



## Spring/Summer 2022 Newsletter

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Spring/Summer 2022

### Welcome to the Faculty of Federal Advocates Spring/Summer 2022 Electronic Newsletter

[www.facultyfederaladvocates.org](http://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: [dana@facultyfederaladvocates.org](mailto:dana@facultyfederaladvocates.org).

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### Remarks From the Bench: Judge Regina M. Rodriguez By Brooke A. Colaizzi

The Faculty of Federal Advocates welcomed United States District Judge Regina M. Rodriguez to its Remarks from the Bench series on January 12, 2022. Judge Rodriguez shared her observations of federal practice since she took the bench in July 2021, as well as her suggestions for attorneys practicing in her courtroom and practical advice for attorneys and parties to maximize efficiency and communication in their cases.

Judge Rodriguez began her remarks on the lighter side, warning attendees about the “Rodriguez Scowl” that she inherited from her father. She provided a visual demonstration for the benefit of the attendees, which served as an entertaining introduction to her more serious comments.

Turning to her recommendations for practice in federal court and in her courtroom, Judge Rodriguez described specific actions attorneys can take to best present their cases and to get the most of their time in Court, including “starting at the end” by creating a case plan early in the litigation. Judge Rodriguez emphasized that attorneys need to use their time before a judge wisely and “get to the point.” She reminded practitioners that judges do not know the “messy background” of every case or the nuances of the relationship between the parties and their counsel, and counsel should keep that fact in mind when they bring issues before the Court for resolution. Like

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many judges, Judge Rodriguez expects attorneys to take their conferral obligations seriously and engage in genuine discussion with opposing counsel.

Judge Rodriguez offered valuable suggestions for maximizing the utility of motions. Most importantly, attorneys need to be clear and specific, omitting unnecessary formality and providing a clear statement of the Court's jurisdiction over the matter and a plain, explicit statement of the relief sought. Attorneys should structure their arguments around the elements of relevant claims, and it is extremely important for attorneys to address the issue of "what law applies" early on and up front. In addition to aiding the Court, an accurate understanding of what law and rules apply in a given case is a major component of attorney credibility before the Court.

Judge Rodriguez offered the following additional tips for motions practice:

- Read the judge's practice standards!
- Cite to ECF numbers.
- Cite to facts, not argument, as argument is not evidence.
- Cite to exhibits by exhibit letter or number, not by the title of the exhibit.
- Use headings, which are "beautiful things."
- Use tables of contents for longer motions.
- Title motions correctly; motions needing a ruling are not "stipulations."
- Limit the use of footnotes, which can be distracting.
- Federal court means the Federal Rules of Evidence.

As for specific appearances before her, Judge Rodriguez noted that scheduling conferences are not pro forma, as they provide attorneys and the Court with the chance to talk about the specifics of the case. Judge Rodriguez conducts her own trial preparation conferences and endeavors to have jury instructions finalized before trial begins. She strongly encouraged attorneys to use the jury instructions to structure their case and they can be used during closing arguments. Although a big proponent of courtroom technology, Judge Rodriguez is not a fan of "gotchas" or "surprises" in the courtroom, and she emphasized that parties must share any potentially disputed electronic material with opposing counsel before using it. Similarly, attorneys should discuss sensitive voir dire questions with opposing counsel. Judge Rodriguez allows attorneys to ask questions during voir dire but indicated she will ask a standard set of questions and "sensitive" questions if the parties agree on the "sensitive" questions.

Many thanks to Judge Rodriguez for her thoughtful and helpful comments.

Click [HERE](#) for Judge Rodriguez's Practice Standards.

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## **Succession Planning**

By Jodi Martin and Jonathan White

Running a solo or small firm practice means that you are not only practicing law, but also running a small business. This may mean marketing, bookkeeping, payroll, human resources, and more. It should also mean making sure you have thought through succession planning. This article offers some suggestions about how to effectively think about your succession planning, including why you have to do it, where to start, and what happens if you don't.

