

COLORADO PRACTICE  
SERIES™

Volume 18

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Appellate Law  
and Practice

Third Edition

By

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## What's New in this Edition

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Several years ago, the Rules of Appellate Procedure Committee began a complete review and revision of the appellate rules. That process is nearly complete now in 2018, and has resulted in a number of changes in appellate procedure. Those changes triggered the need to update this book to reflect the changes in the Rules.

Some of the changes are well-established now, such as the “rule of seven” for calculating deadlines. The rule of seven bases deadlines on one week, or seven days, making it easier to calculate deadlines based on 1, 2, or more weeks.

The process for appealing in dependency and neglect cases has been updated based on input from practitioners in that field. See revised C.A.R. 3.4.

Some rules have been revised to clarify procedures. There is now a separate rule on cross-appeal briefs, C.A.R. 28.1, so the practitioner doesn't have to wade through all the information in the rule on briefs to sort out what is applicable to a cross-appeal. There is also a separate rule for amicus briefs.

C.A.R. 10, record on appeal, has changed dramatically. It defines the record as everything filed in the trial court up to the date of filing the notice of appeal. The appellate doesn't have to designate the record, only the desired transcripts. There is a form for designation of transcripts to walk the practitioner through what is required. If the record isn't ready at the due date, the district court appeals clerk is required to seek an extension of time with the appellate court. The practitioner now needs to take care only of designating and paying for the transcripts.

A number of official forms have been adopted by the Judicial Branch, and are updated as needed to refine processes. The practitioner should always check [www.courts.state.co.us](http://www.courts.state.co.us) to ensure use of the current forms.



## Acknowledgments

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The first edition of this volume acknowledged the contributions of a number of people. Judge Leonard Plank, now retired, was my co-author. I owe extensive thanks to him for his work on the first edition. He was one of my mentors when I was on staff at the Court of Appeals. Other mentors who deserve recognition are Judge Edwin Ruland and former Chief Judge Claus Hume. All of them expanded my understanding of appellate law and practice.

Greg Kerwin, Gibson Dunn & Crutcher, LLP, has contributed to each edition of this work in Chapters 16 and 18. His grasp of Supreme Court matters and standards of review are invaluable.

Michael Blaise, who writes a regular column on legal writing, authored the chapter on briefing writing. In addition to detailing the technical requirements, he presents different approaches to formulating issues in briefs. His chapter should become the guide for brief writing.

My heart-felt thanks to these and all the people who have supported my efforts in developing this volume.



## Preface

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This Third Edition of *Colorado Appellate Law and Practice* keeps the format of the previous editions. It is organized by the framework of appeals, starting in Part I with the Colorado court system. It then addresses in Part II matters that must occur before an appeal: preservation of issues; what constitutes an appealable order; finality and exceptions to it. Post-trial motions and stays of judgment are separate chapters. Part III covers the appellate function in district courts. Part IV covers appeals to the Court of Appeals. Part V addresses the Colorado Supreme Court. Briefing, standards of review, and oral argument are in Part VI. The final aspects of an appeal are in Part VII.

I decided to go to this Third Edition when the Committee on Appellate Rules reviewed and substantially amended the appellate rules. By now the changes in deadlines to the “rule of seven,” that is deadlines are multiples of the seven-day week, is well established. This edition has tried to correct all references to deadlines to the rule of seven, but practitioners should realize that older cases may address deadlines that have been changed by rule. Some of the amendments to Colorado Appellate Rules are housekeeping; some clarify procedures such as a separate rule on cross-appeals. C.A.R. 10 on the record on appeal has a dramatic change to the trial court compiling the record with the litigant designating only the desired transcripts.

Practitioners are advised to check the judicial website for rule changes: [www.courts.state.co.us](http://www.courts.state.co.us). Rule changes are listed under the Supreme Court. The most recent changes to the Appellate Rules were announced in June 2018, too recent to be incorporated in this volume.

I hope that this edition continues to offer practical suggestions to the appellate practitioner.

