Hanson’s career.

“The DCVF is basically a venture capital fund run by graduate students. I was a student venture capitalist while I was a law student,” Hanson said.

“Prior to law school, I’d been on the startup side but never the investor side. It was really great to try that hat on,” he said. “We listened to startup pitch presentations, interviewed executives, worked with the legal and financial teams, and learned about the due diligence process. We had to really look under the hood of the business and ask if we should allocate funds to this company. That was such a great experience to have while I was still in school.”

Unbeknownst to him at the time, the DCVF would later play a pivotal role in Hanson’s own startup, which started when Hanson and **Katherine Snow** ('17) entered, and won, the Global Legal Hackathon in 2018 with an earlier iteration of their idea, then called LexLucid.

“We were frustrated after discovering some unusually and unapologetically aggressive terms in the click-through agreements of some large, well-known companies, so we set out to create a way for people (and later for businesses) to know what they’re signing,” he said. “We received really positive feedback



Otto Hanson

Staff Attorney, Davis Graham & Stubbs LLP
Founder and CEO, TermScout

from judges and even found our first initial investor at the final round of the Global Legal Hackathon in New York City. We came back from that competition with a prototype of a product, an investor, and a winning idea, so we decided we had better keep at it.”

When Hanson went out for TermScout’s first financing in early 2019, his team pitched—and received funding from—the Deming Center Venture Fund.

“It was great to work with the fund again and experience being on the company side of that transaction,” Hanson said.

Another fundamental law school experience for Hanson was the Tech Lawyer Accelerator Program (TLA), run by **Bill Mooz** ('85). The program, which has been reimaged as the Institute for the Future of Law Practice, offers a hands-on training boot camp that focuses on disciplines not generally taught in law school followed by a field placement with companies in Colorado, Silicon Valley, and elsewhere.

“TLA got me up to speed. It was definitely a game changer,” he said. “Before law school I worked in low-tech startups, so I knew I needed more tech experience. TLA taught me the core language I needed to speak intelligibly to software engineers and work in the tech sector. I actually ended up working for

a software company that summer. If you want to be involved with a high-tech business, being able to speak the language is just as key as knowing the law.”

Hanson also identified classes such as Venture Capital and Private Equity, taught by Bernthal and local venture capitalist **Jason Mendelson**, and Legal Writing Professor **Amy Bauer’s** Transactional Drafting class as useful and practical classes. “I really didn’t want venture capital to be over. It was definitely a top class of all time for me,” he said. “The best class for technical skills was Professor Bauer’s transactional drafting class. She does a good job of using a technical approach to drafting and helping students recognize constituent parts of a contract. That is one skill that I still use all of the time.”

Today, Hanson continues to practice law part time in the finance and acquisitions department of Davis Graham & Stubbs LLP and is the CEO of TermScout. “It’s incredible how supportive DGS has been, providing office space and mentorship for TermScout and being flexible with my legal practice as part of their efforts to give back to the entrepreneurial and legal tech communities,” he said.

Laura Littman

Senior Product Manager, Strategic Networks
Zayo Group

**Laura Littman ('13)**

Laura Littman's interests and knowledge have led her to pursuing two different career paths in law and business: she currently works as senior product manager on strategic networks at the Zayo Group, where she originally began as in-house counsel.

When Littman entered Colorado Law, mentors such as **Phil Weiser** guided her into the tech policy space based on her interests.

"Antitrust was my real interest going into law school. I came in as an undergrad economics major and Phil Weiser steered me towards telecom and the tech field because there'd be a lot of antitrust there," she recalled. "I also worked with Phil as an editor for some of his writing and did antitrust research with him."

As a student at Colorado Law, Littman continued to pursue her interest in antitrust, getting involved with Silicon Flatirons and serving as an articles editor on the *University of Colorado Law Review*. She also worked at the Federal Trade Commission in Washington, D.C., as part of the Hatfield Scholars Program, which provides grants for summer internships in government or public interest in recognition of Dale Hatfield's career.

"The FTC allowed me to split my time between privacy and antitrust," she said. "On the privacy side, I was in a group that did investigations and acted on privacy issues. On the antitrust side, I worked on hospital mergers."

Littman's interest in antitrust and business law led her to working in-house at Zayo Group, a tech company that provides communications infrastructure services. Her combination of knowledge of and interest in business law and telecom law made her an excellent fit.

"I spent my first year helping Zayo go public. After that, I focused on mergers and acquisitions, and then we started to focus, cleaning up our corporate entities and internationally," she said. "Last year, I became curious about the business side. Zayo agreed to give me opportunity to learn about being a business person. Since I had a really good handle on the corporate legal side, I was able to switch over completely to the business side, and I'm 100 percent working on strategy and product development now. I'm also considering going back to business school part time."

Littman noted how her training and experience as an attorney has helped in the business department. "The in-house attorney department here is fairly small, and we have to be jack of all trades. We did contracts, regulatory work, mergers and acquisitions, and financing. You end up getting great inside

knowledge of how the business works," she said.

"I think it's also refreshing for the business side to have someone who was trained differently. As attorneys, we're critical thinkers and problem solvers. Lawyers tend to look ahead, given we're used to working on the triage side of things," she said. "Business is focused on customers and sales but I'm also making sure the processes are done right the first time. I'm able to be part of the entire process of a deal. I'm learning more about the product but I'm also able to help through many of the steps, from pricing to contracts with customers. Whereas some of the business people tend to avoid working on contracts, I'm actually excited about working on the contract at the end of the deal."

Christian Sederberg

Founding Partner,
Vicente Sederberg LLP

**Christian Sederberg ('05)**

Christian Sederberg's practical experiences, from law school to his early career, have helped him succeed as a business lawyer in a variety of fields. Today, as a founding partner at Vicente Sederberg LLP, Sederberg helps lead a nationally recognized marijuana law firm into uncharted territory.

Sederberg entered the University of Colorado Law School knowing full well he wanted to do some sort of transactional law work.

"Prior to law school, I worked at Great West Health and Life and I did projects with the general counsel's office," he said. "I liked reviewing contracts and I knew that I would like to continue working in that general area. I worked at KO Sports while I was in law school where I did sports agency work representing hockey players and professional snowboarders. Unfortunately, there was an NHL lockout during that time, which ended my short sports agency career, but by that point I really knew I was transaction oriented."

At Colorado Law, Sederberg joined the emerging Entrepreneurial Law Clinic, a project that then-Professor **Phil Weiser** took a leadership role in helping to develop into the current program. "It was a unique clinical experience. We worked on forming companies

and other issues related to a startup. We represented these startups from around the Boulder and Denver area, helping professors and the university commercialize the research or inventions that came out of their work at CU, as well as graduate and undergraduate students who were starting new ventures."

Sederberg found the practical experience that comes from working in a clinic invaluable. "Nothing beats doing the work," he said. "Transactional experiences can be hard to get while you are in law school. You can get the legal background in classes on corporations and administrative law, but it really takes being a practitioner to know how to do the work. Just getting in there and learning how to do it is important."

