



Official Publication of the El Paso County Bar Association

# Pikes Peak Lawyer

OCTOBER  
2015

INSIDE  
THIS  
EDITION:

Important Message From  
President  
DAVID WEBSTER

SAVE  
THE  
DATES





# MESSAGE FROM THE PRESIDENT

DAVID WEBSTER, ESQ.

This month I would like to discuss the fiscal state of the El Paso County Bar Association and a major need which requires us as a group to act. If members were to look at our budget as it is currently in place, the Board has made the knowing decision to operate this fiscal year in the red. I would like to make the membership aware of a major reason we have made this decision.

To begin, over the last several years we have seen a trend downward with regard to new and continuing membership in the Bar. This is not an isolated situation as Bars across the nation are grappling with the same problem. This has resulted in lower operating income for the Bar Association which is causing us to go through our budget more carefully to eliminate expenditures which are unnecessary. An example of an expenditure which the Board eliminated a few years ago is the cost of printing the Newsletter. I know that some members were not happy about the elimination of the print copy, but when we looked at the cost of paper copies being mailed out to our members compared to the cost to produce it ourselves and transmit it to the membership via electronic format, we found that we could save approximately \$20,000 per year. I provide this example because I want our members to understand that we are not making the decision to operate in the negative lightly. So why did we make this decision? It was so that we could provide operating funds to a program which I would hope all of us can agree is an important service that we, collectively, provide to the public: the Pro Bono Project.

To give you a brief history, when I first came onto the Board in 2012, the Bar Association had been providing a yearly grant to the Pro Bono Project in the amount of \$20,000 per year. We are one of the Project's biggest donors. Some of you may not be aware that the Pro Bono Project is not a sub entity of the Bar Association. It is an independent entity and while it was originally formed by our membership and was a part of the EPCBA, it is my understanding that at some point prior to 2007 it was made independent due to the belief that it would be able to more effectively operate as a charity in terms of obtaining grants and funds without having direct connection to the EPCBA. Given the state of the COLTAF funds at that time it probably made sense. Then 2008 hit and as most of you should be aware based upon your trust account statements after the crash, COLTAF funds plummeted due to the demolition of interest rates. What this means today is that COLTAF no longer generates enough interest income to adequately fund pro bono services and those funds continue to become smaller. Unfortunately, while we had been able to provide a \$20,000 donation to the Pro Bono Project in previous years, last year the Board made the determination that we could no longer provide that level of funding due to shortfalls in our own budget. This obviously left the Pro Bono Project without a significant source of funding which equated to nearly half of their budget. Under the leadership of Eric Hall we became engaged in discussions with the Pro Bono Project concerning possible reintegration of the Project back into the Bar Association. I can tell you all that when those talks initially began and our Board was discussing the financial needs of the Project that I had, to say the least, reservations about doing it. I was very concerned that we have been experiencing a decrease in our own financial resources so how would we be able to meet the needs of another entity. As a result of my own misgivings I began looking more closely at the work that the Project does and what it was meant to do by the membership that formed it originally. I doubt there are any of you who don't know that the Pro Bono Project is a charitable organization which provides legal services to individuals who are incapable financially of hiring counsel for themselves. What you may not know is that the Project also aids in running other services to the needy in conjunction with the EPCBA (Ask a Lawyer

springs to mind). What you also may not know is that there are a large number of people in our community who would be unable to obtain access to our justice system without the aid provided by the Project. When I started looking beyond the simple economic numbers associated with it and analyzed the need for reintegration from the perspective of the needs of our community, quite frankly it became a no brainer that we needed to work to figure out a solution to this looming crisis. When you analyze the pros and cons of reintegration, the biggest con is that we will need to provide funding for the Project if there is shortfall in their budget assuming we are successful in the reintegration process. While this is a pretty big concern of mine, when you look at the benefits that the Project could provide our membership just in terms of the public perception of us as a group, I think that acting to preserve it is in all of our interests.

To that end, the two Boards (Pro Bono Project and the Bar Association Board) are currently analyzing several options concerning reintegration of the Project. As you all should know, last year we created the Justice Center when we realized that the membership did not have a charitable vehicle to be able to create and fund special public needs. An example would be the Tree Planting Project which made us aware of this problem. The Justice Center was created and we now have a charitable vehicle to fund a wide array of problems that exist now or may be identified by our membership in the future. While it was meant to fund special needs, it was not intended to replace or replicate the functions of the Project. This leaves us with three options: (1) Join the Project and the Justice Center together as one entity; (2) bring the Project within the umbrella of the EPCBA as a separate entity from the Justice Center; or (3) do nothing at all.

