Spring 2023 Newsletter

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Issue: 2023/1 **Spring 2023**

Welcome to the Faculty of Federal Advocates

Spring 2023 Electronic Newsletter

www.facultyfederaladvocates.org

The Newsletter brings you news about FFA events and CLE programs along with useful information for federal practitioners, including links to relevant websites. The FFA welcomes contributions to our Newsletter from our membership.

Newer attorneys, experienced attorneys, and law students are all encouraged to submit articles. If you are interested in submitting an article to be considered for publication, please contact the FFA by emailing Executive Director Dana Collier at:

dana@facultyfederaladvocates.org.

Evolving Standards in Sexual Assault Cases

By Stephanie K. Wood

On December 6, 2022, Professor Aya Gruber, Ira C. Rothgerber Professor of Constitutional Law and Criminal Justice, University of Colorado Law School, discussed the changing definitions of consent in sexual assault cases and highlighted the seminal case *State in Interest of M.T.S.*, 129 N.J. 442, 609 A.2d 1266 (N.J. 1992),which reiterated an affirmative consent standard in sexual assault cases.

As background, according to the Centers for Disease Control and Prevention, "[o]ne in 4 women and about 1 in 26 men have experienced completed or attempted rape." https://www.cdc.gov/violenceprevention/sexualviolence/fastfact.html. The CDC further explains that "[s]exual violence impacts every community and affects people of all genders, sexual orientations, and ages. Anyone can experience or perpetrate sexual violence. The perpetrator of sexual violence is usually someone the survivor knows, such as a friend, current or former intimate partner, coworker, neighbor, or family member." *Id*. Further, "[o]ne respected study indicates that more than half of all rapes are committed by male relatives, current or former husbands, boyfriends or lovers." *M.T.S.*, 129 N.J. at 447 (citing

Who We Are

Mission of the Faculty of Federal Advocates

The Faculty of Federal Advocates (FFA) is an organization of attorneys dedicated to improving the quality of legal practice in the federal courts in Colorado by enhancing advocacy

Diana Russell, *The Prevalence and Incidence of Forcible Rape and Attempted Rape of Females*, 7 Victimology 81 (1982)).

As an overview, the legal definitions of rape or sexual assault have necessarily evolved. Originally, rape was considered a crime against property because women were viewed as chattel owned by their husbands or fathers. *M.T.S*., 129 N.J. at 437. Now legal jurisprudence recognizes the modern principles of personal autonomy, and that sexual assault is a violation of an individual's right to bodily security. *Id*. At 446 ("Each person has the right not only to decide whether to engage in sexual contact with another, but also to control the circumstances and character of that contact."). Even so, the relevant legal definitions have evolved in stages that have required evidence of force by the perpetrator, resistance from the victim, and consent by the victim. And now, according to Professor Gruber, 18 jurisdictions and several school policies have evolved beyond the basic consent requirement (*e.g.*, acquiescence or a lack of resistance) and endorsed an affirmative consent framework (*e.g.*, evident willingness and freely given permission).

Returning to the *M.T.S.* case, as an example, the New Jersey Supreme Court endorsed an affirmative consent requirement and explained as follows:

> the State must prove beyond a reasonable doubt that there was sexual penetration and that it was accomplished without the affirmative and freely given permission of the alleged victim. As we have indicated, such proof can be based on evidence of conduct or words in light of surrounding circumstances and must demonstrate beyond a reasonable doubt that a reasonable person would not have believed that there was affirmative and freely-given permission. If there is evidence to suggest that the defendant reasonably believed that such permission had been given, the State must demonstrate either that defendant did not actually believe that affirmative permission had been freely-given or that such a belief was unreasonable under all of the circumstances. Thus, the State bears the burden of proof throughout the case.

Id. At 448-49.