Anne Whalen Gill



# Judicial Biographies

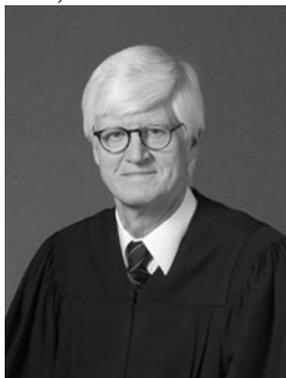
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## Colorado Supreme Court

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### CHIEF JUSTICE NATHAN B. COATS

DATE OF JUDICIAL APPOINTMENT: APRIL 24, 2000  
SWORN-IN AS CHIEF JUSTICE ON JULY 1, 2018



### CAREER

Appointed to the Colorado Supreme Court, April 24, 2000. Chief Appellate Deputy District Attorney for the Second Judicial District (Denver) 1986 to May 2000; Adjunct Professor, University of Colorado School of Law (Constitutional Criminal Procedure) Fall of 1990; Deputy Colorado Attorney General, Appellate Section, 1983 to 1986; Assistant Colorado Attorney General, Appellate Section, 1978 to 1983; Associate, Hough, Grant, McCarren and Bernard, 1977 to 1978.

### PROFESSIONAL

Colorado Supreme Court Criminal Rules Committee, Member 1983 - 2000, Chair 1997 - 2000; Colorado Supreme Court Board of Law Examiners 1984 - 1994; Colorado Supreme Court Appellate Rules Committee 1985 - 2000; Colorado Supreme Court Civil Rules Committee, Joint Civil/Criminal Subcommittee on the Colorado Rules of Evidence, 1996 - 2000; Colorado Supreme Court Criminal Pattern Jury Instructions Committee, 1987 - 2000; Colorado Supreme Court Jury Reform Pilot Project Committee, 1998

COLORADO APPELLATE LAW

- 2000; Colorado District Attorneys Council Legislative Committee, 1990 - 2000; Reporter for Governor's Columbine Commission, Fall 1999 - April 2000; Lecturer, Denver Police Academy, 1986 - 1997; Chief Reporter for the Erickson Commission on Officer-Involved Shootings, 1996 - 1997.

**EDUCATION**

Received B.A. in Economics from University of Colorado, 1971. Received J.D. from the University of Colorado School of Law, 1977.

JUDICIAL BIOGRAPHIES

**JUSTICE MONICA M. MARQUEZ**

**DATE OF JUDICIAL APPOINTMENT: SEPTEMBER 8, 2010**



Monica M. Márquez was sworn in as Justice of the Colorado Supreme Court on December 10, 2010. She was appointed by Governor Bill Ritter, Jr. Before joining the Court, Justice Márquez served as Deputy Attorney General at the Colorado Attorney General's Office, where she led the State Services section in representing several state executive branch agencies and Colorado's statewide elected public officials, including the Governor, Treasurer, Secretary of State, and Attorney General. During her tenure at the Attorney General's Office, Justice Márquez also served as Assistant Solicitor General and as Assistant Attorney General in both the Public Officials Unit and the Criminal Appellate Section. Prior to joining the Attorney General's Office, Justice Márquez practiced general commercial litigation and employment law at Holme Roberts & Owen, LLP.

Justice Márquez was born in Austin, TX. She grew up in Grand Junction, CO, where she graduated from Grand Junction High School. She earned her bachelor's degree from Stanford University, then served in the Jesuit Volunteer Corps as a volunteer inner-city school teacher and community organizer in Camden, NJ, and Philadelphia, PA. She graduated from Yale Law School, where she served as Editor of the Yale Law Journal, Articles Editor of the Yale Law & Policy Review, and co-coordinator of the Latino Law Students Association. Upon graduation, she clerked for Judge Michael A. Ponsor of the United States District Court for the District of Massachusetts in Springfield, MA, and for Judge David M. Ebel of the United States Court of Appeals for the Tenth Circuit in Denver, CO.