I hope that our membership agrees that option (3) is really not an option. With regard to the other two options, there are going to be some challenges along the way. We have to work to make our charitable organization(s) more independent financially and until that occurs we are going to have to find ways to make sure these necessary services go uninterrupted. But I believe that is something that a group like ours can accomplish and by doing so hopefully we can make a difference in our little corner of the world by making sure that justice is not only for those with means.



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Please write names for nametags on back side of form.

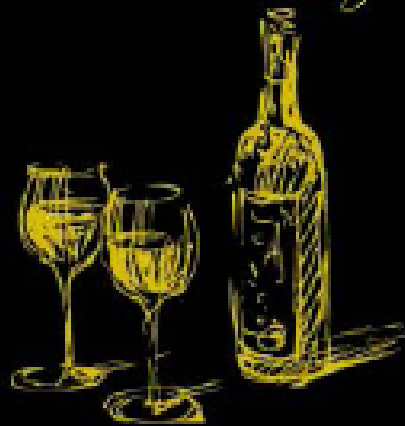
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To learn more about Teen Court, visit [www.SpringsteenCourt.org](http://www.SpringsteenCourt.org)

**Please Welcome our Newly Admitted Lawyers at a Welcoming Ceremony**

**November 10th at the Pioneers Museum**

**215 S. Tejon St. Colorado Springs, CO 80903**

**Section Head Orientation 4:30 -5:00 p.m.**

**Reading of Oath 5:30 with Reception Immediately Following**

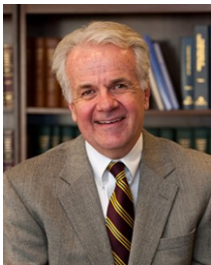
### **CLE Luncheon - November 17, 2015**

**"Paying It Forward Through Mentoring: Help New Lawyers Develop a Professional Identity:"** John Baker, Director of the Colorado Attorney Mentoring Program (CAMP) of the Colorado Supreme Court will present this interactive/audience participation program, which will be valuable for young and seasoned lawyers alike. Topics include:

- Assisting young lawyers in developing a "professional identity."
- Providing tips to seasoned lawyers on how to better guide and mentor their junior attorneys.
- Suggestions to organizations how to strengthen, compliment, and supplement existing organic legal mentoring.

One (1) General Colorado CLE Credit, including one (1) ethics credit has been approved.

More Information Coming Soon.



John T. Baker J.D., University of Denver College of Law

John spent 35 years as a trial attorney, concentrating his legal practice in products liability litigation, representing individuals that have been injured by defective pharmaceutical products and vehicles. John was listed as a Colorado Super Lawyer for 2007 to 2011. John retired from trial practice in 2010 to work as President and Executive Director of the National Institute for Trial Advocacy ("NITA") for three years.

On February 5, 2013 John was appointed by the Colorado Supreme Court Advisory Committee as the first director of the Colorado Attorney Mentoring Program ("CAMP") John has the responsibility of establishing a state-wide young lawyer mentoring in each of the 22 judicial districts in Colorado. For forty years John has been active in promoting professionalism and served as President of the Denver Bar Association in 2009. John, also, lectures in Colorado, nationally, and internationally on professionalism issues, on torts/product liability issues, and on trial advocacy.

John is married and has three children and four grandchildren, who have involved him over the years in coaching youth soccer, basketball and baseball.





# FROM THE EDITOR

JOE CANNON

The President's column this month is particularly timely. The financial situation of the EPCBA points out the importance of the profession rallying to back our work in the poor community. Local Bar membership provides a number of services to us but our goal for a number of years has been to provide valuable service our community at large that are otherwise not available.

This month the focus will also include the annual fund drive of the Legal Aid Foundation. It may be easy to overlook, but it is time to step up the challenges we carry as a member of a proud profession. Each of us can do a little more to fulfill our goals.