### **Why do it**

Nearly half of all active attorneys are age 50 or older. Furthermore, nearly 40% of active attorneys aged 60 to 69 and nearly 50% of those aged 70-79 are solo practitioners. While age is not the only factor in determining whether succession planning is necessary, it should be a motivator if succession planning has not been completed. Further, the pandemic has reinforced the need to prepare for the

### **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 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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unexpected. Having a plan will benefit your family and your clients if something unexpected happens to you.

Some factors that impact the need for succession planning are your ethical obligations as an attorney and your duties to clients and third parties. The American Bar Association issued an opinion finding that the duty of competent representation includes safeguarding a client's interests in the event of an attorney's death, disability, impairment, or incapacity. See ABA Formal Op. 92-369. Further, the comments to Colo. RPC 1.3, which includes a duty of diligence, specifically address a solo practitioner's responsibility to prepare a plan to prevent neglect in the event of the practitioner's death or disability. See Colo. RPC 1.3, comment 5. There is also an obligation to safeguard the property of clients and third parties under Colo. RPC 1.15. Further, Colo. RPC 1.6 requires lawyers to keep information regarding the representation of a client confidential absent certain conditions, and lawyers must also preserve the confidences of former clients under Colo. RPC 1.9(c).

Your malpractice carrier may also require you to have at least some minimal succession planning tactics in place to comply with your coverage requirements.

Click [HERE](#) to read the full article.

Click [HERE](#) and [HERE](#) for the program materials.

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### Rule 702 – The Agony and the Ecstasy

By Marilyn Chappell and Timothy O'Hara

Chief United States District Judge Philip A. Brimmer discussed disclosure requirements for expert witness testimony, and motions seeking to exclude such testimony, in "Rule 702 – The Agony and the Ecstasy,"<sup>1</sup> a Faculty of Federal Advocates-sponsored continuing legal education webinar on February 11, 2022.

Judge Brimmer explained that the program's title referenced the "ecstasy" of well-presented, persuasive expert testimony that is admissible in compliance with Federal Rule of Evidence 702. The "agony" referenced expert testimony not meeting that standard and that is limited or rejected completely. He covered general points on expert disclosures and Rule 702 motions, as well as issues specific to civil and criminal cases.

At the outset, Judge Brimmer emphasized that Rule 702 motions should seek to limit/bar *the opinions of an expert*, rather than to strike the expert. He sees many motions that incorrectly seek the latter remedy. Recent changes to Rule 702 clarify that the rule has become much more opinion-centric than expert-centric. See *United States v. Crabbe*, 556 F. Supp. 2d 1217 (D. Colo. 2008). His civil practice standards underscore this point. See Brimmer Practice Standards § III(G) ("The motion shall identify with specificity each **opinion** the moving party seeks to exclude.") (emphasis in original).

The landmark case interpreting Rule 702 is *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993).<sup>2</sup> The Supreme Court clarified it is the court's role to protect juries from "junk science." However, the parties must bring objections to the court, in a timely fashion. See *Questar v. Grynberg*, 201 F.3d 1277, 1289-90 (10th Cir. 2000). The proponent of the opinions carries the burden of demonstrating their admissibility.

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<sup>1</sup> The title of the lecture refers to a movie directed by Carol Reed and starring Charlton Heston.

<sup>2</sup> According to counsel that brought the matter to the Supreme Court, the petitioner's name is pronounced "Dow-bert," not "Dow-bear."

*Mascenti v. Becker*, 237 F.3d 1223, 1233 (10th Cir. 2001). The court has discretion on how to resolve issues pertaining to experts, and there is no right to a *Daubert* hearing. See *U.S. v. Nacchio*, 555 F.3d 1234, 1245, 1253-54 (10th Cir. 2009). In fact, most expert disputes are resolved on the motions.

Judge Brimmer made the following suggestions to practitioners:

**On expert witness disclosures:**

- Make sure you comply with expert disclosure requirements. Be mindful of the difference between lay opinions (Rule 701) and expert opinions (Rule 702).
- Disclosure obligations include lay opinions going beyond jurors' common experience. See *James River Ins. Co. v. Rapid Funding, LLC*, 658 F.3d 1207, 1214 (10th Cir. 2011).