Justice Márquez is a member of the Colorado and Denver Bar Associations, the Colorado Women's Bar Association, and the

Minoru Yasui Inn of Court. Prior to joining the Court, Justice Márquez served on the boards of the Colorado Hispanic Bar Association, the Colorado GLBT Bar Association, and the Latina Initiative, and as Chair of the Denver Mayor's GLBT Commission.

Justice Márquez has received honors and awards including the Colorado GLBT Bar Association's 2009 Outstanding GLBT Attorney Award, the 2009 Richard Marden Davis Award (given to a Denver attorney who combines excellence as a lawyer with creative civic cultural, educational and charitable leadership), the 2011 Yale Latino Law Student Association's Public Service Award, and the 2014 Latinas First Foundation's Trailblazer Award.

**JUSTICE BRIAN D. BOATRIGHT**



Brian D. Boatright was sworn in as Justice of the Colorado Supreme Court on November 21, 2011. He was appointed by Governor John Hickenlooper. Before joining the Supreme Court, Justice Boatright was a District Court Judge in the First Judicial District in Golden, Colorado and had been appointed to that position on June 16, 1999 by Governor Bill Owens. As a District Court Judge, Justice Boatright presided over Felony Criminal matters, Probate matters, Civil Cases matters, Dependency & Neglect matters and Juvenile Delinquency matters. While serving on the District Court Bench, he presided well over a hundred jury trials.

Prior to his appointment to the District Court Bench, he was a Deputy District Attorney in the First Judicial District for over nine years. During his tenure with the D.A.'s office, Justice Boatright tried everything from first degree murder cases to third degree assault cases. Prior to being appointed as a Deputy D.A., he was in private practice for approximately a year and a half with the firm of Boatright and Ripp.

Justice Boatright was born in Golden, Colorado and graduated from Jefferson High school in 1980. He graduated from Westminster College in Fulton, Missouri in 1984 and received his Juris Doctorate from the University of Denver in 1988.

Justice Boatright is a member of the Colorado Bar Association and the First Judicial District Bar Association and has held several offices including being President of the First Judicial District Bar Association (2000-2001). Justice Boatright has served on several boards and committees including the Juvenile Services Planning Committee; Children Youth Leadership Commission; Plain English Jury Instruction Committee; and the Lieutenant Governors Committee to Promote Adoptions.

He has been the Dean of the Advance New Judges Training, which is an annual training for all new judicial officers, since 2007. Justice Boatright was named Colorado CASA Judicial Officer of the Year for 2011.

Justice Boatright and his wife Kara have two children.

**JUSTICE WILLIAM W. HOOD, III**



Justice Hood was sworn in as a member of the Colorado Supreme Court on January 13, 2014, following seven years as a judge on the Denver District Court. In 2014, the Colorado Chapter of the American Academy of Matrimonial Lawyers gave him its Distinguished Jurist Award. In 2011, he received the Denver Bar Association's (DBA's) Judicial Excellence Award.

Before moving to the bench, Justice Hood was a litigation partner at Isaacson Rosenbaum P.C. in Denver and served as a prosecutor for ten years in Colorado's 18th Judicial District (encompassing Arapahoe, Douglas, Lincoln and Elbert Counties). At different times, he was a chief trial deputy and the chief appellate deputy.

In 1990, Justice Hood graduated from the University of Virginia School of Law where he was a member of the *Virginia Law Review*. In 1985, he received his B.A. magna cum laude with honors in International Relations from Syracuse University and was inducted into Phi Beta Kappa.

Justice Hood is a member of the American, Colorado and Denver Bar Associations. He is a fellow of the American and Colorado Bar Foundations. He has served as a member of the Executive Council of the CBA and the Board of Trustees for the DBA. He is a 2007 (inaugural class) graduate of the CBA's leadership training program (COBALT). He has taught several courses related to advocacy as an adjunct faculty member at the University of Denver, Sturm College of Law.