At the November 17 lunch meeting the Legacy Society will honor the distinguished career of Don Campbell. Judge Campbell was raised in Pueblo and began his legal path by attending George Washington University Law School in D.C. After graduation and completing his service in the Navy he returned to Colorado. After a short time in private practice in the Springs, he was selected to serve as a city judge and then advanced to the County Court. Shortly, thereafter he was promoted to the District Court where he served for a number of years. I became more closely acquainted with Don during the Juvenile Court rotation in District Court after I was appointed in 1975. Judge Campbell was appointed to be Chief Judge of the 4th Judicial District after the retirement of Bob Johnson. Don served in the leadership position for a number of years including service on various state and local committees while he continued his membership in local service organizations.

Most members will also recall he served as President of the EPCBA. After retiring from the Bench he served as a Senior District Judge. On his official retirement he joined the Judicial Arbitrator Group working there as a settlement judge and arbitrator. When he left JAG he opened his own office in Colorado Springs providing ADR services to the legal community.

For a number of years he has financially supported the Legal Aid Foundation and provided personal pro bono services to the Colorado Springs Legal Services office. Your presence is requested to honor this distinguished member of our profession.

*- Joe A. Cannon, District Judge ret, / Chair, ADR Committee, El Paso County Bar Association*

## **National American University is Pleased to Announce a FREE CLE : Introduction To Probate**

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a story of  
law, lawyers  
and the pursuit  
of justice

by Bill Durland

*An adventure through  
the history of the rule of law  
and its pursuit of justice  
led by the  
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the Goddess of Justice,  
a personification of the law  
who is tormented by  
The Jokester,  
(master of all lawyer jokes)  
as they meet  
with the giants of law  
throughout  
history.*



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# FEATURED ARTICLE

## THE IMPORTANCE OF PRESERVATION TO WINNING A CIVIL APPEAL

By Jessica Ross & Theresa Lynn Sidebotham

Although it is important that an appellate brief be artfully drafted, victory on appeal may turn more on whether trial counsel had the forethought to ensure that an issue was preserved. This article reviews the general rules regarding preservation and explores the narrow exceptions to that rule that have been recognized by Colorado appellate courts. It then provides some practical suggestions for preparing for appeal during trial and beyond.

### Raising New Issues on Appeal

While there are many hurdles to winning on appeal, one of the first to overcome may be convincing the court to address the issue in the first place. Appellate courts generally will not address issues that were neither raised nor ruled upon by the trial court, and are brought up for the first time on appeal. In other words, most issues must be preserved for appeal, typically by presenting the issue to the district court and obtaining a ruling.

This general rule is more applicable to civil cases than criminal cases. Colorado appellate courts will routinely review certain unpreserved errors in criminal cases for “plain error” under Crim. P. 52(b), though even there the error must “cast serious doubt on the reliability of the judgment of conviction.” But if an issue in a civil case was not raised below, the odds of convincing a court to reach the merits are slight. Unlike the criminal rule, there is no corresponding plain error rule in the Colorado Rules of Civil Procedure. If counsel does not object to the admission of evidence at trial or raise an issue about an instruction given to the jury, a court on appeal is unlikely to be the first to say anything about the issue.

Like most general rules in law, this principle is not absolute. Colorado appellate courts have recognized a handful of exceptions that may allow courts to consider issues in civil cases that were not properly preserved. This article examines (1) issues involving jurisdictional defects; (2) issues involving certain instructional errors; and (3) issues involving the exercise of discretion under C.A.R. 1(d).

First, there is a clear exception to the general rule for issues that involve jurisdictional defects. Issues that implicate a court’s jurisdiction can always be raised for the first time on appeal in civil cases. This is because, without jurisdiction, a court is without power to act. So it must consider the issue of whether it has jurisdiction. Some common examples of jurisdictional issues include whether the court has the power to hear a specific type of case, whether the appeal is timely filed, and whether a party has standing to bring a claim. If jurisdictional defects have been missed previously, they can still be raised on appeal, and if the court agrees, they will be addressed.