**Civil cases**

- Expert disclosures are governed by Federal Rule of Civil Procedure 26(a)(2). Note the different disclosure requirements for retained and non-retained experts.
- For non-retained experts, you need to disclose opinions, not just topics – and not just to provide general references to opinions in medical records or opinions that may be stated in future depositions.
- If expert opinions are developed during litigation, the expert may need to write a report. See *Vanderlaan v. Ameriprise Auto & Home Ins.*, No. 20-cv-00191-PAB-STV, 2021 WL 4441518, at \*2 (D. Colo. Sept. 28, 2021).
- If an expert provides further opinions in a deposition not included in the expert's report, you should provide a Rule 26(e) supplemental disclosure. See Rule 26(e); *Ciomber v. Cooperative Plus, Inc.*, 527 F.3d 635, 642 (7th Cir. 2008).
- If in doubt on whether you have a duty to disclose expert opinions, you should err on the side of disclosure to avoid potential sanctions for late or non-disclosure under Rule 37, based on the factors in *Woodworker's Supply, Inc. v. Principal Mut. Life Ins. Co.*, 170 F.3d 985, 993 (10th Cir. 1999).

**Criminal cases**

- Federal Rule of Criminal Procedure 16 requires a written summary to be disclosed by the proponent of the expert testimony. This summary must provide the witness's opinions, the bases and reasons for those opinions, and the witness's qualifications.
- Sanctions for non-compliance include:
  - 1) continuance,
  - 2) prohibiting the party from introducing undisclosed evidence, and
  - 3) any other order that is just under the circumstances.
- A robust summary is recommended.

**On Rule 702 motions:**

- You should be specific about what opinions by the expert you're seeking to exclude.

- You should make clear the grounds for your challenge – e.g., reliability and/or relevance.
- You should seek exclusion of expert opinions through a Rule 702 motion well before trial, rather than through a motion in limine close to trial. Otherwise, it may be too late to get the relief you seek, especially if an evidentiary hearing is needed and there is not enough time before trial.

**On expert witness trial strategy:**

- Objections to previously undisclosed expert opinions offered at trial may be made under Federal Rule of Civil Procedure 26 or Federal Rule of Criminal Procedure 16.
- Consult any treatise an opposing expert relies upon – in particular, pay attention to the methodology it recommends. This may provide good fodder for cross.
- The best experts are great teachers.

Click [HERE](#) for the program materials.

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**Diversity Initiatives**

By Kirstin M. Jahn

In the fall of 2021, the FFA's Diversity, Equity and Inclusivity Committee provided a presentation of internship and externship programs available to the bench and bar.

**Magistrate Judge Kristen L. Mix's Diversity Internship Program**

Magistrate Judge Kristen L. Mix, who was appointed to the federal bench in 2007, developed a Diversity Internship Program (known as MixDIP) in 2014 to provide diverse law students from the University of Denver and University of Colorado with an opportunity to work in a variety of public sector legal environments. The following opportunities provided by MixDIP relate to federal practice, and judicial internships with the United States District Court and United States Court of Appeals for the Tenth Circuit:

- United States Attorney's Office
- United States Department of Homeland Security – Immigration and Customs Enforcement
- United States Department of Labor – Solicitor's Office
- United States District Court for the District of Colorado Legal Officer
- United States Equal Employment Opportunity Commission
- Office of the Federal Public Defender for the Districts of Colorado and Wyoming
- Circuit Judge Allison H. Eid
- Magistrate Judge Michael E. Hegarty
- Magistrate Judge Kristen L. Mix
- Magistrate Judge Nina Y. Wang
- Magistrate Judge Scott T. Varholak
- Magistrate Judge S. Kato Crews
- Magistrate Judge N. Reid Neureiter

In addition, MixDIP provides the following state and other public sector opportunities:

- Arapahoe County Public Defender's Office
- Denver District Court Judge Eric Elliff
- Denver District Court Judge Shelley Gilman
- Denver City Attorney's Office (Legislative Counsel division, Municipal Operations division, Civil Litigation division, DEN Legal (DIA) and Human Services division)
- Denver District Attorney's Office (Cold Cases unit, Restorative Justice unit, and Juvenile unit).
- Colorado Attorney General's Office (Business & Licensing section, Criminal Justice section, Consumer Protection section, Revenue & Utilities section and State Services section)
- State Office of Administrative Courts
- CBA Metro Volunteer Lawyers
- Colorado Lawyers Committee
- Colorado Legal Services
- Earthjustice
- The Wilderness Society

MixDIP has been widely successful, having placed approximately 350 students over the past nine years. The students receive academic credit for the internships and work between 50 and 200 hours per semester. Past law student interns spoke about the advantages and benefits of the program, stating that it provided them with experience in state and federal practice, an introduction to a variety of areas of law, a view of cases from a judge's perspective, and crucial networking opportunities. This program also greatly benefits the judges who receive assistance with legal research and fresh perspectives on cases.

Overall, MixDIP has been instrumental in creating and improving opportunities for law students of diverse backgrounds in our state and federal courts and throughout the public sector.

### **Law School Internship and Externship Programs**

Professor Alexi Freeman, Associate Dean of Diversity, Equity and Inclusion at University of Denver Sturm College of Law (DU) spoke about the variety of internship and externship programs available to diverse law students at DU. Associate Dean Freeman's program matches law students with law firms for the fall and/or spring semesters on a part-time basis, as well as summer internships on a full-time basis. Law firms can work with students in a variety of ways through DU's program: providing externships for credit, externships for credit and pay, or paid positions as law clerks and summer associates. The program provides diverse students with an opportunity to work for different types of law firms (e.g., large, small, solo) as well as a variety of law practices. This is especially helpful to law students who are not well-connected in the legal profession, as it provides them not only with legal experience, but also networking opportunities to help propel them into their first job. The program is very successful; 91% percent of 2020 DU diverse law graduates participated in at least one externship program.

Law firms may register for the program prior to each semester by the following deadlines: August 5 for the fall, December 17 for the spring, and May 5 for the summer. Law firms must have a lawyer who has been licensed for at least 5 years supervise the law student and must provide the law student with: weekly meetings with feedback on the student's substantive legal work, ongoing discussions regarding the learning goals of the student, two on-line evaluations of the student, and no more than ten percent administrative work.



Law firms are also expected to provide the law student with mentoring and a sense of community and belonging with the firm. The DU program provides support to the law firm to foster a successful externship for both the law firm and law student.

To learn more about these opportunities at DU, contact:

[externships@law.du.edu](mailto:externships@law.du.edu)

[Afreeman@law.du.edu](mailto:Afreeman@law.du.edu)

Click [HERE](#) for the program materials.

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### **Fall Reflections – BLSA Tour**

By Uchechukwu (“Emeka”) Eze and Kirstin Jahn

On September 10, 2021, the Faculty of Federal Advocates co-sponsored the Black Law Students’ Association (BLSA) “Judicial Walking Tour.” This event was a first of its kind collaboration between the FFA’s Diversity and Inclusivity Committee, and the BLSA chapters of the University of Denver Sturm College of Law and University of Colorado Law School.

The morning events were held at the Ralph L. Carr Colorado Judicial Center. Students were welcomed by the Justices of the Colorado Supreme Court and hosted by more than fifteen retired and sitting Black and African-American judges. This portion of the tour included networking with judges, a tour of the State’s ceremonial courtrooms, a visit to Justice Monica M. Márquez’s chambers, and lunch in the judicial center’s courtyard. The afternoon portion of the tour, which was the portion facilitated by the FFA Diversity and Inclusivity Committee, featured stops at both the United States District Court for the District of Colorado, and the United States Court of Appeals for the Tenth Circuit.