In her discussion, Professor Gruber opined that by requiring affirmative consent, it eliminates any *mens rea* element or inquiry into the perpetrator's intent and also eliminates any inquiry into the victim's state of mind with the primary focus being on any external manifestations that could qualify as affirmative consent. To illustrate an uncontroversial affirmative consent transaction, Professor Gruber labeled person A as the receiver of the sexual advance and person B as the initiator of the sexual advance. She further delineated a sexual consent transaction between A and B as a three-step process set forth in Figure 1, appended below:

- Step 1: A internally agrees to have sex.
- Step 2: A displays external manifestations of that agreement.
- Step 3: Based on A's external manifestations and the context, B believes A internally agrees to have sex. Of course, B must also share A's attitude toward the sex, and A must believe B internally agrees.

skills, professionalism, and the integrity of practice.

The FFA provides continuing legal education classes, mentoring and pro bono opportunities, and other support services to foster and demonstrate commitment to the highest standards of advocacy and professional and ethical conduct. The FFA pro-motes support, mentorship, education, and camaraderie for federal court practitioners.

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Quick Links

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U.S. Supreme Court

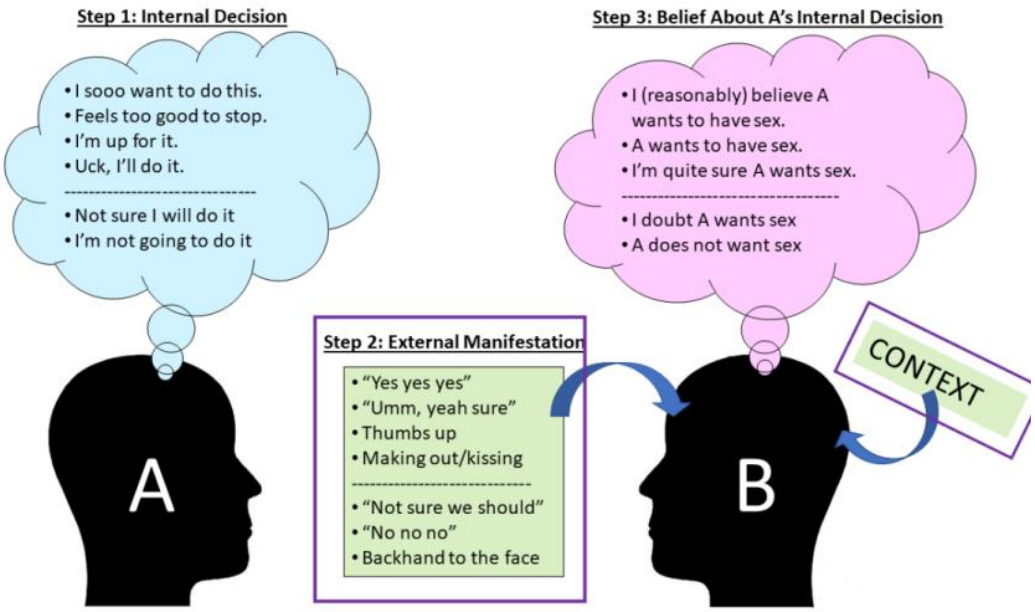
U S. Court of Appeals 10th Circuit

U.S. District Court District of Colorado

U.S. Bankruptcy Court, District of Colorado

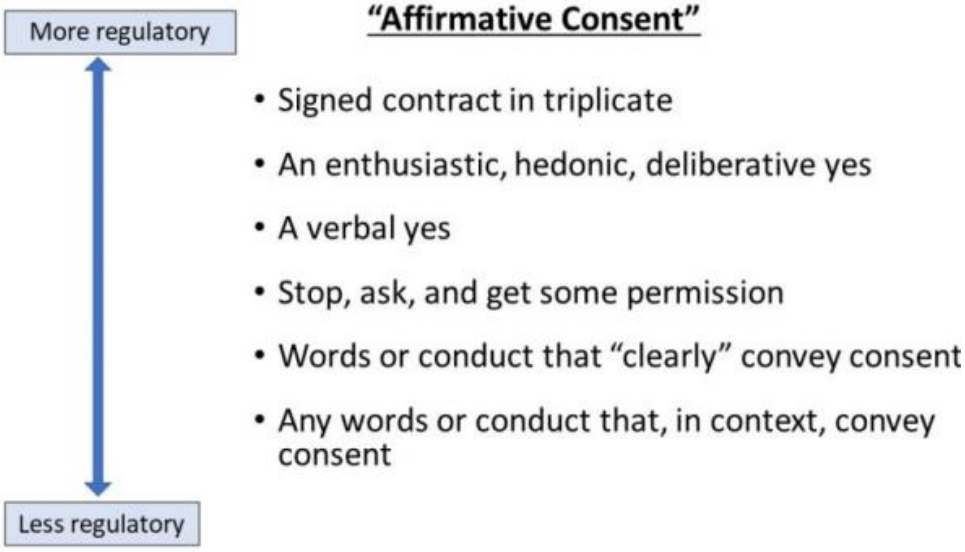
U.S. Attorney's Office Colorado

Figure 1: The Consent Transaction



Professor Gruber highlighted that jurisdictions may differ in what qualifies as external manifestations sufficiently indicating affirmative consent and that social norms among teenagers, college students, or even adults may differ. She presented Figure Two, appended below, to demonstrate a gradation in what may qualify as an external manifestation of affirmative consent:

Figure 2: The Affirmative Consent Scale



Professor Gruber has summarized and challenged the trend toward an affirmative consent framework in detailed commentary (at pages 10-18) that can be reviewed **HERE**.

Federal Public Defender Colorado/ Wyoming

Colorado State Courts

Our Courts

Outsmart Your Unconscious Biases –
To Make Better Decisions in Client Matters and the Workplace
By Lindsay Rose