Second, on at least one occasion, the Colorado Supreme Court applied a “plain error standard” in a civil case. In *Blueflame Gas*, the court recognized that a party’s objection to a jury instruction was not sufficiently specific to comport with C.R.C.P. 51. However, the court decided it was still adequate to preserve the issue for appellate review, and elected to address the correctness of the instruction under a plain error standard. But *Blueflame Gas* did not open the floodgates to plain error review in civil cases, and should probably not be relied on as such. Not only was *Blueflame Gas* an example of a party that at least tried to object, though inadequately, but the case



has been generally limited to waived instructional errors and treated by subsequent courts as an extremely narrow exception to the normal rule. In a case where the party had affirmed it had no objection to the jury instruction, the court held that the party had waived the issue, and dryly commented, “Only in rare instances, involving unusual or special circumstances, will an appellate court exercise its discretion to review, under a plain error standard, waived instructional error in a civil case.” And even then, courts appear reluctant to reverse on these grounds unless doing so is necessary to prevent a manifest injustice.

Finally, the rules of appellate procedure provide a basis for appellate courts to correct unpreserved errors in civil cases. C.A.R. 1(d) permits the appellate court “in its discretion” to “notice any error appearing of record.” Appellate courts have occasionally used this broad grant of discretionary authority to reach issues of grave importance that were not brought to the attention of the trial court below. For instance, if both the parties and the trial court misinterpreted controlling law, the appellate court may apply it. Again, litigants should not rely on this rule as a basis for asserting unpreserved claims. The rule is applied only very rarely in civil cases, so it is much better to argue the right law in the first place.

### Setting Up Issues for Appeal in the First Place

Given that the chances of convincing an appellate court to address an unpreserved issue in a civil case are slim, preservation can be key to a successful appeal. The following practical suggestions can help both before an appeal, and before filing a brief with the appellate court.

#### Before the Appeal

Obviously, the best way to ensure that an appellate court will address your issue is to preserve it. Here are a few tips for the trial stage of litigation:

- **Get Some Expert Advice.** For important cases, such as those that implicate constitutional rights, contain issues of first impression, or involve high stakes, trial attorneys may consider getting independent legal analysis about trial issues and an analysis of potential appellate issues during trial preparation. Attorneys who specifically practice appellate law can assist with such an analysis. In very important cases, it may also be helpful to have an appellate attorney present during trial. With an eye toward appeal, such preparation can help ensure that all the issues that may need to be raised in the event of an appeal have been properly preserved.
- **Preserve, Preserve, Preserve!** Before trial, identify issues that could be relevant to an appeal and make sure your position is preserved in motions or during the trial. During trial or on motion, raise each issue specifically with the court. Make contemporaneous objections if necessary. Ensure the court rules on your objections and motions; some courts have considered the failure to obtain a ruling as an abandonment of the argument and a bar to later asserting it on appeal. You may need to ask the court for an opportunity to make a record on an important issue. Make sure that any discussion of such an issue is done on the record. Also, don’t forget to make sure that the facts that support your position on each issue are actually part of the record.

#### Suggestions when Drafting an Appellate Brief

Perhaps you are coming into the case as appellate counsel and thus did not have control over which arguments were made at the trial level. Or perhaps you are not sure if your issue is properly preserved. Here are a few tips:

- **Carefully Review the Record.** The importance of reviewing the appellate record cannot be overstated. In a careful review of the record, you may find a place where you can make the argument that the issue was preserved. Exactly what is needed to preserve an issue for appeal is very fact-specific—sometimes simply saying “Objection”

is enough, depending on the context. What is important is whether the lower court was alerted to the error, and had enough information to recognize and correct it at that point. Make the argument that an issue is preserved if possible. If you are not sure, make the argument, but provide the court with the exact language of the record. If the issue was not preserved, be honest with the court, and suggest an alternative reason the court should consider the issue.

- **Ensure Compliance with C.A.R. 28(k).** This is the rule of appellate procedure that requires a party raising an issue to cite in its appellate brief to the specific portion of the record where the issue was preserved. Not only will failure to do this likely cause your brief to be stricken and sent back for correction, it also gives the party raising the issue the opportunity to establish why the court should review the issue and under what standard of review. Take advantage of this opportunity! In addition to following the procedural requirements of the rule by citing to the precise location in the record where the issue was preserved, it may be helpful to explain briefly why this is so. For example, "This issue was preserved below by a contemporaneous objection during trial. See R. at 155, ln. 15." Or "This issue was raised in Plaintiff's Motion for Summary Judgment and ruled upon by the trial court's order dated 9/25/2014. See R. at 155; R. at 200." By giving the court this information, you not only make the judges' job easier, but you will demonstrate competence and make your argument more persuasive.
- **Ask for Oral Argument.** If you have an unusual reason why the court should hear your argument on appeal, ask for oral argument. You may at least get a chance to explain, for instance, why the plaintiff did not have standing. Or if your record has factual anomalies, you may get a chance to clear up any confusion for the judges.