At the District Court, Chief Judge Philip A. Brimmer greeted students with opening remarks, and later led a tour of the ceremonial courtroom and his own chambers. Magistrate Judges S. Kato Crews and Nina Y. Wang delivered powerful presentations highlighting their unique paths to the bench and various challenges they encountered along the way and still encounter today. The judges were joined by Tyrone Glover, a federal practitioner, who also shared his perspectives on diversity, advocacy, life and the law. At the Tenth Circuit, the students were welcomed by Circuit Judge Allison H. Eid, who shared her own path to the Colorado Supreme Court and federal bench as well as her dedication to providing numerous judicial internships through the Diversity on the Bench program. Judge Eid was joined by her former law clerk Kiki Council, who talked about the value of internships, clerkships, and community building. Finally, the students were treated to a happy hour sponsored by the Sam Cary Bar Association and Baker Simpson Law.

Over twenty-five law students attended the walking tour which was designed to welcome first-year law students to the Denver, Colorado legal community. The tour proved to be an inspirational day filled with stories of challenges, perseverance, and hope. A photo of the group at the end of the tour is shown below.

Given its strong reception among BLSA students and co-hosts alike, a similar tour was held for the Asian Pacific American Law Student Association (APALSA) in April, and a second BLSA tour is planned for September 2022.



**2021 BLSA Courthouse Tour**

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### **How Can I Get Federal Court Experience AND Fulfill Pro Bono Obligations?**

By Edward Butler, Jane Andrews, Matt Skeen,  
Alan Schindler, and Danae Woody

The FFA held a webinar CLE on Tuesday, March 1, 2022, with representatives from the Civil Pro Bono Panel, the Federal Pro Se Clinic—which now includes the new *Bankruptcy* Court Federal Pro Se Clinic, and the Federal Limited Appearance Program for a lunchtime presentation on pro bono opportunities at the United States District Court. The three programs offer distinct approaches to providing full scale or limited pro bono representation for pro se parties, and each program can fit an individual attorney's or law firm's level of availability. Since many firms have a 50-hour pro bono policy, getting involved with any or all of the three pro bono programs is a great way to serve the community and get some experience with the federal court system.

**Ed Butler**, the District of Colorado's Legal Officer and Administrator of the **Civil Pro Bono Panel** spoke first, describing how the program works and its benefits. The program has been in place since 2013 and now boasts over 150 individual lawyers and 40 law firm members. The District of Colorado has asked for pro bono volunteers in 442 cases since the program's inception, and court staff have successfully matched Pro Bono Panel lawyers in 298 of those cases. The major features of the program include:

- Cases are initially screened by the court and selected based on their merit.
- Individual attorneys or entire law firms can join the Panel.
- Attorneys are randomly selected to review a case, based on the types of cases they are willing to consider (for example, civil rights, employment discrimination claims, prisoner civil rights cases, ADA matters, etc., among many others). Pro bono representation is more often necessary for pro se plaintiffs, but in approximately 20 percent of the cases the court seeks representation for a pro se defendant (often a small business owner).
- The selected lawyer or law firm has the absolute freedom to decline a case for any reason, and during the review process counsel remains anonymous.



- Mentoring and training are important goals of the program—counsel may request additional co-counsel assigned to assist, as either a mentor/informal advisor or “second chair.” Also, attorney assistance is provided through such resources as the [Federal Court Prison Litigation Handbook](#) for attorneys.
- Reimbursement funding for costs incurred by counsel (not fees) is available from the FFA and funded by the court. Reimbursement is available for up to \$5,000 for non-expert costs and \$7,500 for experts.
- Malpractice insurance is provided by the FFA for all Panel cases, and up to nine credit hours is available as CLE credit for accepting a pro bono case.
- Pro bono attorneys can accept cases on a general basis—i.e., when the case is at a pretrial discovery stage, during dispositive motion briefing, or for trial—or on a limited representation basis, such as defending depositions for a client, amending a complaint, representing a party at a settlement conference, among many examples.
- Besides appearing at scheduling or discovery conferences, pretrial matters before magistrate judges, various status conference or motions hearing before district judges, it’s important to note that approximately 12 percent of cases with pro bono counsel result in a jury trial, bench trial, or evidentiary hearing. This trial statistic is much better than the oft-cited “Vanishing Trial” statistic of one percent of all federal cases that reach trial.