His advice to current students looking for a career in business law or in transactional work would be to get the practical experience as soon as possible. "Get involved with the Entrepreneurial Law Clinic and also go to industry events or CLEs focused on the industries you are interested in. Try to get internships and externships with regulatory bodies or firms with strong transactional practice groups. For example, our firm often takes interns and externs from Colorado Law."

After law school, Sederberg worked as a transactional attorney at McGloin Davenport

Severson and Snow, where he focused on corporate and real estate transactions from 2005 until 2010.

"Then the recession hit, and commercial and residential real estate projects really dried up," he said. "Financing to start new projects or complete existing projects also became difficult, if not impossible, to secure and insolvency was common. We shifted from helping clients build up to helping clients with bankruptcy and collections."

Looking for a change, Sederberg was in luck when a friend introduced him to Brian Vicente. At the time, Vicente was doing advocacy work on cannabis issues for nonprofits. In 2010, Vicente Sederberg LLP took off, focusing exclusively on cannabis law.

"Some of the challenges to working in such a new field include the fact that our clients are almost all startups," Sederberg said. "Medical marijuana became legal in Colorado in 2000, and recreational marijuana was legalized in 2012. Our clients face challenges raising money and finding good teams, and may have limited access to bank accounts. When we first started, it also wasn't certain that marijuana wouldn't be challenged by the Department of Justice at any time. Additionally, there's limited case law—it takes time to build precedent, and the legalization is new and only at the state level."

Working in a developing field brings plenty of rewarding experiences. "Standing up a new industry that will only become larger is very rewarding," Sederberg said. "This industry is international in scope. We have worked with foreign governments on how to effectively regulate cannabis and hemp. It's great being able to do this work with innovative people in an environment that will fundamentally change how the U.S. and the rest of the world does business."

The growing marijuana industry has provided Sederberg with a chance to participate in creating an industry. "When we were looking at how to regulate marijuana, we looked at the current Colorado liquor and gaming regulations," he said. "In 2010, when we were developing the basic framework, we also created a partnership of sorts with the new regulatory agency, which was also learning how to regulate an entirely new industry. It's a fascinating way to do things, to be involved with lots of stakeholders from the very beginning of an industry."

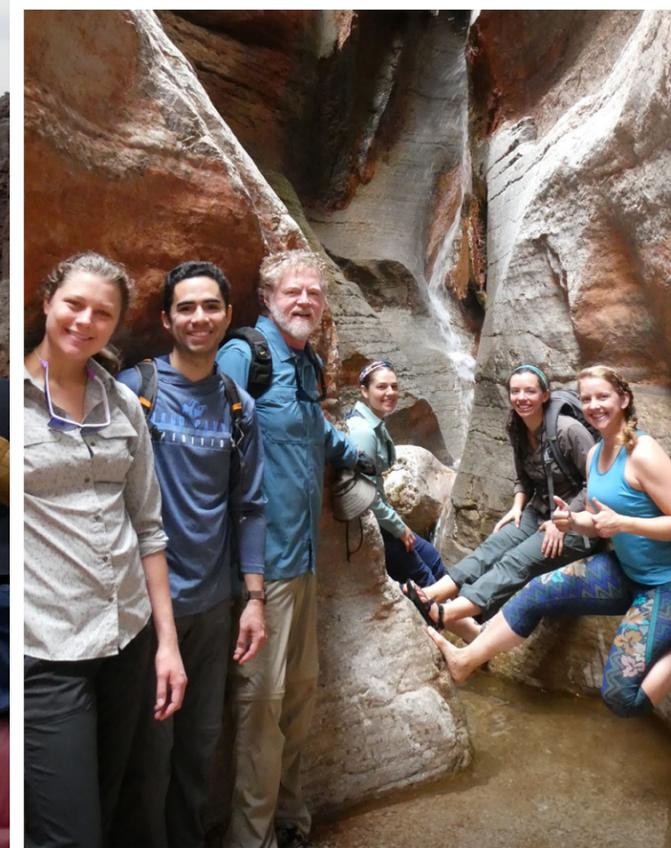


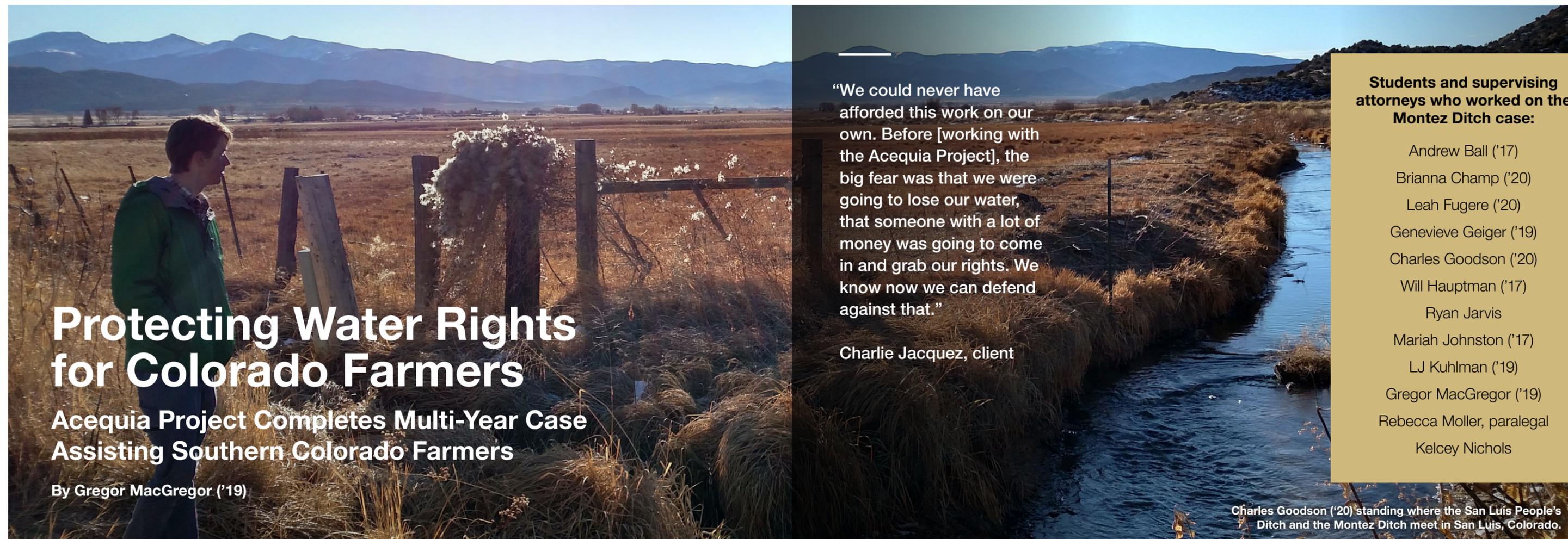
Extreme Experiential Learning

The Law of the Colorado River seminar addresses the many areas of law and policy that affect the management of the Colorado River and the communities that depend on it. To cap off the seminar, the class took a two-week rafting trip down the Colorado River's mainstem through the entire Grand Canyon, from Lee's Ferry to Pearce Ferry. Professor **Sarah Krakoff** taught the seminar and organized the river trip, including leading the fundraising effort to make it possible.