**JUSTICE RICHARD L. GABRIEL**

**DATE OF JUDICIAL APPOINTMENT: JUNE 23, 2015**



**CAREER**

Appointed by Governor John Hickenlooper to the Colorado Supreme Court June 23, 2015. Judge, Colorado Court of Appeals (2008-2015). Private practice (1988-2008): Partner (1994-2008) and Associate (1990-94), Holme Roberts & Owen LLP, Denver, CO; Associate, Shea & Gould LLC, New York, NY (1988-90). Practice focused on commercial, intellectual property, probate, and products liability litigation, all including appeals. Also served as City Prosecutor for Lafayette, Colorado. Judicial clerkship (1987-88): Law clerk, Hon. J. Frederick Motz, U.S. District Court, District of Maryland, Baltimore, MD.

**EDUCATION**

B.A. cum laude in American Studies from Yale University (1984); J.D. from University of Pennsylvania School of Law (1987). Articles editor, University of Pennsylvania Law Review (1986-87). Winner, Keedy Cup Moot Court Competition (1987).

**PROFESSIONAL**

Admitted to state bars of New York (1987) and Colorado (1990) and to numerous federal district and appellate courts, including the U.S. Supreme Court. Member: American, Colorado, Denver, and New York Bar Associations. Honors: Champion for Children, Rocky Mountain Children's Law Center (1997); Forty Under 40, Denver Business Journal (2002); Richard Marden Davis Award, Denver Bar Foundation (2002); Colorado Super Lawyer (2007-08); Chambers' Leading Lawyers for Business (2007-08); Intellectual Property Lawyer of the Year, Law Week Colorado (2007); Named as a Lawyer of the Year, Lawyers USA (2007); Denver Bar Association Award of Merit (2014).

## JUDICIAL BIOGRAPHIES

### CIVIC

Chief Justice's Commission on Professional Development (member, 2011-present; chair, professionalism working group, 2014-15); CBA Board of Governors (DBA representative, 2010-12, 2014-16; vice president, 2012-13); DBA Board of Trustees (2013-present), CBA/DBA Professionalism Coordinating Council (member, 2009-present); CBA Judicial Liaison Section (member, 2008-present; secretary, 2013-15; vice chair 2016-present); American Bar Foundation (fellow, 2013-present); Colorado Bar Foundation (fellow, 2003-present); Colorado Judicial Institute (director, 1999-present, vice chair, 2001-02, chair, 2004-06); Our Courts (executive committee, 2008-present, federal courts committee, 2007-08, content committee chair, 2009-present, chair, 2015-present); Minoru Yasui Inn of Court (member, 2009-present, vice president, 2012-13, president, 2013-2014); Colorado Wind Ensemble (trumpeter, 1990-present, director, 1993-2008, president, 1994-2008); Colorado Lawyer (Civil Evidence column editor, 1992-96, Civil Litigator column editor, 1996-2005).

### PUBLICATIONS

"The *Strickland* Standard for Claims of Ineffective Assistance of Counsel: Emasculating the Sixth Amendment in the Guise of Due Process," 134 U. Pa. L. Rev. 1259 (1986); "Rule 702: Admissibility of Expert Testimony Regarding Eyewitness Identification," 21 Colo. Law. 927 (1992); "Rule 1006: Admissibility of Summary Evidence," 22 Colo. Law. 35 (1993); "Rule 501: The Privilege of Self-Critical Analysis," 23 Colo. Law. 1291 (1994); "Rule 615: Exclusion of Witnesses," 24 Colo. Law. 1299 (1995); Book Review, "Modern Evidence: Doctrine and Practice," 25 Colo. Law. 48 (1996); Co-author, "Chapter on Rule 26," *Colorado Civil Procedure Forms and Commentary* (Debra Knapp ed. 1996); "Rule 606(b): Competency of Jurors as Witnesses," 25 Colo. Law 47 (1996); "Professionalism in Today's Competitive Legal Market," 39 Colo. Law. 65 (2010); Co-author, "The Mentoring Relationship: How to Make it Work and Why it Matters," 42 Colo. Law. 53 (2013); Co-author, "Caveat Advocatus: Some Traps for the Unwary in the Colorado Court of Appeals," 44 Colo. Law 51 (2015); numerous continuing legal education papers (1990-present).