On January 19, the FFA welcomed Kathleen Nalty, Esq. of Kathleen Nalty Consulting, LLC to help kick off the new year with an insightful and interactive webinar on uncovering and interrupting unconscious biases to be better lawyers, advocates, bosses, and colleagues. Ms. Nalty, a lawyer, author, consultant, speaker, wife of the late U.S. Magistrate Judge Craig B. Shaffer, and diversity, equity, and inclusion (DEI) expert, shared real world examples of unconscious biases and their effects and provided helpful, research-backed strategies for overcoming them.

As she unequivocally stated, "If you're human, you have bias." In fact, 80% or more of our thinking occurs at the unconscious, automatic, impulsive, and intuitive level. Using a simple story about a judge, a law clerk, and two lawyers arguing with each other, Ms. Nalty demonstrated how quickly the audience, without any effort, automatically assigned traits and characteristics to the players in their minds regarding sex, race, and age.

Ms. Nalty's presentation then examined various unconscious biases and offered "bias busters" to combat them. For example, the illusion of objectivity is an unconscious bias that occurs when someone believes they "don't have a biased bone in their body" and so they do nothing to uncover any actual bias. This ends up making people more biased, but it can be interrupted by simply reminding yourself that everyone, including you, has unintentional, unconscious biases. Taking (and re-taking) an implicit association test such as those available from Harvard University (https://implicit.harvard.edu/implicit/) can also be helpful.

Availability bias occurs when we favor the people who first come to mind for an assignment, promotion, or recognition. Instead, Ms. Nalty suggests looking at the entire list of people so no one is overlooked.

Attribution bias categorizes people as insiders or outsiders with insiders being judged as individuals who get the benefit of the doubt and outsiders being judged based on group stereotypes. Observing when and whom you give greater leeway to over others can help you become aware when this is happening. You can also ask whether you would make the same decision if it involved someone in a different group as a check on any potential bias.

Confirmation bias is the tendency to pay more attention to information that confirms your own beliefs and disregard contrary information. Consistently engaging a "devil's advocate" approach or simply seeking out disconfirming information can help bust this bias.

Finally, affinity bias is a powerful bias that each one of us has. It can best be summarized as "birds of a feather flock together" and is the reason why people tend to gravitate toward and form deeper relationships with people who share similar interests and characteristics. Interrupt this bias by finding something you have in common with every person you interact with. This may require getting to know people who are outside of one's affinity group.