Read a student's perspective at cu.law/lawoftheriver.

- 277** river miles
- 100+** rapids
- 14** days
- 12** newly minted JD students
- 5** dory boats
- 5** guides
- 3** rising 3Ls
- 2** conferred LLM graduates
- 2** Colorado Law professors
- 2** Colorado Law alumni/donors
- 1** public interest lawyer





Protecting Water Rights for Colorado Farmers

Acequia Project Completes Multi-Year Case Assisting Southern Colorado Farmers

By Gregor MacGregor ('19)

"We could never have afforded this work on our own. Before [working with the Acequia Project], the big fear was that we were going to lose our water, that someone with a lot of money was going to come in and grab our rights. We know now we can defend against that."

Charlie Jacquez, client

Students and supervising attorneys who worked on the Montez Ditch case:

Andrew Ball ('17)
 Brianna Champ ('20)
 Leah Fugere ('20)
 Genevieve Geiger ('19)
 Charles Goodson ('20)
 Will Hauptman ('17)
 Ryan Jarvis
 Mariah Johnston ('17)
 LJ Kuhlman ('19)
 Gregor MacGregor ('19)
 Rebecca Moller, paralegal
 Kelcey Nichols

Charles Goodson ('20) standing where the San Luis People's Ditch and the Montez Ditch meet in San Luis, Colorado.

About 220 miles south of Denver—a stone's throw from the New Mexico border—lies the small town of San Luis, Colorado, population 629. Established in 1851, San Luis is Colorado's oldest town and is populated by the predominantly Hispanic families who settled there almost two centuries ago. The town remains close to its past, with many of its traditions still intact. Among those traditions are its acequias, or irrigation trenches, which reflect a centuries-old method of irrigation and community-based water sharing. Operated according to the principles of equity, communal governance, and mutual support, the acequias ensure that each family in the community has enough water for domestic use, gardening, and subsistence farming and ranching purposes.

Introduced by the Spanish and Mexican families who settled in the American Southwest before it became part of the United States, acequias operated informally for generations, with many remaining unincorporated and without bylaws. However, their future became unclear after the U.S. acquired these communities in 1848 with the Treaty of Guadalupe-Hidalgo, and after Colorado became a state in 1876.

Colorado's strict water law of prior appropriation—"first in time, first in right"—is fundamentally at odds with the equitable principles of acequia governance, which operate under the "one family, one vote" principle. With the mandatory adjudication of rights in water courts following Colorado's principles, acequia communities faced a difficult question: how do they preserve an important tradition while living in modern times?

Some communities obtained decrees for their preexisting water rights, only to lose half of the water to promoters and speculators. Others never made the 40-mile trip to Alamosa to adjudicate their rights in court and continued to irrigate as their ancestors had for generations. Although Colorado's territorial legislature had recognized the Spanish "right of thirst" (a pillar of acequia communities), the state's new constitution made no mention of acequias, excluding them from Colorado's legal framework. Acequias had to take on the guise of mutual ditch companies under law, even though they continued their traditional practices.

This all changed in 2009 when Colorado passed the Acequia Recognition Law,

which permitted community ditches established prior to Colorado statehood to incorporate as acequia ditch corporations. This was welcome news and granted acequias the legal power to preserve their traditional institutions, but **Peter Nichols** ('01), who worked on the legislation, recognized that acequia members in the San Luis Valley needed more than just the statute to keep their acequias alive and thriving. He called on Colorado Law Professor **Sarah Krakoff** for help.

"He asked, do you have a couple students who could write a handbook on Colorado water law for some communities down in the San Luis Valley?" Krakoff said.

What Krakoff and Nichols had envisioned would take a summer—drafting the handbook, which is now in its third edition—ended up taking more than two years to complete. "We quickly realized that just drafting the handbook was not going to give the farmers and irrigators the assistance they needed," Krakoff said.

In August 2012, Krakoff, Nichols, Sarah Parmar of Colorado Open Lands, and Ryan Golten, a former New Mexico Legal Services attorney, decided the best way to

implement the Acequia Recognition Statute was to provide no-cost legal assistance to acequias. They would help them draft bylaws and affirm their water rights in water court.

The group presented the idea to the board of the Sangre de Cristo Acequia Association, a San Luis-based nonprofit representing more than 73 acequias, which supported the project. That fall they began to recruit students and paired them with pro bono attorneys. Since then, the teams have been helping acequia organizations incorporate, conducting governance reviews for existing acequia corporations, and helping individual irrigators understand and secure their water rights.

A Longtime Case Comes to a Close

The project recently completed one of its most ambitious and technical cases, spanning four years and nine law students. Charlie Jacquez, a descendent of one of the original settlers of San Luis and an acequia commissioner, reached out in 2015 for assistance drafting bylaws for his acequia, the Montez Ditch, but it was unclear who exactly had rights to the ditch.

The team quickly recognized that this was not going to be an easy case. There were 22 properties on the Montez Ditch with potential water rights, each of which required a chain-of-title on their complex history, several groundwater springs, and legal questions about an up-stream goldmine.

Water law attorneys Kelcey Nichols and Ryan Jarvis and paralegal Rebecca Moller joined the case as the students combed through records of the Costilla County Clerk and Recorder's Office. Since the county had only digitized its most recent records, students needed to physically travel to its office. The team made eight-hour roundtrips to examine deeds reaching back to before Colorado's statehood, often written in Spanish.

As students moved back in time through the indices, handwriting became harder to decipher, they discovered pages and whole books of records were missing, and they feared that the trail would be lost in a community where Anglo-American law and custom had been laid over Hispanic culture.

Two years later, the students had assembled enough documents to write an opinion on each of the properties' rights to water on the ditch. The final report totaled 400 pages,

representing the group's collective 875 hours of pro bono work.

"We could never have afforded this work on our own," Jacquez said. "We've gained a lot of administrative tools and can move forward with our work on the acequia. Before [working with the Acequia Project], the big fear was that we were going to lose our water, that someone with a lot of money was going to come in and grab our rights. We know now we can defend against that."

In April 2019, the Acequia Project came together to celebrate completing the Montez Ditch case and share what they had learned from the case with the law school community.

Though the Montez Ditch case is complete, the Acequia Project's work in southern Colorado remains ongoing. Students and their supervising attorneys continue to help acequias write their bylaws, bring unadjudicated water rights into court, and tackle important questions in the community through socially engaged scholarship.



Alex Nelson and Shawn Stigler

Hitting the Trails To Hit the Books Harder

By Andrew Sorensen

Katie Frayler ('16) might be a young lawyer, but she's reaching some great heights—and not just in her career. Her hobbies include activities like high-lining (basically, high-altitude outdoor tightrope walking) that would petrify people with the slightest acrophobia.

Keeping up with both work and play is no easy feat when you travel as Frayler does.

"I go all over," she explained. "I have lots of out-of-state clients: North and South Dakota, Utah, New Mexico, Arizona, Oklahoma."

Frayler practices Indian law as an associate at Fredericks, Peebles & Patterson LLP in Louisville, Colorado.