Appellate advocacy can be complicated. Sometimes, this difficulty is increased by the requirement that an issue be properly preserved in the lower court. With proper foresight, attorneys can ensure that they are not only giving their clients the best representation, but also ensuring that any appeal will be considered on the merits.

*About the authors:*

*After graduating from University of Colorado law school, Jessica Ross clerked with the Honorable David M. Furman on the Colorado Court of Appeals and the Honorable Justice Nathan B. Coats at the Colorado Supreme Court. She now works at Telios Law.*

*Theresa Lynn Sidebotham, owner of Telios Law, clerked with the Honorable Chief Judge Alan M. Loeb for two years, and the Honorable David M. Furman for two years.*

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# FAMILY LAW UPDATE

JOI G. KUSH, ESQ.

## **GRANDPARENT RIGHTS: A LEGAL PRIMER**

According to a report published by the U.S. Department of Commerce in October 2014, approximately 2.7 million grandparents reported that they provided primary care for their minor grandchildren. Renee R. Ellis & Travia Simmons, *Coresident Grandparents and Their Grandchildren: 2012*, U.S. Department of Commerce, Issued October 2014. As families continue to rely on their “elders” to provide care, more family law practitioners will be challenged by a grandparent’s request for visitation and/or custody of a minor child.

When approached, the first question is whether the grandparent has standing to intervene (see C.R.C.P. Rule 24) and ask for visitation under C.R.S. §19-1-117 and/or custody under C.R.S. §14-10-123. Once standing has been established, the family law practitioner must then file a verified pleading that articulates a well-reasoned argument which persuades the court to override a parent’s fundamental right to have unfettered control over their children.

It is well established that a fit parent is presumed to act in the best interests of his/her child. *Troxel v. Granville*, 530 U.S. 57, 72-73 (2000); *In re BJ*, 242 P.3d 1128, 1133 (Colo. 2010); *In re C.A.* 137 P.3d 318 (Colo. 2006); *In re Custody of C.C.R.S.* 892 P.2d 246, 256 (Colo. 1995); *Wilson v. Mitchell*, 48 Colo. 454, 466 (Colo. 1910); *In re M.W.*, 292 P.3d 1158, 1161 (Colo. App. 2012); *In re C.M.*, 74 P.3d 342 (Colo. App. 2002). Because a fit parent is presumed to act in the best interest of his/her child, the parent’s preference as to visitation/custody is given special weight.

To rebut this presumption, the grandparent must show through clear and convincing evidence that the parental determination is not in the child’s best interests and that, by clear and convincing evidence, the nonparent’s recommendation is in the best interest of the child. *In re C.A.* 137 P.3d 318 (Colo. 2006); *In re M.W.*, 292 P.3d 1158, 1161 (Colo. App. 2012). The best interest standard is governed by C.R.S. §14-10-124(1.5). *In re BJ*, 242 P.3d 1128, 1134 (Colo. 2010).

In addition to the factors enumerated in C.R.S. §14-10-124(1.5), the court may look at other “special factors” such as the length of time the grandparent has primarily cared for the child or whether the grandparent has become a “psychological parent” to the child. However, simply asserting that the grandchild would benefit from grandparent visitation and/or custody is not sufficient. *In re C.A.*, 137 P.3d 318, 328 (Colo. 2006); citing *Lulay v. Lulay*, 193 Ill.2d 455, 250 Ill.Dec. 758, 739 N.E.2d 521, 533 (2000) (“Generalizations about whether grandparent visitation is beneficial to the children are not determinative in this case”); *In re Herbst*, 1998 OK 100, 971 P.2d 395, 399 (“A vague generalization about the positive influence many grandparents have upon their grandchildren falls far short of the necessary showing of harm which would warrant the state’s interference with the parenting decision regarding who may see a child.”)