Ms. Nalty also explained how simply getting diversity in the door within the legal industry has not worked. Inclusiveness, she says, is the game changer. She described these ten (10) hidden barriers to inclusiveness:

1. **Networking** – networks are smaller for those in underrepresented groups, which can limit access to clients and building a book of business; a smaller network may mean less opportunity for work assignments, lower billable hours, etc.
2. **Access to information** – insiders have more access; Ms. Nalty demonstrated this by engaging the audience in a short game; the players who had received

information in advance about how to play the game were unsurprisingly more successful at the game.

3. **Work assignments** – attorneys in underrepresented groups don't get the high profile, visible projects; instead, they more often get document review or less prestigious assignments.
4. **Mentors and sponsors** – there often are more available to majority groups.
5. **Training and development** – is often less available to underrepresented groups.
6. **Client contact** – is often less available to underrepresented groups.
7. **Access to insiders** – someone getting to go to lunch every day with the boss leads to greater introductions, more access to information, etc.
8. **Social isolation** – underrepresented groups report higher rates of not feeling included or integrated.
9. **Candid feedback** – evaluators hold back information from underrepresented groups.
10. **Promotions** – underrepresented group attorneys are not being promoted at the same rates.

Ms. Nalty stressed the importance of knowing when unconscious bias is more likely to show up, such as when we have cognitive overload or are facing time pressures or stressful situations (*i.e.*, every day as a lawyer!), in ambiguous situations, or when making subjective decisions.

Finally, Ms. Nalty provided these general tactics for fighting unconscious bias:

- Remind yourself frequently about the impact of implicit biases.
- Slow down your decision-making, especially when it comes to big decisions; engage the conscious part of your brain.
- Do whatever you can to reduce your stress.
- Add structure to processes.
- Embed bias busters.
- Add in oversight and accountability measures; create a personal action plan.

Click **HERE** for the written materials from this program.

Bankruptcy Practice and Procedure: Avoiding Basic Pitfalls for the Federal Lawyer
By Michael Schuster

Bankruptcy practitioners Michael Schuster, Amalia Sax-Bolder, and Aaron Conrardy discussed critical procedural differences in bankruptcy proceedings compared to other federal civil proceedings in "Bankruptcy Practice and Procedure: Avoiding Basic Pitfalls for the Federal Lawyer," a Faculty of Federal Advocates-sponsored continuing legal education.

The panel began their presentation by covering the jurisdictional framework for bankruptcy cases. Original jurisdiction over bankruptcy cases lies in the District Court. Pursuant to a standing order of reference, the District Court automatically refers newly filed bankruptcy cases to the Bankruptcy Court.

The Bankruptcy Court may then adjudicate two different types of proceedings – core and non-core. Core proceedings are those which arise under the Bankruptcy Code and include matters directly affect administration of the bankruptcy estate, such as the automatic stay, the filing and determination of proofs of claim, the conduct of sales, avoidance actions, and the approval of reorganization plans. In core cases, the Bankruptcy Court has authority to

enter final orders, which are then appealable to Tenth Circuit Bankruptcy Appellate Panel or the District Court. In contrast, non-core proceedings are those which arise in or are related to a bankruptcy case, but which do not relate to Bankruptcy Code matters directly. Non-core matters relate to rights of people involved in the bankruptcy but which exist and can be resolved independently of the bankruptcy case, such as business torts and breach of contract disputes based on non-bankruptcy law.

Beginning with its landmark decision in *Stern v. Marshall*, 564 U.S. 462 (2011), the U.S. Supreme Court generally holds that litigants in non-core proceedings are entitled to final adjudication by an Article III federal judge. Bankruptcy judges are Article II judges, and therefore cannot render final judgments in non-core proceedings. Instead, a Bankruptcy Court can only make a Report and Recommendation to the District Court in non-core proceedings. However, the parties may consent to the entry of final orders by the Bankruptcy Court in non-core proceedings. Practitioners should also be aware that the Federal Rules of Bankruptcy Procedure will apply over the Federal Rules of Civil Procedure, even in non-core proceedings.