But she was able to hone some of her work-life balance skills in law school, thanks to the Stigler-Nelson Alpine Endeavors scholarship, which she received for her outdoor activities.

"Anywhere you can save money on post-grad debt is always appreciated," Frayler said, "and I really liked that Colorado Law offered a scholarship like that. It motivated me to work really hard in school, but also to get outside and have fun."

She's not the first to navigate the space between book time and outdoor time at Colorado Law.

When **Shawn Stigler** and **Alex Nelson** earned their JDs in 2003, they felt lucky.

It was a tough time in the economy, including for lawyers.

Yet, they both managed to land good jobs quickly after their time at Colorado Law. That's a feat they credited, in part, to a work-life balance supported by the nearby Rocky Mountains.

The pair formed tight bonds with classmates skiing and mountain biking off mountain passes like Loveland Pass and Rollins Pass. It's not that they weren't hitting the books. But they found spending a little time zipping down the slopes had a big positive effect on their study habits.

"The more I got outside, the better I did in school," Stigler said.

Nelson and Stigler decided to give that same opportunity to someone else by helping defray the cost of law school while nudging the student to take a breath outside of class. They set up the scholarship fund now known as Alpine Endeavors. 2Ls write an essay for a chance at the \$2,000 scholarship, and a committee chooses the winner. So far, 15 students have received the scholarship, including Frayler.

While Nelson and Stigler have tapered off some of their more extreme outdoor adventures, they always enjoy looking back at those they've helped, as well as their awardees' pursuits in nature. The two now have more than a dozen thank-you notes and photos of recipients, often posed outside, saved in scrapbooks. They hope to compile decades' worth of students' stories by the time they're done.

The scholarship amount may not cover the whole cost of tuition, but Nelson and Stigler believe it makes a difference.

"You can give an amount that's significant to a student without seriously impacting your bottom line," Nelson said. "Even a few hundred dollars between you and your friends can add up for a student who doesn't know yet what their future looks like."

The pair hopes the extra boost helps students pursue their passion for the law, without feeling pressured to recoup the full cost of law school.

Frayler said that's true for her.

"Working in Indian Country, a lot of times you're working for underserved and low-income communities and populations," she said. "So it's helpful to have less debt. If I had more debt, I might need to work at a higher paying job in the private sector. Now I'm very happy with my job and my clients, and I love the work that I get to do."

After being introduced to Indian law through Indian law classes and the American Indian Law Clinic, Frayler said this practice was a natural path for her. In her opinion, it is one of the most interesting careers an attorney could pursue.

"It's like this little microcosm of federal law, and then each tribe has its own tribal laws as well," she said. "So my days are varied and interesting all the time."

And she still gets plenty of time outdoors. "I ski in the winter, I rock climb in the summer, I hike with my dog, I even ski with my dog sometimes," Frayler said.

Her advice to young lawyers: "Don't let your work consume you. Get outside as much as you can."

To learn more about scholarships at Colorado Law, please contact Kelly Dell, associate director of development, at kelly.dell@colorado.edu or 303-492-1744.



A Champion for Diversity

By Julia Roth

Milly Danielson Oppenheimer with law students in the 1970s.

For Milly Danielson Oppenheimer, who helped open the door to law school for countless students underrepresented in the legal profession, working at Colorado Law was “the best, most rewarding job” of her life.

When Mildred “Milly” Danielson Oppenheimer’s husband, **Philip Danielson** (‘55), died unexpectedly in August 1968, she needed a new direction to reshape her life.

Philip had practiced at Holland & Hart LLP and served as a CU regent from 1960 until 1966. He had also been active in the civil rights movement and sought to improve opportunities for minorities in Colorado. He, along with **Russ Olin** (‘67) and **Bill Rentfro**, both former professors at Colorado Law, often talked about their dream of starting a program that would encourage more students from underrepresented groups to apply to and attend law school.

After Philip died, Oppenheimer was asked to apply for a job as placement director at Colorado Law, where she would eventually serve as assistant director of minority programs. This was also the start of what would eventually become the Minority Program.

From 1970 until 1981, Oppenheimer worked closely with diverse students who applied to Colorado Law. At a time when very few African Americans, Latinos, Native Americans, women, and other underrepresented groups were attending law school, Oppenheimer’s job was to diversify the student body by ensuring that deserving candidates knew that Colorado Law wanted them and would help them succeed.

As assistant director of minority programs, Oppenheimer served as a mentor, coach, and advocate for diverse law students, helping them overcome personal, professional, and educational hurdles. She helped them find housing and tutors. She also helped secure internships, clerkships, and summer paralegal work for students between each year of school.

While she initially leaned on her late husband’s connections at Holland & Hart and elsewhere, Oppenheimer quickly developed contacts of her own. She became known as a voice for minority students and a civil rights activist during an exciting and sometimes dangerous time, her daughter, Carrie Danielson, said.

“This program was met with resistance, of course; the same type of resistance that met any program perceived as giving special treatment to anyone based on race, gender, or ethnicity. They dealt with the same kind of attacks and questions that affirmative action met with throughout the nation,” Oppenheimer said. “But in the years of the program, many students who otherwise would not have applied to law school were brought through the three or more years, passed the bar, and became active members of the legal profession. Some became judges and politicians, some worked with legal aid programs, some became prosecutors, some defenders. Together, they changed the face of the Colorado Bar.”

Today, although Oppenheimer lives in California, she still keeps in touch with many of the law students she worked with, including **Pen Tate** (‘68), **Harold “Sonny” Flowers Jr.** (‘71), and **Manuel Ramos** (‘73). She delights in seeing their names in the news doing important legal and social work, and seeing how many have become role models for today’s law students.

Oppenheimer’s relationships with law students also extended into her own family. Carrie recalls her brother’s wedding in Taos, New Mexico, in the 1970s, when her mother invited several law students who were in the area to attend.

“My life as a teenager was deeply enriched because I was surrounded by the presence and lively discussions of these students whenever I was with my mother,” Carrie said.

Paying it Forward

It is fitting that Oppenheimer was honored at this year’s Scholarship Reception on Sept. 19, one month after Colorado Law welcomed its most diverse class in the law school’s history.

“As the Minority Program changed and eventually ended, Milly and our whole family hope that the Philip and Mildred Danielson Scholarship continues to make it possible for diverse students to afford and succeed at the University of Colorado Law School. Ultimately we hope it continues to help change the face of Colorado’s justice system to include, support, and defend people of all communities,” Carrie said.

“It’s obvious that to make our democracy work, we have to include everyone and all segments of the population,” Oppenheimer said. “There have been many improvements since I was young in the 1920s and 30s, certainly with regard to minority, women, and LGBTQ rights. Younger people may not see the huge change, but from my perspective, things are much, much better. Yet we still have a long way to go. I hope my time at the University of Colorado Law School made some difference to both individuals and the state’s legal system.”



Milly Danielson Oppenheimer

Colorado Law Giving Society

“It is my hope that the impact of my giving is to assist the school in providing meaningful assistance to those financially challenged students interested in pursuing a career in the law, especially those who are interested in serving in the public sector.”