### PERSONAL

Justice Gabriel was born in Brooklyn, NY. He and his wife have two daughters.

**JUSTICE MELISSA HART**

Justice Hart was appointed by Governor John Hickenlooper to serve on the Colorado Supreme Court on December 14, 2017. Prior to joining the Court, Justice Hart was a professor at the University of Colorado Law School, where she directed the Byron R. White Center for the Study of American Constitutional Law. Throughout her years as a professor, Justice Hart maintained an active pro bono practice, writing amicus briefs in appellate courts and representing clients through Metro Volunteer Lawyers. Her teaching and scholarship focused on access to justice, constitutional law, judicial decision making, legal ethics, employment discrimination, and civil procedure.

Justice Hart grew up in Denver, where she graduated from East High School. She earned her bachelor's degree from Harvard-Radcliffe College and then spent a year teaching at a high school in Athens, Greece. She returned to study at Harvard Law School, where she was the Articles Editor for the *Harvard Law Review* and Book Review Editor on the *Harvard Women's Law Journal*. After graduating from law school in 1995, she clerked for Judge Guido Calabresi of the Second Circuit Court of Appeals and for Justice John Paul Stevens on the United States Supreme Court. She practiced law for several years in Washington, D.C., including as a Trial Attorney at the U.S. Department of Justice.

Justice Hart is a member of the Colorado and Denver Bar Associations, the Colorado Women's Bar Association, the Colorado Hispanic Bar Association, the Asian Pacific American Bar Association, the Sam Cary Bar Association, and the Colorado LGBT Bar Association. She is a founding member of the Sonia Sotomayor Inn of Court, a 2017 graduate of the Denver Metro Chamber Leadership Foundation's Leadership Denver program, a 2016 graduate of the Colorado Bar Association Leadership Training (COBALT) program, and a Commissioner on the Colorado Access to Justice Commission.

For her active work in community service, Justice Hart has been recognized with the 2016 Women Who Light the Community

## JUDICIAL BIOGRAPHIES

Award from the Boulder Chamber of Commerce, the 2014 Raising the Bar Award from the Colorado Women's Bar Association, the 2012 Chase Faculty Community Service Award from the University of Colorado, the 2011 Clifford Calhoun Public Service Award from the University of Colorado Law School, the 2009 Serving Communities Award from the CU-Boulder Institute for Ethical and Civil Engagement, and the 2008 Outstanding Community Service Award from the Colorado Hispanic Bar Association.

Justice Hart and her husband, Kevin Traskos, have two children.

**JUSTICE CARLOS A. SAMOUR, JR.**



Justice Samour was appointed by Governor John Hickenlooper to serve on the Colorado Supreme Court effective July 2, 2018. Before joining the Supreme Court, Justice Samour was a district court judge in the 18th Judicial District (encompassing Arapahoe, Douglas, Elbert, and Lincoln Counties) for eleven and a half years. During his tenure as district court judge, Justice Samour presided over criminal, civil, domestic relations, juvenile delinquency, and dependency and neglect cases. On July 1, 2014, Chief Justice Nancy E. Rice appointed him Chief Judge of the 18th Judicial District; he served in that role for four years until joining the Supreme Court. In 2015, Justice Samour received the Colorado Judicial Branch's Judicial Officer of the Year Award. That same year, he received the Judicial Excellence Award from the Colorado Chapter of the American Board of Trial Advocates. In 2018, Justice Samour received the Charles B. Dillion Award of Merit for Outstanding Public Service.

Before his appointment to the district court bench, Justice Samour worked as a prosecutor in the Denver District Attorney's Office for approximately ten years. Prior to becoming a prosecutor, he worked in civil practice for almost five years at Holland & Hart LLP. His first job out of law school was a one-year clerkship with the Honorable Robert McWilliams in the United States Court of Appeals for the Tenth Circuit.