While the above analysis is logical and sound to the seasoned practitioner, it is difficult to explain to a client how this legal burden applies to his/her respective case. The best advice to provide every grandparent requesting visitation/custody is that he/she must convince a judge to override a parent’s constitutional right and, to do so, some expert (CFI, CLR, or PRE) should be appointed to evaluate what is in the child’s best interest. It should also be explained that an emotional bond and frequent contact with a child is not, by itself, enough to override a parent’s fundamental right to raise a child as he/she deems fit. Finally, the client should be informed of the benefits of alternative dispute resolution in lieu of court intervention. All too often, requests for visitation and/or custody by a grandparent cause family conflict that extends beyond the court’s jurisdiction. For the sake of the child and family unit, effective communication and settlement negotiations should be preferred.



# THE RECTOR SCALE

IT'S STILL MYSTERY

When it comes to civic pride, I am the world's biggest cheerleader for Colorado Springs. Beautiful setting and all, it's flattering when we receive national attention over this marvelous place where we live.

Sure, we've had a few oddities over the years that bring a measure of embarrassment and ridicule to the community. Talk show hosts inspiring listeners to scale the fence at The White House. Local officials showing contempt for unwed mothers. Our legislators speaking directly to God. I admit that events like these make the city look like a haven for nut cases, but we all know better than that.

With that in mind, I have been delighted to discover Homicide Hunter: Lt. Joe Kenda, a reality TV show on cable's Investigation: Discovery channel. The series features crime solving by Lt. Kenda, who was a homicide investigator here for 19 years, and whose show is based on his "past cases which take place in Colorado Springs at the Colorado Springs Police Department."

We are told that "in each episode, Kenda recounts a murder investigation on which he worked, going from the 911 call to the final resolution of the case. Through re-enactments, discussions with investigation teams, and interviews with victims' families and other involved persons, the show highlights Kenda's successes with his 400 homicide case history and 92 percent solution rate."

Normally I take great pride in avoiding reality TV on the simple premise that if someone has a camera pointed in his face, it isn't reality (so there, Kardashians!). In addition, I don't care if third-tier celebrities with two left feet can dance, whether societal misfits can survive in the wild, or whether every lounge singer in the country sounds like Mariah Carey.

Still, because of the legal connection, I was intrigued by Homicide Hunter, so I watched an episode, one where it appeared that the murder at issue was solved quicker in real time (there's that word "real" again) than the hour it took to tell the story, commercials and all. However, Lt. Joe does a great job on camera, exercising his crime-solving ability about our city, and honoring us with nifty catch phrases (known as Kendaisms) like: "My, my, my... what do we have here?"; "Well, you are the guy I've been looking for, aren't you?"; and "If you're gonna lie, at least be good at it." (I've got a coffee mug with that one imprinted on it).

Wow, I thought; I've tried in the past to come up with a concept for a Colorado Springs-inspired reality show, but Atheist Hunters didn't seem like a big seller nationally.

So inspired, I decided to reach out to Lt. Kenda with my ideas for expanding his TV base. I envision a franchise approach to Homicide Hunter, much like Law and Order and CSI. After all, those shows have been prospering for years by providing roles for washed-up actors working on minimum scale, re-working plots from Dragnet, and above all, glorifying murder.

I spoke with Lt. Kenda by phone, and explained what I had in mind. (I did not call him “baby”, although I understand that pitching a concept to someone Hollywood style requires such familiarity.) He was extremely gracious in hearing me out, suggesting that I use a healthy combination of sarcasm and wordplay in my writing. (Boy; talk about playing to someone’s forehead! I think I can handle that one.)

So here are a few of the spin-offs I am working on to capitalize on his success, modifying some of his better known Kendaisms in the process.

\* Joe Kenda, Parking Investigator

This one sounds like a perfect complement to his show, featuring a “lowest common denominator” element. Lt. Kenda is called upon to look into persistent complaints that Colorado Springs citizens are receiving parking citations even though they claim to have enough time left on the meter. Each week he is able to track down rogue Parking Enforcement personnel who are getting a commission for the number of Denver boots they install.

Trying to keep up the catchphrase-ology, Lt. Kenda can proclaim that “For those who abuse parking meter patrons, insuring their punishment is right up my alley.”