Steve Zwick (‘77)

Colorado Law’s Giving Society recognizes alumni, parents, and friends who have given to Colorado Law \$1,500 or more in one fiscal year (July 1-June 30). We are grateful and honored to have the support of our Giving Society members at such significant levels.

Their gifts, along with gifts from all our generous donors, allow us to continue to provide excellence in legal education.

See the full list of 2018-19 Giving Society members at colorado.edu/law/gsmembers.

For more information or questions about the Giving Society at Colorado Law, please contact lawgiving@colorado.edu.

Letter from the Law Alumni Board Chair

Dear Colorado Law Alumni,

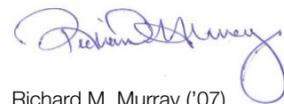
As one of the premier public law schools in the West, and one of the leading law schools in the country, Colorado Law continues to attract great students and faculty, but there is much work to be done. The generous support of our alumni and friends is critical to the success of the law school—your engagement enriches the student experience, cultivates new relationships, promotes scholarship, and aides in faculty recruitment and retention. Alumni engagement takes many forms. Whether it be a donation of any amount, conducting mock interviews, meeting with students, speaking on panels, hosting events, or attending a reunion, anything you can do to participate in the Colorado Law community will leave a positive and lasting impact.

As the new chair of the Law Alumni Board, I am honored to work with the board, Dean Anaya, and the administration by doing everything possible to help our alma mater. The Law Alumni Board's mission is to promote the best interests of the law school by stimulating interest in, building loyalty for, and increasing support for the law school among its alumni and students, and assisting the law school in serving the needs of its 8,000 alumni, students, and faculty, the legal profession, and the public at large. The board comprises 28 alumni with members from Colorado and across the country, with representation from graduating classes ranging from 1973 to 2015. I want to welcome our newest board members: **Velveta Golightly-Howell** ('81), **Stanley Garnett** ('82), and **Lisa Neal-Graves** ('06).

The opportunity for Colorado Law students to obtain a world-class legal education has a positive ripple effect throughout our great state and country. Such opportunities are made possible by your generous support. We look forward to seeing you at Homecoming & Reunion Weekend (November 7-9), upcoming Colorado Law Talks, and the Alumni Awards Banquet next spring on March 12, 2020.

To learn more about other ways you can get involved, please visit colorado.edu/law/alumni/get-involved. To learn more about giving, visit colorado.edu/law/donate.

Go Buffs,



Richard M. Murray ('07)
Chair, Law Alumni Board



“The opportunity for Colorado Law students to obtain a world-class legal education will have a positive ripple effect throughout our great state and country.”

—**Richard M. Murray** ('07)

The Law Alumni Board comprises 28 Colorado Law graduates. Members promote the best interests of the law school by stimulating interest in, building loyalty for, and increasing support for the law school among its alumni and students. The board assists the law school in serving the needs of its alumni, students, and faculty; the legal profession; and the public at large. The 2019–20 board chair is Richard Murray, and the chair-elect is Hiwot Covell.

Javed Abbas ('13), The Infinity Law Firm, LLC
Nikea Bland ('05), O'Malley Law Office, P.C.
William “Bill” R. Buck ('83), Retired
Michael Carrigan ('94), Holland & Hart LLP
Amber Cordova ('02), AT&T
Hiwot Covell (Chair-Elect) ('09), Sheridan Ross P.C.
Bethiah Crane ('79), Crane and Tejada, P.C.
Darla L. Daniel ('01), Balson & Faix, LLP
Mark Fogg ('79), COPIC
The Hon. Thomas French ('77), 8th Judicial District Court
Tim Galluzzi ('14), Cheney Galluzzi & Howard
Stanley Garnett ('82), Brownstein Hyatt Farber Schreck, LLP
Velveta Golightly-Howell ('81), Retired
Jeffery Grimes ('89), Astex Pharmaceuticals
Franz Hardy ('00), Gordon Rees Scully Mansukhani, LLP
Richard “Rick” Hosley ('00), Perkins Coie LLP
John V. Howard ('87), Bounds Green, LLC
Marisa Hudson-Arney ('01), Condit Csajaghy LLC
Aditi Kulkarni-Knight ('15), Davis Graham & Stubbs LLP
Caitlin McHugh ('12), Lewis Roca Rothgerber Christie LLP
Kristin Moseley ('97), Porzak Browning & Bushong LLP
Richard Murray (Chair) ('07), Polsinelli PC
Lisa Neal-Graves ('06), Colorado Office of the Attorney General
Gregory Ramos ('92), Sherman & Howard L.L.C.
Siddhartha Rathod (Immediate Past Chair) ('07), Rathod I Mohamedbhai LLC
David W. Stark ('73), Faegre Baker Daniels LLP
Lucy Stark ('98), Holland & Hart LLP
Andrea Wang ('01), U.S. Attorney's Office, District of Colorado

DID YOU KNOW?

Nominations for Alumni Awards Accepted Year-Round

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

Class Actions

Submit a Class Action

Email: lawalum@colorado.edu

Please send your submissions by **January 1** for inclusion in the next issue. If your contact information or communication preferences have changed, update them at colorado.edu/law/reconnect.



Rattner ('70)



Irvin ('73), right



Turner ('78)



Golightly-Howell ('81)



Ventola ('88)

1970

The Hon. **Gary Jackson** ('70) delivered the keynote address at the “Remembering His Life, Renewing His Legacy” community observance of Dr. Martin Luther King Jr. on Jan. 21. Jackson delivered an inspiring message of moral courage and reflected on his experience growing up African American in Colorado.

Richard Rattner ('70) of Williams, Williams, Rattner & Plunkett, P.C. in Birmingham, Michigan, was honored as one of *Michigan Lawyers Weekly's* Leaders in the Law for 2019. Honorees are recognized for significant accomplishments or achievements in the practice of law, outstanding contributions to Michigan's legal profession, leadership in improving the justice system in Michigan, seeking improvements to the legal community and the community at large, and setting an example for other lawyers. Rattner has more than 30 years of experience in real estate, property acquisitions, land use development, sale and loan transactions, zoning, and corporate law.

1973

The Boulder County Bar Association honored **Rich Irvin** ('73) with the Ron Porter Award of Merit at its annual meeting and reception on June 6, 2019. The Ron Porter Award of Merit is the highest honor given to a member of the Boulder County Bar Association. Irvin became a Colorado public defender in May 1974 and, in 1980, opened a private practice specializing in criminal defense work. He retired in December 2016.

John McClow ('73) is the recipient of the 2019 Wayne N. Aspinall Water Leader of the Year Award from the Colorado Water Congress. McClow is general counsel for the Upper Gunnison River Water Conservancy District. The award is presented annually to a Coloradan who has long demonstrated courage, dedication, knowledge, and strong leadership in the development, protection, and preservation of Colorado water.

1975

Chaz Miller ('75) retired after a 42-year career in recycling and trash that included stops at the U.S. Environmental Protection Agency and associations representing the glass and waste/recycling industries. He continues to write a monthly “Circular File” column and trash talking wherever asked.