The panel then provided an overview of the key differences between the Federal Rules of Civil Procedure and the Federal Rules of Bankruptcy Procedure. In particular, Part III of the Federal Rules of Bankruptcy Procedure set forth a uniquely applicable set of rules governing the filing of proofs of claim in a bankruptcy case. Generally, proofs of claim must be filed 70 days after the bankruptcy case is filed to be timely, unless otherwise ordered by the Court. If the bankruptcy is filed under Chapter 7, creditors need not file proofs of claim unless and until the Chapter 7 Trustee files a notice of anticipated dividends. Claimants are also required to indicate whether they have acquired their claims from another entity. Indeed, there is a cottage industry for claims trading in bankruptcy cases. Practitioners should also be aware that special rules apply for certain types of claims, such as claims arising from the rejection of an executory contract or lease, and claims secured by a debtor's primary residence.

Finally, the Panel discussed Parts VII, VIII, and IX of the Federal Rules of Bankruptcy Procedure, which apply in adversary proceedings. An adversary proceeding is a lawsuit which is administratively consolidated with the main bankruptcy case and which is heard by the Bankruptcy Court, on a final or non-final basis depending on the core or non-core nature of the proceedings.

Part VII of the Bankruptcy Rules mostly adopts the Federal Rules of Civil Procedure, with some key differences. For example, Federal Rule of Bankruptcy Procedure 7004 permits additional methods of service of process by first class mail, including special rules for nationwide service of process and service on federally insured depository institutions. Rule 7008 requires all initial pleadings to state whether the party consents to entry of final orders and judgments by the Bankruptcy Court. Under Rule 7012, the time for responsive pleadings is measured from issuance of the summons, not service of process.

Part VIII of the Federal Rules of Bankruptcy Procedure contains special rules applicable to appeals of final orders and judgments in bankruptcy cases. Most notably, Federal Rule of Bankruptcy Procedure 8002 provides that notices of appeal must be filed within 14 days, rather than 30 days as provided in Federal Rule of Appellate Procedure 4.

Lastly, Part IX of the Bankruptcy Rules apply in all bankruptcy proceedings and provide procedures such as signing of papers (Rule 9011), approval of settlements (Rule 9019), computing and enlarging time (Rule 9006), and relief from judgments and orders (Rule 9024).

Click **HERE** for the written materials from this program.

Motivational Interviewing: A Basic Guide for Lawyers

By Rebecca Graves Payne

On February 15, 2023, the FFA sponsored an interesting, insightful, and interactive webinar addressing how lawyers can improve client relationships with motivational interviewing, which was presented by Ruchi Kapoor and Maleeka Jihad.

The idea for presenting this topic originated from a conversation Ms. Jihad had with Magistrate Judge Kristen Mix about pro bono/pro se/incarcerated clients, and the challenges lawyers face in working and interacting with such clients. In addition to needing legal representation, many of these clients are also dealing with addiction, trauma, or other undiagnosed mental wellbeing issues that can make them distrustful and disinclined to open up, even to the lawyer who agrees to represent them on a pro bono basis. Compounding this challenge is our natural inclination as lawyers to analytically review the facts of a case, identify the issues, and then propose and advocate for a particular solution based on our own read of the situation. We are trained and accustomed to advise our clients and tell them what they need to do and how they need to do it.

But the standard, more traditional method of client counseling is often ineffective, and can even backfire, with a pro bono client. More importantly, our professional view or belief concerning the appropriate solution often is not in synch with the solution or outcome desired by the client. Thus, working with these types of clients requires a fundamental shift in how we approach and converse with them. This is where motivational interviewing comes into play.

At a high level, motivational interviewing has been defined as:

> a collaborative, goal-oriented style of communication with particular attention to the language of change. It is designed to strengthen personal motivation for and commitment to a specific goal by eliciting and exploring the person's own reasons for change within an atmosphere of acceptance and compassion.