\* Joe Kenda, Animal Kidnapping Investigator (sorry, Ace Ventura: this is reality TV)

In episode one, Lt. Kenda is called to locate a man who repeatedly snares someone’s pet poodle and anonymously drops it off at The Humane Society out of spite. Cribbing off of one of his more famous sayings, Joe glibly notes that “You say the dog had no enemies, but for God’s sake, it’s a poodle, and everyone hates poodles.” Lt. Kenda catches the offender by having the pooch do its business in a different neighbor’s yard each day until the culprit picks up the evidence out of frustration and delivers it to the owner’s porch.

Kendaism: “This proves that I could get elected dog catcher.”

\* Joe Kenda, Hunter of the Guy Who Backed Into Your Car at the Mall and Didn’t Leave a Note

In the debut episode, Lt. Kenda trolls the parking lot at the Wal-Mart on the surmise that “anybody who would leave the scene of a flagrant door crease is probably shopping here.” Matching paint exemplars, Joe arrests a Wal-martian wearing a t-shirt that says “Beer is in the eye of the beholder”.

Catch phrase: “This is one time that I showed a criminal my red light special.”

Not enough legal gravitas, you say? Then how about Joe Kenda, Appellate Investigator

Officer Kenda pours over appellate briefs to determine why some cases were granted certiorari and others not, stating “I wondered why so many meritorious claims were summarily rejected while the ones that were accepted had no meaningful bearing on anyone’s life.”

Sorry, Lt. Joe; don’t bother working on a Kendatism on this one. This is a mystery that even you can’t solve.



# Lawyer Referral Services

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## Ongoing Bar Committee and Section Meetings

**Alternative Dispute Resolution Committee** meets quarterly on the 4th Thursday at 102 S. Tejon, Ste 800 at 12:15 pm. For more information, contact Joe A. Cannon at 955-7899.

**Christian Legal Society** meets the first Thursday of each month at Jack Quinn's (up stairs) 21 S. Tejon St. from 11:45 am to 1:15 pm. Reservations are appreciated but not required. Any questions contact, Synthia Morris, synthiamorrisatty@gmail.com.

**Family Law Section** meets the second Tuesday of each month at Noon at The Warehouse. Reservations appreciated. Contact Mo Frederick at mofredericklaw@yahoo.com to make a reservation, or for more info.

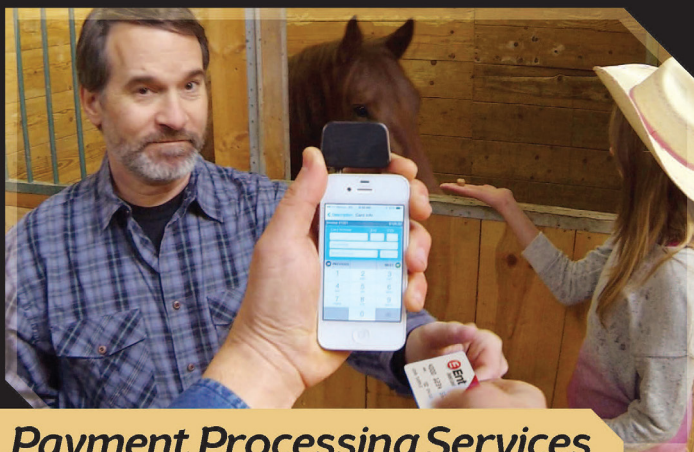
**New Lawyers Section** meets the fourth Friday of each month at 5:30 pm. Check the EPCBA website calendar for location or for more information, contact Haily Kolberg 602-1442.

**Probate Section** meets on the second Wednesday of each month at the Clarion Hotel at 7:30 am. For more information, contact Michael Kirtland at 448-0734.

**Real Estate Section** meets the third Thursday of each month at the Denny's Restaurant at West Bijou & I-25 at 7:30 am. For more information, contact Paul Murphy at 471-3389.

**Solo/Small Firm Section** meets on the first Wednesday of each month at The Ritz (Elbo Room) at 11:45 am. For more information, contact Tomasz Stasiuk 359-9311.

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## SAVE THE DATE

2015 ANNUAL FAMILY BAR CONFERENCE

Friday, December 11th

### TENTATIVE SESSION

Family Law Update

Marijuana Facts - Needs to Know

Hunt - Rule 16.2

3rd Party Custody/Parenting Time

Affidavit Practice: Adequate Cause

Lightning Round - Evidence Primer

Same Sex / Civil Union Marriage Issues

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