1978

David Turner ('78) joined the Denver office of Coan, Payton & Payne, LLC as of counsel, where he focuses his practice on estate planning and administration, conservatorships, guardianships, and closely held business. He previously was a partner in law firms in Lakewood and Denver.

1979

Michael J. Kane ('79) was appointed executive director and general counsel for the Pennsylvania House of Representatives, Government Oversight Committee.

1981

Velveta Golightly-Howell ('81) retired as a senior executive with the U.S. government in 2017, returned to Colorado, and took a much-needed respite. In May, she was elected to the board of directors of the American Civil Liberties Union of Colorado. She was also elected to serve as vice chair of the City and County of Broomfield Personnel Merit Commission, the forum that hears and renders final decisions on employee appeals from disciplinary actions. She is also a board member for the Center for Legal Inclusiveness, a nonprofit dedicated to the advancement and retention of racial, ethnic, gender, and sexual preference diversity and inclusion within the legal profession.

1982

Peter Munson ('82) is walking across the U.S. to raise money for four different organizations that serve children in need across Colorado and Central America. Munson, an Episcopal priest who served St. Ambrose Episcopal Church in Boulder for the last 17 and a half years, launched 6 Million Steps for Kids. He already has walked nearly 200 miles from Charleston, South Carolina, to Lincolnton, Georgia. Next, he will head toward Athens and Atlanta, Georgia, through Tennessee and western Kentucky, up through southern Illinois to St. Louis, and finally on to Colorado in August. He hopes to reach San Francisco by mid-November 2019, with a goal of raising \$6 million.

1985

The Hon. **Marsha Piccone** ('85) was named co-chair of the firmwide appellate law practice group at Fox Rothschild LLP. Piccone is a former trial lawyer and Colorado Court of Appeals judge. Her practice focuses on appellate law, complex commercial litigation, and products liability litigation.

The Denver office of Coan, Payton & Payne, LLC added **John Seebohm** ('85) to its estate and business planning practice. He brings more than 30 years of experience in these areas.

1988

Regina (Gina) M. Rodriguez ('88) has joined WilmerHale's Denver office as a partner, where she will be a key member of the firm's government and regulatory litigation practice. Rodriguez is an accomplished litigator whose years of success and reputation, both in private practice and as an assistant U.S. attorney, led to her nomination as a U.S. district court judge. She was recently selected to the *Business Journals'* Influencers: Law, a national list of notable attorneys who are having an impact on business and legal matters in communities across the nation.

Sam Ventola ('88), partner at Ventola Law, was awarded the 2019 Outstanding Community Servant Award by Sisters in Service. Sisters in Service provides scholarship awards and book stipends to qualified Colorado residents ages 17 to 23.

Gregory Sopkin ('91) has been appointed as the Denver-based regional administrator of the U.S. Environmental Protection Agency. He will oversee the EPA's environmental protection operations in a six-state region that includes Colorado. Sopkin has spent the last 12 years working on energy, environment, and telecommunications matters, including serving as chairman of the Colorado Public Utilities Commission from 2003 to 2007. Most recently, he served as partner at Wilkinson Barker Knauer, LLP.



Brauchler ('95)



James ('95)



Maxfield ('96)



Nielsen ('97)



O'Leary ('98)



Diaz ('00)

1992

Jeffrey K. Reeser ('92) joined Polsinelli PC as a shareholder in the firm's Denver office, where he is a member of the corporate and transactional practice group. Reeser previously served as vice president of law at Newmont Mining and general counsel of multiple international mining, oil, and gas companies, including Sunshine Silver Mining & Refining Corporation.

1995

In May, **George Brauchler** ('95), district attorney for Colorado's 18th Judicial District, earned the certification of military judge. The certification came after Brauchler successfully completed the 62nd Military Judges Course at the Judge Advocate General's Legal Center and School in Charlottesville, Virginia. Brauchler is the first military judge for the Colorado National Guard, in which he also serves as a colonel.

Clay James ('95) was named Hogan Lovells's office managing partner for the firm's San Francisco office. A member of the firm's board, James is a litigator and trial lawyer who focuses his practice on technology-related matters. He joined Hogan Lovells's Denver office in 2009 from Sun Microsystems, where he served as chief litigation counsel for seven years.

1996

Eric Maxfield ('96), former first assistant attorney general, joined **Robert Gunning** ('96), former Boulder district court magistrate, to found Maxfield Gunning, LLP. The firm represents individuals in employment, professional licensing, and civil rights matters and provides mediation services. Maxfield was recently appointed chair of the board of directors at the nonprofit Boulder Shelter for the Homeless, with a mission to create avenues to stable housing for our community's homeless adults, from a foundation of supportive and safe shelter.

1997

Dru Nielsen ('97) was part of the legal team honored with the Colorado Trial Lawyers Association 2018 Case of the Year Award for their work representing Curtis Brooks in *People v. Curtis Brooks*. At age 15, Brooks was sentenced to life in prison without parole. Following a multi-year trial, Nielsen's team submitted an application for clemency to Gov. Hickenlooper. On Dec. 13, 2018, Hickenlooper granted clemency for Brooks and five others sentenced to life without parole. Nielsen is a founding partner of criminal defense firm Eytan Nielsen LLC.

1998

Michael Salamon ('98) joined CVS Health, a Fortune 50 company providing pharmacy care, health care, and medical insurance. As senior director of labor relations, he will lead the labor relations agenda in the western U.S. He previously worked at Frontier Communications as its director of labor and employee relations.

Carolyn Fairless ('98) was inducted as a fellow of the American College of Trial Lawyers (ACTL). Fairless is co-managing partner of the national civil litigation firm Wheeler Trigg O'Donnell, LLP. Fairless delivered the remarks on behalf of her induction class during a ceremony at the ACTL Annual Spring Meeting in La Quinta, California.

Matthew O'Leary ('98) was appointed CEO of Griffin Financial Group, one of the largest investment banks of its type in the Mid-Atlantic region. O'Leary, who served as the company's COO since September 2018, is the former general counsel and CFO of Chatham Financial.

1999

Gov. Jared Polis appointed the Hon. **Jeffrey Smith** ('99) to the 17th Judicial District Court. Smith fills a vacancy occasioned by the retirement of the Hon. Patrick T. Murphy. Smith previously served as partner at Smith Byers LLC, where his practice consisted of complex civil litigation and trial work.

2000

Ryan Christ ('00) was promoted to member at Sherman & Howard L.L.C., where he practices in the firm's banking and real estate departments.

Amy Diaz ('00) was appointed by Denver Mayor Michael Hancock to the board of directors of the Denver Convention Center Hotel Authority. The board is responsible for owning, acquiring, constructing, equipping, operating, and financing the convention center's hotel on behalf of the city and its residents. Diaz is a shareholder at Brownstein Hyatt Farber Schreck, LLP.

After working for a number of firms in California and in-house, **Todd Duplanty** ('00) started his own practice and founded KDX Law. KDX Law focuses on providing commercial transaction and real estate legal services across multiple industries.

Nada Moeiny ('00) is now associate general counsel at Pepperdine University. In her new role, she helps oversee, manage, and coordinate legal affairs for the university and provides broad counsel to all areas of the university throughout its global presence.