Miller, W.R. & Rollnick, S., *Motivational Interviewing: Helping people to change*, p. 29 (3d ed. 2013). The presentation used during the webinar included a quote by French mathematician and philosopher Blaise Pascal that aptly reflects the underlying philosophy of Motivational Interviewing: "People are generally better persuaded by the reasons which they have themselves discovered than by those which have come into the mind of others."

Motivational interview was originally formulated in the 1980's to help individuals get rid of addictive behavior such as smoking. It has evolved and is now widely recognized as a powerful and effective tool for a broad variety of professionals in multiple disciplines, including lawyers who take on the representation of unsophisticated or indigent clients in a variety of settings, such as family law, child welfare, social services, and criminal proceedings.

In the legal context, and at its core, motivational interviewing provides a helpful theoretical framework to foster communication and build rapport with clients. This involves creating a safe, supportive environment in which the client feels comfortable opening up and sharing with the lawyer the client's perspective of the case, beyond what is simply in the record. Once a baseline rapport is established, the lawyer and client implement a collaborative, team-oriented approach in which the lawyer *guides* the client (as opposed to *directing* the client) in: identifying, on her own, specific goals she would like to attain (thus promoting the client's autonomy); recognizing the corresponding importance and necessity of making a behavioral change to achieve such goals; and

feeling empowered to find on her own the motivation to make the change. The ultimate goal is to facilitate fully informed, deeply thought out, internally motivated choices.

Which brings us to certain core communication skills that are essential to motivational interviewing, including: (1) open questions, (2) reflective listening, (3) building motivation, and (4) summarizing.

Asking open questions—such as "how do you feel about what has happened in your case?" "What worries you about this lawsuit?" and "What would you like to see happen?"—helps elicit information from the client, allows the client to reflect and elaborate on such information, and optimally encourages the client to identify and discuss positive arguments for change. One challenge with open questions is keeping the client focused on the case at hand, and gently bringing the conversation back to their actual goals when the conversation sidetracks.

Reflective listening conveys and confirms your understanding of what the client is trying to communicate to you. This reinforces that you are listening to the client and are invested in how they feel and what concerns them, and involves repeating and rephrasing what the client has told you in your own words.

Building motivation is a critical component of motivational listening. It involves building the client's confidence, affirming the client's specific strengths, and transforming the client's concerns into self-motivation by helping the client see a connection between his goals and believing he is capable of achieving them. Recognizing and reinforcing even small successes can empower the client to initiate making a necessary behavior change.

Using a summary can help the client recall and reflect upon your conversation with him, think of new ideas and potential solutions, understand the plan for next steps, and feel more confident in your ability as his attorney to understand and represent him in court.

In conclusion, using motivational interviewing skills will help elicit more complete and in-depth information from a client; allow the lawyer to affirm and acknowledge perceived strengths of the client (while gaining a deeper understanding of where the client is coming from); and foster collaboration with the client by highlighting issues the client is facing, and the next steps in working towards a resolution. Doing so is imperative to the ultimate goal of empowering the client to transform his or her concerns into an internal motivational force of change.

Click **HERE** for the written materials from this program.

Objection! Foundation!
The Nuts and Bolts of Introducing Your Exhibits and Demonstratives at Trial
By James ("JP") Phillips

The Faculty of Federal Advocates hosted Marci LaBranche and Kelly Page to present on introducing various types of exhibits at trial, with a focus on establishing foundation for such evidence.

The presenters opened their remarks with two high level-insights on why foundation is important. They explained that a trial lawyer must know the rules to authenticate physical evidence to be able to cross-examine witnesses and present closing argument. They also emphasized that having sound knowledge of these rules establishes credibility with the jury. They then turned to the nuts and bolts of establishing foundation.