For more information on the Civil Pro Bono Panel, please reach out to Ed Butler, Legal Officer, 303-335-2043; Ashley Sheehan, Paralegal, 303-335-2114, email [COD\\_ProBonoPanel@cod.uscourts.gov](mailto:COD_ProBonoPanel@cod.uscourts.gov); or visit the court’s Civil Pro Bono Panel page on the court’s website, available here: <http://www.cod.uscourts.gov/AttorneyInformation/CivilProBonoPanel-Details.andAvailableCases.aspx>.

\* \* \*

**Jane Andrews**, the managing attorney of the **Federal Pro Se Clinic** (“FPSC”), spoke next to address how that program works and its benefits, both to litigants and to volunteer attorneys. The FPSC operates pursuant to a grant given to the Colorado Bar Association (“CBA”) to operate the Court’s Federal Pro Se Assistance Project. The funds to support the grant are provided by the biennial assessment on all attorneys admitted to practice before the District of Colorado. The FPSC initially began its operations as a pilot program in 2018, and currently operates pursuant to a formal agreement between the district court and the CBA since 2020.

The FPSC provides limited scope civil matter assistance to pro se individual parties in both the U.S. District Court and U.S. Bankruptcy Court. The Clinic office is located at Alfred A. Arraj Courthouse (901 19<sup>th</sup> Street) and has recently opened offices at the U.S. Bankruptcy Court, located in the Customs House (721 19<sup>th</sup> Street) to accommodate bankruptcy clients. The Clinic location at the Arraj Courthouse is open 9 am to 5 pm, Monday through Friday. The Bankruptcy Court operates on more limited hours, as discussed below.

The limited scope assistance provided by the FPSC includes advice about court procedure and rules, drafting pleadings, discovery and motions. The Clinic does not, however, undertake factual investigation of claims, conduct legal research for litigants,

or draft or “ghost-write” pleadings or briefs. The litigants enter into a written agreement with the Clinic consenting to the limited scope of the Clinic’s representation. The Clinic also does not represent pro se litigants in Court, mediation or status and other non-dispositive conferences, although it routinely refers litigants to the services available through the Federal Limited Appearance Program (“FLAP”) for such appearances. The vast majority of cases handled by the FPSC involve either federal employment claims or civil rights claims, although—since federal jurisdiction can attach on grounds of diversity of citizenship as well—the actual mix of legal issues can be varied.

Volunteers are critical to the Clinic’s operations. Volunteering at the Clinic is an excellent way to hone one’s skills with federal court claims and procedures. Shifts generally involve one or two 45-minute appointments per month. Originally implemented due to Covid-19 guidelines, most appointments are now conducted by telephone—an innovation seemingly preferred by both litigants and volunteers as it minimizes the time commitment involved with appointments, as well as the expense of travel to downtown Denver. Telephone conferences are an added benefit for litigants located in other parts of Colorado, as the Clinic services the entirety of the state.

Volunteers are provided with conflict-check information initially. Once conflicts are cleared, the FPSC forwards a case summary, including background information, as well as a copy of the docket sheet along with credentials for free access to PACER should the volunteer need to review additional documents from the docket sheet.

In the past year (2021), the Clinic has conducted over 500 appointments with pro se litigants, a testament to the services it provides to both litigants and volunteers.

Similar to the Civil Pro Bono Panel, malpractice insurance with Clinic volunteering is provided by the CBA in connection with the litigant appointments. Also, just as with Pro Bono Panel volunteering and FLAP described below, up to nine credit hours (in every three-year compliance period) is available as CLE credit for advising pro se litigants with one CLE hour per five hours of pro bono, including prep time.

For more information on FPSC volunteer opportunities, please reach out to Jane Andrews, Managing Attorney, 303.380.8786, email [jandrews@cobar.org](mailto:jandrews@cobar.org).