California Gov. Gavin Newsom designated **Janea Scott** ('00) vice chair of the California Energy Commission, where she has served since 2013. Scott was a deputy counselor for renewable energy and special assistant to the counselor at the U.S. Department of the Interior, Office of the Secretary from 2009 to 2013 and held multiple positions at the Environmental Defense Fund from 2000 to 2009, including senior attorney and staff attorney.

2001

Francesca Morgan ('01) joined Denver family law firm Rider Goodwin Law Offices LLC as a senior associate attorney. Morgan brings 13 years of family law and civil litigation experience with Colorado Legal Services. Her practice focuses on representing family law clients who are experiencing difficult life circumstances including domestic violence, high conflict relationships, financial stressors, and child custody disagreements.

Erik R. Neusch ('01) has returned to private practice by forming Neusch Law to specialize in civil litigation and white-collar defense. Neusch devoted more than nine years as prosecutor of financial fraud for the Colorado Attorney General, where he was lead counsel on cases resulting in the most restitution collected and the largest collected judgment in the history of consumer protection cases brought exclusively by the Colorado Attorney General.



Faulk ('02)



Williams ('02)



Haines ('07)



Kondo ('07)



Beylkin ('08)



Blackmer ('11)

2002

Mechelle Y. Faulk ('02) was promoted to member at Sherman & Howard L.L.C. She focuses her practice on divorce, custody, and other private family-related matters.

Albert "Al" Stemp ('02) joined Kirkland & Ellis LLP's Los Angeles office as a real estate and private equity partner. Stemp has a range of experience handling complex real estate deals, including counseling private equity shops on various transactional matters. He previously worked at Proskauer Rose LLP.

Tracy Williams ('02) joined the Seattle office of Beveridge & Diamond PC as an associate. She advises clients on compliance with federal and state environmental laws, with an emphasis on site remediation.

2004

Doug Cannon ('04) was promoted to CEO of NV Energy. Cannon has held several top roles at NV Energy, including utility president, senior vice president, and general counsel.

Christine Garrison ('04) started a new position as general counsel at University Communities, LLC, an institutional money manager that acquires and operates a national platform of university-related housing.

Hillary Merritt ('04) has been named deputy director of the Jefferson County Open Space Department, where she will focus on land acquisitions. Merritt previously served as senior project manager with the Trust for Public Land, where she worked for the past 14 years and developed numerous conservation partnerships around the Denver area, state, and region that have led to preserving over 7,000 acres of land.

2006

Colorado Attorney General Phil Weiser selected Lisa **Neal-Graves** ('06) to serve on his leadership team as the Colorado Department of Law's chief innovation officer. In this first-of-its-kind role, Neal-Graves will bring people together, establish processes, and spearhead technology solutions to help attorneys and staff create a more efficient, effective, and equitable justice system for all Coloradans. She previously served as vice president of the cloud strategic product group at Zayo Group in Boulder.

2007

Patrick Haines ('07) has been elected to non-equity partnership at Berg Hill Greenleaf & Ruscitti LLP. His practice focuses on water, civil, real estate, and environmental matters for a diverse roster of clients who benefit from Haines's litigation and trial experience in state, federal, water, and bankruptcy courts. Prior to entering private practice, Haines served as a deputy district attorney in Boulder.

Darlene Kondo ('07) joined Brownstein Hyatt Farber Schreck, LLP's intellectual property department as of counsel in its Denver office. Kondo brings extensive experience in patent portfolio development and management, domestic and international patent preparation and prosecution, standards-related patents, patent infringement and validity analysis, product design counseling, strategic patent acquisitions, and IP due diligence.

Richard Murray ('07) was appointed by the Colorado Senate to the statewide Colorado Access to Justice Commission, whose mission is to develop, coordinate, and implement policy initiatives to expand access to and enhance the quality of justice in civil legal matters for persons who encounter barriers in gaining access to Colorado's civil justice system. Murray is a shareholder at Polsinelli PC.

2008

Tiffany Bentley ('08) was elevated to partner at Burns & Levinson LLP in Boston, where she serves in the firm's private client and trusts and estates groups. Bentley focuses her practice on probate and family court litigation and domestic relations, counseling high-net-worth individuals through estate and trust disputes, divorce, and other family law matters.

Michael Beylkin ('08) was elevated to partner in the Denver office of Fox Rothschild LLP. Beylkin's practice centers on copyright and trademark, First Amendment, and open records matters.

2009

Lindsay Richardson ('09) joined the education law practice area at Richards Carrington as a partner. Richardson's practice focuses on matters affected by the federal Title IX gender discrimination statute.

2010

Katie Custer ('10) joined the Denver office of Arnold & Porter Kaye Scholer LLP as an associate, where she focuses her practice on all aspects of complex commercial litigation. She previously worked as a litigation attorney at Holland & Hart LLP.

Avi Loewenstein ('10) was elected to the board of directors of Young Americans Center for Financial Education, where he will help oversee the nonprofit programs of Young Americans Center, determine the strategic direction of the organization, approve and monitor policies and operating plans, and ensure compliance with laws and regulations. Loewenstein is a shareholder at Brownstein Hyatt Farber Schreck, LLP.

Pamela Maass ('10) received the Access to Justice Award at the Colorado Trial Lawyer Association's annual spring dinner. Maass is an attorney at The Gold Law Firm, and previously served as a felony deputy district attorney in Boulder.

2011

Alex Baker ('11) started a new position as assistant attorney general in the Colorado Attorney General's Office, Special Prosecutions Unit. He previously worked as a senior deputy district attorney in the Adams County District Attorney's Office.

Kyle R. Blackmer ('11) was promoted to shareholder and director of Otten Johnson Robinson Neff + Ragonetti PC. He practices in the real estate and real estate finance practice groups.



Sean Hansen ('11) founded Reload Coaching & Consulting, offering deeply challenging and constructive performance mindset coaching to hard-charging attorneys and business leaders looking to harness stress while unlocking their full potential at work and at home.

Gale Monahan ('11) was promoted to partner at Dentons US LLP. Monahan is a member of the government contracts team and practices in the firm's Denver office.

Heather Strack ('11) joined the Denver office of Faegre Baker Daniels LLP, where she works in the firm's matrimonial and family law practice. Strack specializes in a wide array of domestic relations matters, including divorce/dissolution of marriage and alimony.

2012

Sarah Abelson ('12) started a new job as associate commercial counsel at YouTube's San Bruno, California, headquarters. Abelson is an attorney with targeted business and legal expertise in entertainment, technology, and new media.

Scott Kitchens ('12) recently joined Cole-Frieman & Mallon LLP as a partner and opened the firm's new Denver office. His practice is focused on investment advisers and the private investment funds that they raise and manage.

Heather Park Meek ('12) was named shareholder and director of Otten Johnson Robinson Neff + Ragonetti PC. Meek practices in the real estate group.

Mark Wiranowski ('12) was promoted to partner at Wilkinson Barker Knauer, LLP. His practice focuses on corporate and commercial transactions in the energy, communications, and information technology industries.

