

Colorado Bar Association President's Message to Members

Looking Back, Looking Forward— Leadership and Beyond

by Elizabeth A. Starrs



The second half of 2006 was a unique time for the Colorado Bar Association (CBA). Our primary focus was to defeat Amendment 40. We engaged in a political endeavor—something the CBA has not done on such a scale in its history—and, I am happy to say, we did so quite successfully. The CBA took on the task to defend Colorado courts from a direct assault on their independence, and to protect the system of merit selection that, ironically, marked its fortieth anniversary in 2006.

So, what will we be doing in 2007? I would like to highlight a few of the many things we have planned for the first part of this year.

Colorado's Merit Selection System of Choosing Judges

In early 2006, Governor Bill Owens signed an Honorary Proclamation announcing that, from May 1, 2006 through April 30, 2007, Colorado would celebrate forty years of having the Judicial Merit Selection System. In doing so, Governor Owens recognized that our courts are the guardians of our constitutional rights; that a sound democracy requires that all citizens have access to the courts for fair, impartial, just, and timely resolution of legal disputes; and that Colorado's system of merit selection has served the state well, ensuring an independent judiciary.¹

A few months before this proclamation, Chief Justice Mary Mullarkey requested that the Judicial Advisory Council (JAC) organize a celebration commemorating the 1966 passage of the amendment to Article VI of the Colorado Constitution, which enacted the system of merit selection of judges in Colorado. In keeping with this request, Justice Gregory Hobbs appointed a Fortieth Anniversary Steering Committee (Steering Committee) of JAC members and others to plan and stage a year-long celebration that started on Law Day, May 1, 2006, and will conclude on April 30, 2007.

Fortieth Anniversary Steering Committee

John T. Baker is the Chair of this Steering Committee. With the participation of the Colorado Judicial Institute, the League of Women Voters, and the CBA, John organized the celebration, which included programs and events to be presented to schools, civic groups, and other appropriate venues in every judicial district in the state. This is a nonpartisan and apolitical celebration. It has combined the efforts of judges throughout Colorado, as well as members of the legislature, officials of the executive branch of the state, members of local bar associations, and civic groups and other organizations. The celebration is funded with private contributions, and no state money is being used.

The Steering Committee has established an outreach subcommittee. The subcommittee is co-chaired by Judge Mary Hoak

of the Grand County Court and Denver attorney John Castellano. It comprises a network of judges, local bar association officials, and members of the League of Women Voters from Colorado's judicial districts, who will promote educational programs and provide speakers for the programs. A number of programs have already been held, but there are many to come. For complete information about the Fortieth Anniversary celebration, please contact John Castellano at jcastellano@hollandhart.com.

Lessons Learned

Our involvement in the Vote No 40 campaign has taught us that we need to be more vigilant in our public legal education efforts. We learned that if we continue to educate the public, we will have a better chance of defusing the rhetoric that is sure to arise as similar issues come before the voters in 2008.² Active participation in the celebration of the Fortieth Anniversary of the Judicial Merit Selection System in Colorado will help.

For more information about the Fortieth Anniversary celebration and related programs and activities, please contact John Baker at (303) 329-3855 or johnbakerpc@msn.com.

Legislative Policy Committee

The CBA Legislative Policy Committee (LPC)³ will begin meeting weekly, from January 10, 2007 through May 9, 2007, while the state legislature is in session. As you know, the CBA regularly takes positions on bills pending before the legislature. The CBA publishes an electronic legislative report weekly during the legislative session, showing the current status of selected bills and issues of interest to our membership.⁴ The LPC's mission statement identifies its core values as those that must be considered before the CBA takes a position on a particular issue:⁵

1. **Accuracy and Precision in Drafting.** The LPC is not a drafting office but should identify drafting errors and help improve the clarity of the bill, even when the LPC does not agree with the substance of proposed legislation, or when the membership is divided on the matter.
2. **The Practice of Law.** The LPC gets involved in most proposed legislation that affects the practice of law, the business of lawyering, the court system, lawyer fees, and lawyer-client relations.
3. **The Wishes of the Membership.** As much as possible, the LPC seeks to have its work reflect the wishes of the CBA membership. Accordingly, the CBA sections and committees are involved early and consistently during the process, are asked to review legislation before the LPC takes a position, and are consulted for (and provided with) input and feedback to ensure open communication among them and the LPC.

4. **The Constitutions of the United States and the State of Colorado.** The LPC generally gets involved in legislation, referenda, and initiatives that affect issues of constitutional dimension, including the doctrine of separation of powers.
5. **Access to Justice.** The LPC generally supports legislation that affirms and improves access to the justice system by all persons.
6. **Independence of the Judiciary.** Because the CBA is based, in part, on the belief that an independent judiciary is a fundamental component of our democracy, the LPC generally supports legislation that affirms and improves the independence of the judiciary.
7. **Jury Trials.** Because the CBA is committed to preserving the jury trial as a fundamental component of our justice system, the LPC generally supports legislation that affirms and improves the right to a jury trial.
8. **Legislative Relations.** Because the CBA believes that having good relations with the legislature is critical to our effort to influence legislation, the LPC strives to maintain professional and harmonious communication with legislators and the legislature. With that goal in mind, the LPC is mindful of consistently providing accurate and objective information to the legislators and the legislature.