\* \* \*

**Matthew Skeen Jr.**, Program Attorney for the recently established **Pro Se Bankruptcy Clinic**, also participated in the CLE. A sub-program of the FPSC, the Bankruptcy Clinic assists unrepresented parties in determining whether bankruptcy may be a good option for their debt problems, educates them about the process and potential adverse consequences of filing a bankruptcy petition, and answers questions regarding a debtor’s petition and schedules. The Bankruptcy Clinic provides general information and advice to debtors, creditors, and other interested parties regarding bankruptcy issues.

The average person has a lot of misconceptions about bankruptcy which can lead to problems for people without access to competent legal advice. Although most Chapter 7 cases in Colorado are filed by attorneys, a significant number of bankruptcy cases, (between six and ten percent, varying month to month) are filed pro se. Since starting the Bankruptcy Clinic, the CBA has reached about a third of the pro se filers and provided them with valuable bankruptcy advice so that their case is more likely to proceed without issues or surprises. As with the FPSC, the clinic’s services are extremely limited in scope and essentially consist of a one-hour consultation to answer questions and give advice. The clinic is currently in search of volunteers who could dedicate as little as one hour a month to helping people. Bankruptcy experience is preferred. To learn more about the clinic please contact Matt Skeen at [mskeen@cobar.org](mailto:mskeen@cobar.org).

Attorney **Alan Schindler**, former member of the Colorado Bar Association-Young Lawyer's Division and founding member of the FLAP Board, spoke next about the **Federal Limited Appearance Program** ("FLAP"). Also appearing with Alan was FLAP Board member **Danae Woody**. FLAP operates under the umbrella of the Civil Pro Bono Panel and enjoys many of the same benefits of the Civil Pro Bono Panel, including malpractice insurance provided by the FFA, and CLE credit for volunteer time.

The goals of the FLAP program are threefold:

- 1) providing access to justice for pro se litigants by filling the gap between the full-scale representation offered by the Civil Pro Bono Panel and the out-of-court limited representation offered by the FPSC;
- 2) saving judicial resources by facilitating non-dispositive hearings so that they generally run smoothly; and
- 3) offering young or inexperienced lawyers the opportunity to gain in-court experience in a low risk, non-dispositive setting.

The features and benefits of the program are as follows:

- Individual attorneys or law firms may join the FLAP panel;
- Volunteer attorneys can assist pro-se litigants with in-court (or virtual), non-dispositive hearings, including scheduling conferences; status conferences; and discovery disputes.
- FLAP offers volunteer attorneys who do not have the time or resources to devote towards an entire case to instead handle a discrete task, without any further commitment.
- Volunteer attorneys available and interested in a more substantial time commitment can volunteer to handle settlement conferences before the District of Colorado's magistrate judges, since there is more preparation time, confidential settlement statement drafting, and more detailed client communications.
- FLAP provides volunteer attorneys with all the forms necessary to complete the FLAP representation, including a blank Motion for Panel Appointment, Entry of Limited Appearance, and Motion to Withdraw, all formatted as Word documents.
- FLAP provides its volunteers with a free PACER login and password to be used when preparing for and handling a FLAP assignment.
- FLAP works hand in hand with the FPSC, so volunteers are encouraged to direct pro se litigants to the FPSC if they have questions or wish to seek advice outside the scope of the FLAP limited engagement.

For more information about FLAP, please reach out to FLAP Coordinator Jess Ham at [jham@cobar.org](mailto:jham@cobar.org), 303-824-5311; or visit the FLAP webpage at [www.cobar.org/For-Members/Young-Lawyers](http://www.cobar.org/For-Members/Young-Lawyers).

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

**1. Public Notice Concerning the Reappointment of Magistrate Judge James M. Candelaria**

The current term of office of part-time United States Magistrate Judge James M. Candelaria for U.S. District Court for the District of Colorado is due to expire on January 1, 2023. Magistrate Judge Candelaria sits in Durango, Colorado. The United States District Court is required by law to establish a panel of citizens to consider the reappointment of the magistrate judge to a new four-year term. The full Public Notice is available [HERE](#).