2013

Javed Abbas ('13) launched his own family law practice, The Infinity Law Firm, LLC. He previously worked at The Harris Law Firm, P.C.

Thomas Codevilla ('13) joined SK&S Law Group in March 2019 as a partner. He specializes in data privacy, security, and outsourced general counsel work.

Molly Owens ('13) was hired by the Aspen School District as its new human resources director. Owens previously served as a senior deputy public defender in the Glenwood Springs office.

Holly VandeHoef ('13) started a new job as senior vice president and senior trust officer at Bank of America. She has more than five years' experience in trust and estate administration.

2014

Mindy McNair ('14) is commercial counsel for Zoom Video Communications, based in its Denver office. McNair handles commercial transactions and deals with Zoom's external partners and customers.

2015

Michael G. Bohan ('15) is pleased to announce the launch of Bohan Law LLC. The firm provides affordable and personalized legal services to individuals, startups, and small businesses that need legal assistance in starting and running a successful business in Colorado.

Gabe Bouvet-Boisclair ('15) is deputy corporate officer with the small mountain city of Nelson, British Columbia. His role involves working closely with city council and other key staff members to ensure the city is abiding by relevant legislation.

Cayla Crisp ('15) and **Cody Wiggs** ('15) were married in May 2019 in Italy. They met during their first year of law school and now reside in Denver. Crisp is an associate at Wilkinson Barker Knauer, LLP, where she does corporate transactional work. Wiggs works for University Counsel in Boulder.

Steven O'Connor ('15) made partner at family law firm Carlson and Carlson, which changed its name to Carlson, Edwards, and O'Connor P.C. O'Connor joined the firm's Frisco, Colorado, office in 2015. The firm has offices in Frisco and Edwards, Colorado.

2016

Holland & Hart LLP added **Kate Percy** ('16) as an associate in its tax and benefits practice. Percy focuses her practice on estate and wealth transfer planning for high-net-worth individuals and families. She practices in the firm's Denver office.

Spencer Rubin ('16) was appointed chair-elect (2019-20) and chair (2021-21) of the Colorado Bar Association Young Lawyers Division Executive Council. Rubin is an associate in the business and corporate practice group at Sherman & Howard L.L.C.

Park Meek ('12)



Abbas ('13)



Codevilla ('13)



O'Connor ('15)



Wiggs ('15) and Crisp ('15)



Percy ('16)

In Memoriam

Hon. Alan Sternberg ('50)
 Baxter Arnold ('52)
 Russell R. Mather ('52)
 Graydon F. Dowis, Jr. ('53)
 Jerry L. Smith ('56)
 Larry E. Lawler ('60)
 G. Lane Earnest ('63)
 Alan Jensen ('64)
 Robert E. Manchester ('69)
 Elena Romero Morgan ('74)
 Samuel W. Burrige ('76)
 Joseph Harold Skinner ('76)
 Christopher Kulish ('87)
 Timothy Allen Thulson ('88)
 Benjamin Jaramillo ('94)
 Andy Holleman ('96)
 Hon. Wiley Daniel
 (Faculty Adjunct)

Q&A

Six Questions for Anne-Marie Moyes

Anne-Marie Moyes worked as a public defender in Tennessee for more than 12 years, where she helped free three wrongfully convicted men from prison. She joined Colorado Law in March 2019 as the director of the Korey Wise Innocence Project (KWIP).



Why did you decide to pursue criminal justice reform work?

Bryan Stevenson of the Equal Justice Initiative challenges us to “get closer to those places where there’s poverty, abuse, and neglect” because there is transformation in that proximity. When I was a recent college graduate, I had that experience of proximity when I spent time in prisons and with prisoners while working for two different organizations focused on human rights and prison conditions. I was awakened to the profound inequities and brokenness of our criminal justice system. Challenging that system—and pushing it slowly towards reform—has been my life’s work ever since.

How many inquiries does KWIP receive monthly, and how do you decide which cases to pursue?

The flow of applications varies month to month. Generally, we receive five to 10 applications a month. In our screening process, we seek to answer two basic questions. First, does the applicant have a credible claim of factual innocence? Second, is there some real potential to develop new evidence of innocence? In answering these questions, we consider whether the case has any of the common markers of a wrongful conviction. We also consider whether there is any physical evidence that, if subjected to more advanced forensic testing than was available at the time of trial, might produce an exculpatory result. Finally, we ask whether there are avenues of traditional investigation that could generate new evidence of innocence.

More than 23 million people have watched Netflix’s *When They See Us*, based on the wrongful convictions of five teenagers who became known as the “Central Park Five,” including Korey Wise, the namesake of the project at Colorado Law. Following the release, KWIP received a dramatic increase in donations and international interest. What does it mean to you to see this level of interest in the Central Park case and the work of KWIP generally?

It’s been so heartening to see people around the world respond with such humanity to this story of injustice. In a way, the series exemplifies what innocence work is all about: the power of human stories to illuminate injustice. At KWIP and other innocence projects, we shine light on individual cases of wrongful conviction, not only to help those individuals who have been wronged, but also to provoke dialogue about reforms that could prevent future miscarriages of justice. By raising KWIP’s profile and sparking new donations, *When They See Us* has given us more fuel for this important fight.

How would you like to see expanded awareness about wrongful convictions, false confessions, and police misconduct?

When people learn about wrongful convictions, they are often shocked to see the official misconduct and carelessness at play. I would like to increase public awareness that some interrogation techniques used widely in the U.S. (but abandoned by other Western

democracies) carry an unacceptable risk of producing false confessions, that many of our forensic disciplines have been inadequately vetted, that unreliable “jailhouse snitch” testimony is routinely admitted at criminal trials, and that prosecutors suffer little if any consequences for not playing fair.

What inspires you every day to continue to fight for justice in such a challenging legal system?

I am inspired to keep up this fight whenever I read applications from Colorado prisoners seeking our help. There are hundreds of men and women like Korey Wise serving long sentences in prisons all across the country for crimes that they did not commit. Without the important work of innocence organizations like KWIP, many of these men and women will never regain their freedom.

What’s next for the Korey Wise Innocence Project?

We are currently trying to raise money to fund a staff attorney position so that we can take on more cases. We are also launching a new effort to identify wrongful convictions based on flawed forensic evidence.

Upcoming Events at Colorado Law

HOMECOMING

NO MATTER WHERE YOU ROAM, CU WILL ALWAYS BE HOME.

Homecoming and Reunion Weekend November 7–9, 2019

Celebrating the reunions of the classes of:

1969 | 1974 | 1979 | 1984 | 1989 | 1994 | 1999 | 2004 | 2009* | 2014

* reunion event to take place on Family Weekend on October 5.

colorado.edu/law/homecoming



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March 12, 2020

colorado.edu/law/banquet

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A portrait of U.S. Supreme Court Justice Elena Kagan, smiling, wearing a black judicial robe over a white collared shirt. The background is a dark wood-paneled wall.

Save the Date

The University of Colorado Law School's 2019 John Paul Stevens Lecture

FEATURING

U.S. Supreme Court Justice Elena Kagan

October 22, 2019

Details available at colorado.edu/law/stevens.