When it comes to preparing to admit exhibits, the presenters hit on several keys: (1) work on the task well in advance of trial; (2) perform some sifting by asking yourself "does the exhibit advance the theory of the case?"; (3) determine whether the exhibit will go back with the jury or just be used as a demonstrative; (4) determine whether you are going to publish the exhibit or simply admit it without immediately showing it to the jury. The presenters also recommended litigating the admissibility of controversial exhibits and working on stipulations with opposing counsel in advance of trial; this will allow you to narrow the issues for the court. Some other practical pointers included the idea of building exhibits into your examination outline, potentially going so far as to list out all questions for admission if the piece of evidence might be complicated or problematic. In short, the presenters wanted to emphasize that preparation is key to getting physical evidence and documents admitted.

Turning to establishing foundation, the presenters explained that it must be proved that the evidence is relevant, reliable, and authentic. In other words, you must prove the "who, what, why, when, and where" of the exhibit. They looked at who could authenticate evidence and how it is done, starting with Federal Rule of Evidence 901. They explained that the rule requires testimony of a witness with knowledge and provided the following example about handwriting. A non-expert opinion about whether a signature on a will is authentic only requires knowledge of the handwriting; the rule does not require the person to have observed the actual signature. The presenters also walked through authentication of photographs, videos, audio recordings, electronic records, electronic communications such as e-mails and text messages, social media posts (including "likes"), and websites. Self-authenticating materials under Federal Rule of Evidence 902 were also addressed, including records of regularly conducted activities under subsection 902(11) and electronic information under subsections 902(13) and 902(14), which are somewhat newer provisions.

The presentation also covered summary exhibits and demonstratives. The presenters noted that FRE 1006 governs admissibility of summaries. That rule requires the originals (i.e., writings, recordings, or photographs) be voluminous and not subject to convenient examination in court. The presenters flagged a two-part test for admission of a summary: (1) does the chart/summary aid the jury in ascertaining truth; and (2) what is the possible prejudice to opposing party (e.g., is the preparer available for cross; did the court give a limiting instruction). The presenters emphasized that the proponent of the summary must make the originals available to the opposition at reasonable time and place, and that the court may order the proponent to produce the originals (i.e., the voluminous evidence) in court. The presenters noted that an advantage of summaries is that they can be admitted and sent back to the jury for consideration during deliberations; accordingly, the summary should not be an advocacy piece.

The presenters concluded with demonstrative evidence, which they noted is governed by Federal Rule of Evidence 611(a). Demonstratives might include timelines, charts, drawings, or video recreations. This type of evidence is only shown to the jury during the presentation of evidence and does not go back with the jury during deliberations. Even though demonstratives are not substantive evidence, they can be used in closing arguments.

Click **HERE** for the materials from this program.

Of Note from the United States District Court,
District of Colorado

- The District of Colorado Welcomes United States District Gordon P. Gallagher: United States District Judge Gordon P. Gallagher was sworn into office on March 29, 2023 by Chief Judge Philip A. Brimmer. A formal investiture will be planned for later date. Judge Gallagher's duty station and chambers will be located in the Wayne Aspinall Federal Building, 400 Rood Avenue, Grand Junction, CO 81501. Judge Gallagher's civil docket will be comprised of civil cases across the district; his criminal docket will be comprised of primarily cases that originate on the Western Slope (Grand Junction and Durango). Cases assigned to Judge Gallagher will be identified on the docket by his initials GPG. Judge Gallagher's practice standards may be found on the Court's website at:

  http://www.cod.uscourts.gov/JudicialOfficers/ActiveArticleIIIJudges/HonGordonPGallagher.aspx

- The District of Colorado Welcomes United States Magistrate Judge Susan Prose: United States Magistrate Judge Susan Prose was sworn into office on May 1, 2023, by Chief Judge Philip A. Brimmer. A formal investiture will be planned at a later date. Her chambers will be in C-254 in the Byron G. Rogers Courthouse, and she is assigned courtroom C-205. Cases assigned to Judge Prose will be identified on the docket by her initials, SP.