All comments should be submitted electronically by email, or a PDF attachment to an email, to the Office of the Clerk of Court:  
[cod\\_magistratejudge\\_comments@cod.uscourts.gov](mailto:cod_magistratejudge_comments@cod.uscourts.gov)  
(cod\_magistratejudge\_comments@cod.uscourts.gov)

**Comments must be received by 5:00 p.m. on May 20, 2022.**

**2. U.S. District Court Civil Pro Bono Panel 2021 Annual Report Under D.C.COLO.LAttyR 15**

Civil Pro Bono Representation the Standing Committee on Pro Se Litigation is responsible for implementing the Civil Pro Bono Panel Program and for reporting annually to the court on the status of the program. The 2021 Annual Report of the Civil Pro Bono Panel is now available [HERE](#) for the court's, the bar's, and the public's review. Please also visit the Civil Pro Bono Panel page for more information about the Program.

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**TUESDAY, MAY 24, 2022**

**“TRANSITIONING TO AND FROM GOVERNMENT SERVICE”**

**CRISTAL DEHERRERA, ESQ.  
EXECUTIVE VICE PRESIDENT/CHIEF OF STAFF  
DENVER INTERNATIONAL AIRPORT**

**JASON DUNN, ESQ.  
BROWNSTEIN HYATT FARBER SCHRECK, LLP**

**NATALIE HANLON LEH, ESQ.  
CHIEF DEPUTY COLORADO ATTORNEY GENERAL**

**12:00 - 1:15 P.M.**

**Alfred A. Arraj Courthouse, Jury Assembly Room  
901 19<sup>th</sup> Street, Denver**

Many attorneys will work in Government practice at some point in their careers. The transition into Government practice—or out of it—can involve large shifts in work culture, practice norms, and ethical obligations. A panel including former Colorado U.S. Attorney Jason Dunn, DIA Executive Vice President/Chief of Staff Cristal DeHerrera, and Chief Deputy Colorado Attorney General Natalie Hanlon Leh, will discuss their own transitions in and out of Government practice, and share the pros and cons of working in both private practice and public service.

2 general CLE credits approved.

Click [HERE](#) to register for this program.

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**THURSDAY, JUNE 9, 2022**

**"TRIAL TECHNIQUES: THE ART OF SIMPLIFYING COMPLEX DISPUTES FOR JURIES"**

**MARY (MINDY) SOOTER, ESQ.  
WILMERHALE, LLP**

**JOHN F. WALSH, ESQ.  
WILMERHALE, LLP**

**12:00 - 1:15 P.M.**

**Alfred A. Arraj Courthouse, Jury Assembly Room  
901 19<sup>th</sup> Street, Denver**

Mindy Sooter and John Walsh provide practice pointers for explaining complex issues, including technical patent litigation to juries. Collectively, Mindy and John have tried dozens of cases to verdict. Mindy brings experience in patent jury trials involving a range of technologies including electronic motors, software, telecommunications, and semiconductors. John brings experience involving complex claims on topics ranging from antitrust conspiracy to bank fraud, employment compensation/trade secret theft, environmental claims, product liability and securities market manipulation. John and Mindy will describe techniques and tactics for breaking down and teaching complex subjects such as these to juries in an effective manner, even under the hectic and compressed schedule of trial. Topics will include identifying themes, focusing and refining the description of the subject matter, as well as using demonstrative exhibits to keep the jury engaged.

2 general CLE credits approved.

Click [HERE](#) to register for this program.

Watch the FFA website and your inbox for program and registration information.

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**MARK YOUR CALENDAR!**

**FFA SUMMER RECEPTION**

**THURSDAY, JULY 21, 2022, 5 – 6:30 P.M.**

**A Summer Reception is being held in honor of our judges and members.**

**Details will be emailed very soon but, in the meantime, please mark your calendar and plan to join us for this special event.**

**FFA Contact Information**

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