Justice Samour currently serves as the Chair of the Bail Blue Ribbon Commission. He was appointed Chair of that commission by Chief Justice Nancy E. Rice in 2018. The Bail Blue Ribbon Commission is charged with evaluating Colorado's pretrial practices and making recommendations for improvement to the Colorado Supreme Court. Justice Samour is also the Chair of the Colorado Supreme Court's Model Criminal Jury Instructions Committee. He is a member of the Justice Sonia Sotomayor Inn of Court, the Colorado Bar Association, the Arapahoe County Bar

#### JUDICIAL BIOGRAPHIES

Association, and the Colorado Hispanic Bar Association. Justice Samour previously completed two terms on the Board of the Colorado Hispanic Bar Association.

Justice Samour was born in El Salvador. He immigrated to the United States when he was 13 years old after his family was forced to flee El Salvador during a time of political upheaval. He grew up in Littleton, CO, where he graduated from Columbine High School. Justice Samour subsequently graduated with honors from the University of Colorado at Denver. In 1990, he graduated Order of St. Ives from the University of Denver Sturm College of Law.

Judges of the Court of Appeals, State of Colorado

**CHIEF JUDGE ALAN M. LOEB**

**DATE OF JUDICIAL APPOINTMENT: JULY 2, 2003**



**CAREER**

Practiced with Davis, Graham & Stubbs LLP, Denver, Colorado, from 1971—2003 (partner from January 1, 1977 through June 7, 2003). Practice focused on complex civil litigation and appeals, with an emphasis on securities and corporate litigation and counseling.

**EDUCATION**

East Denver High School (graduated, 1964). Stanford University (B.A. with distinction, 1968). University of Michigan Law School (J.D., cum laude, 1971; Editor-in-Chief, Michigan Law Review, 1970-71; Order of the Coif).

**PROFESSIONAL**

Colorado Supreme Court Appellate Rules Committee (Chair, 2013-present); Colorado Supreme Court Civil Rules Committee (2013-present); Colorado Supreme Court Evidence Committee (2013-present); Colorado Supreme Court Jury System Standing Committee (2003—2010); Colorado State Judicial Conference Planning Committee (2005-2006); Editor, Judges' Corner, The Colorado Lawyer (2004—2013); Colorado Bar Association Board of Governors (2009—present); Colorado Bar Association/Denver Bar Association Coordinating Council on Professionalism (2009—2011); Mentor - Denver Bar Association Mentoring Program; Thompson Marsh Inn of Court (President 2010—2011); Colorado Appellate Handbook (Managing Editor, 2014-present; Contributing Author, 2009-2013).

**PERSONAL**

Born December 27, 1946 in Denver, Colorado. Married to wife, Karen, in 1982. Two daughters – Melissa and Rachel. Past Presi-

JUDICIAL BIOGRAPHIES

dent of Rotary Club of Denver Southeast; District Governor of Rotary International District 5450 (2000-2001).

**JUDGE DANIEL M. TAUBMAN**

**DATE OF JUDICIAL APPOINTMENT: NOVEMBER 11, 1992**



**CAREER**

Colorado Coalition of Legal Services Programs, April 1982-February 1993 (Director since March 1983); Staff Attorney, Center on Social Welfare Policy & Law, New York, September 1980-April 1982; Managing Attorney, Pikes Peak Legal Services, Colorado Springs, CO, August 1978-September 1980; Law Clerk, Stephen Zane Rothchild, San Jose, CA, October 1977-June 1978; Staff Attorney, Pikes Peak Legal Services, Colorado Springs, CO, November 1975-September 1977; Law Clerk, Hon. Charles E. Stewart, Jr., US District Court September, 1974-September 1975; Legal Intern, Illinois Migrant Legal Assistance Project, Summer 1973; Peace Corps Volunteer, Cuzco, Peru, July 1969-August 1971.

**PROFESSIONAL**

Admitted to the New York Bar, September 1975; admitted to the Colorado Bar, October 1975; admitted to the California Bar, June 1978.