If you are interested in learning more about this fascinating and important aspect of the CBA, please contact Michael Valdez, CBA Director of Legislative Relations, at (303) 824-5903 (direct); (303) 887-1295 (cell); (800) 332-6736 (toll-free), or mavaldez@cobar.org. Visit the CBA website at <http://www.cobar.org> and access the "About the CBA" drop-down menu. Select "Governance," then "Policy & Procedural Manual"; then click on the "Department of Legislative Relations" link.

CBA Leadership Training (COBALT)

We are excited to be starting our inaugural class of the Colorado Bar Association Leadership Training (COBALT) program in January.⁶ Through the COBALT program, the CBA hopes to build a large core of practicing attorneys who will become more knowledgeable about the ethical, professional, and community issues facing us, so as to effectively lead the membership. The COBALT program participants have been selected,⁷ and are eager to rise to the challenges ahead.

The six-month program commences with a retreat, January 18–20, 2007, at the Stanley Hotel in Estes Park. The participants will meet the COBALT steering committee members; get an overview of the curriculum; learn about the Institute for the Advancement of the Legal System from former Colorado Supreme Court Justice Rebecca Love Kourlis; and hear past CBA President John Moye speak about Leadership Through Service.⁸ Several more formal and informal events are planned so that the participants in this interesting journey will become acquainted with their colleagues.

On Friday, February 16, 2007, Mary Jo Gross, past President of the Denver Bar Association (DBA), will chair the full-day program in Denver on understanding the CBA. The program is intended to provide a detailed yet practical explanation of our organization.

On Friday, March 16, 2007, COBALT participants meet in Colorado Springs at the Penrose House Conference and Education Center. Drew Gorgey, past President of the El Paso County

Bar Association and current member of the CBA's Executive Council, will serve as chair of the day-long class on "Concepts and Skills in Leadership."

"Ethics, Justice, and Values" will take place on Friday, April 20, 2007, in Glenwood Springs. The program will be chaired by Joe Dischinger, past DBA President. On Friday, May 25, 2007, John Frey, past President of the Larimer County Bar, and Kirk Rider, past President of the Mesa County Bar Association, will co-chair a seminar entitled "Community Leadership and the Lawyer-Statesman Ideal." This program will be held at the Grand Lodge Crested Butte Hotel.

"Where Do You Go From Here?"—the final COBALT program—will be organized by Julie Haines and Megan Brynhildsen, who are both past chairs of the CBA's Young Lawyers Division, and will take place in Denver. Participants will report on what they have done and learned during the past six months. The program will culminate with a "graduation" ceremony.

Conclusion

Happy New Year everyone! 2007 promises to be another exciting one!

NOTES

1. See "Honorary Proclamation honoring the 40th Anniversary of Colorado's Judicial Merit Selection System," 35 *The Colorado Lawyer* 12 (April 2006).

2. See, e.g., Pankratz, "40: Capping Judges' Tenure Is Rejected," *The Denver Post* (Nov. 8, 2006), available at http://www.denverpost.com/search/ci_4621511; Erickson and Burnett, "Term Limits For Judges a No-Go," *Rocky Mountain News* (Nov. 8, 2006), available at http://www.rockymountainnews.com/drmn/elections/article/0,2808,DRMN_24736_5126386,00.html; Hanel, "Voters consistent on gay rights issues," *The Durango Herald* (Nov. 10, 2006), available at http://www.durangoherald.com/asp-bin/article_generation.asp?article_type=news&article_path=/news/06/news061110_5.htm.

3. Members of the Legislative Policy Committee are: Jim Benjamin (Greenwood Village); D.A. Bertram (Denver); Stacy Carpenter (Denver); Roger Clark (Loveland); Jack Donley (Colorado Springs); David Driscoll (Louisville); Pam Gagel (Denver); Steve Lass (Denver); David Lytle (Pueblo); Terry Ruckriegle (Breckenridge); Laura Wassmuth (Glenwood Springs); and Tony Van Westrum (Denver).

4. To receive the electronic legislative report, contact Michael Valdez, CBA Director of Legislative Relations, at (303) 824-5903 (direct); (303) 887-1295 (cell); (800) 332-6736 (toll-free); or mavaldez@cobar.org.

5. To find the CBA Department of Legislative Relations online, visit the CBA website at <http://www.cobar.org>. Select "About the CBA," then "Governance," then "Policy & Procedure Manual"; then click on the "Department of Legislative Relations" link.

6. For more details about COBALT, see Starrs, "CBA President's Message to Members: Colorado Bar Association Leadership Training (COBALT)," 35 *The Colorado Lawyer* 7 (July 2006).

7. The participants in the inaugural COBALT class are: Ilene Bloom (Denver); Becky Brelsford (Fort Collins); Marian Carlson (Denver); Mindi Conerly (Montrose); Kato Crews (Colorado Springs); Jack Donley (Colorado Springs); John Duval (Loveland); Constance Tromble Eyster (Boulder); Charles Garcia (Denver); Valerie Garcia (Denver); Richard Gast (Fort Collins); Will Hood (Denver); Lauren Bynum Jenkins (Colorado Springs); Neeti Pawar (Denver); Jennifer Rice (Fort Collins); Tim Schutz (Colorado Springs); Dave Stevens (Littleton); Kara Veitch (Denver); and Jennifer Wascak (Brighton).

8. Heider, "Enlightened leadership is service, not selfishness," *The Tao of Leadership* (1994) at 13. ■