- U.S. Magistrate Judge Vacancy (Part-Time) - Grand Junction, CO: The Judicial Conference of the United States has authorized the appointment of a part-time United States magistrate judge for the District of Colorado located in Grand Junction, Colorado to fill the vacancy that was created by Magistrate Judge Gordon P. Gallagher's recent confirmation as a U.S. District Judge. The term of office is four (4) years. The current annual salary of the position is $106,996. Applications are due by the close of business (5:00 p.m. MDT) on Tuesday, May 30, 2023. The application And other related materials may be found at:

  http://www.cod.uscourts.gov/AbouttheDistrict/USMagistrateJudgeVacancy.aspx

- In accordance with Volume 3, Chapter 4, § 420.30 of the Judicial Conference Regulations for the Selection, Appointment, and Reappointment of United States Magistrate Judges, the United States District Court for the District of Colorado is seeking applications for appointment to a Denver-based magistrate judge merit selection panel.

Colorado Well-Being Recognition Program

If Colorado's lawyers don't take care of each other, who will? The Colorado Supreme Court is launching a formal "Recognition Program" for Colorado legal employers and solo practitioners who demonstrate commitment to improving the well-being of lawyers. Take the pledge, join your colleagues and peers in work towards completion of well-being goals, and receive recognition from the Colorado Supreme Court to demonstrate your commitment to lawyer well-being!

Visit https://coloradolawyerwellbeing.org for more information and to take the pledge!

FACULTY OF FEDERAL ADVOCATES
UPCOMING EVENTS AND CLE PROGRAMS

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TUESDAY, JUNE 13, 2023

12 noon - 1:15 p.m.

"CRYPTOCURRENCY: WHAT TODAY'S LAWYERS NEED TO KNOW ABOUT BLOCKCHAIN"

ANDREA SURRAT, ESQ.
U.S. Attorney's Office, Colorado

PROF. AMANDA PARSONS
University of Colorado Law School

WILLIAM S. WENZEL, ESQ.
Red Road Legal, Pc

ALFRED A. ARRAJ FEDERAL COURTHOUSE
901 19th Street, Denver
Jury Assembly Room

IN PERSON ONLY

Depending on who you ask, cryptocurrency is either the wave of the future or something to be avoided by lawyers altogether. Join our panel of attorneys who specialize in cryptocurrency for a discussion on the past, present and future trajectory of blockchain and what lawyers need to know about it in both civil and criminal settings.

2 general CLE credits approved.

Click **HERE** to register for this program.

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"THE PITFALLS OF THE PROFFER: SITTING DOWN WITH THE GOVERNMENT IN CRIMINAL AND CIVIL MATTERS"

WEDNESDAY, JUNE 21, 2023

12 noon - 1:15 p.m.

MILLER M. LEONARD, ESQ.
Miller Leonard, P.C.

JASAND P. MOCK, ESQ.
U.S. Attorney's Office, Colorado
Civil Division

PETER MCNEILLY, ESQ.
U.S. Attorney's Office, Colorado
Transnational Organized Crime & Money Laundering Section

JOHN S. TATUM, ESQ.
John S. Tatum, P.C.

ALFRED A. ARRAJ FEDERAL COURTHOUSE
901 19th Street, Denver
Jury Assembly Room

IN PERSON ONLY

Few meetings are as important for your client than the proffer session with the government. Knowing what the government wants, how to prepare your client, and how to avoid pitfalls is a skill every federal practitioner needs. In today's complex, interwoven world, proffers are a necessary skill set for both criminal and civil practitioners.

In this CLE, the FFA brings together an experienced group of attorneys, both from the U.S. Attorney's Office Criminal and Civil divisions, along with experienced criminal defense counsel and civil practitioners to help educate you on the proffer process. Designed not only for criminal practitioners but also for corporate counsel, those who handle compliance issues, civil litigation, and criminal investigations, this CLE will help you understand an often hidden aspect of civil and criminal cases

2 general CLE credits requested.

Click **HERE** to register for this program.

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Click **HERE** to join the FFA.

FFA Contact Information:
Faculty of Federal Advocates
3700 Quebec Street #100-389
Denver, CO 80207-1639
720-667-6049
dana@facultyfederaladvocates.org