**PERSONAL**

Born February 25, 1948. Received undergraduate degree in government from Cornell University, 1969; law degree from Harvard Law School, 1974.

## JUDICIAL BIOGRAPHIES

### **JUDGE JOHN DANIEL DAILEY**

**DATE OF JUDICIAL APPOINTMENT: JANUARY 7, 2000**



#### **CAREER**

Colorado Attorney General's Office 1978-2000 (Assistant Attorney General, Litigation Section; First Assistant Attorney General, Appellate and Human Resources Sections; Deputy Attorney General, Appellate, Criminal Enforcement, and Consumer Protection Sections; Assistant Solicitor General); Adjunct Professor of Law, Appellate Advocacy, University of Colorado College of Law (1996, 1999) & University of Denver College of Law (1994, 2007-2008); Adjunct Professor of Law, Criminal Procedure, University of Denver College of Law (Spring 2002); Co-teacher, "Great Debates in the Law," at the Academy for Lifelong Learning (Spring 2014); Judicial Law Clerk to Court of Appeals Judge David W. Enoch (1977-78).

#### **PROFESSIONAL**

Admitted to practice law in the courts of New York, Colorado, in the District of Colorado, in the Tenth Circuit Court of Appeals, and in the U.S. Supreme Court; Member, Colorado Supreme Court's Advisory Committees on Delay Reduction (1986-89), Rules of Criminal procedure (1984 - present; committee chair July 2000 - present), Rules of Appellate Procedure (1996-2013); Member, Colorado Criminal Justice Commission (1989-90, 1993-94); Member, Colorado Bar Association Criminal law Section's Executive Council (1997-2007) and Model Criminal Jury Instructions Committee (co-vice chair 2011-present).

#### **EDUCATIONAL**

B.A., political science (cum laude), Bucknell University (1974); J.D. (summa cum laude, Order of the Coif, Justinian Honorary Law Society Award for Scholastic Excellence, American Jurispru-

dence Awards in Criminal Law, Evidence, and Future Interests), Syracuse University's College of Law (1977).

**PERSONAL**

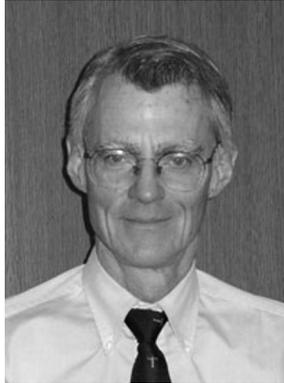
Born February 16, 1952 in Hornell, N.Y., the son of Bill and Grace Dailey; Co-captain, Bucknell University's Varsity Football Squad (1973); Academic All-American Linebacker (1973); Member, Hornell High School's Athletic Hall of Fame and Bucknell University's Athletic Hall of Fame; Married Elaine Lamping in Boulder, CO (1982); John and Elaine (now deceased) have two daughters, Erin and Brianna and two grandchildren, Conor and Irie.

In 2015, John married Mary Margaret Gabler.

JUDICIAL BIOGRAPHIES

**JUDGE JOHN R. WEBB**

DATE OF JUDICIAL APPOINTMENT: FEBRUARY 1, 2002



Judge Webb was appointed to the Colorado Court of Appeals in 2002. He graduated Phi Beta Kappa from the University of North Dakota in 1970 and from the University of Colorado School of Law in 1973, Order of the Coif. From 1973-1974, Judge Webb served as law clerk for Honorable Robert H. McWilliams at the U.S. Court of Appeals for the 10th Circuit. After his clerkship, he practiced in the areas of complex commercial litigation and employment, most recently with Jacobs Chase Frick Kleinkopf & Kelley, LLC.

Judge Webb has served on the Colorado Supreme Court Standing Committee on Rules of Civil Procedure, the Colorado Supreme Court Standing Committee on the Rules of Professional Conduct, the Judicial Ethics Advisory Board, and *The Colorado Lawyer* Board of Editors. Judge Webb is a frequent lecturer and contributor to continuing legal education programs on appellate practice and ethics. He has authored numerous articles, including: *Revisiting the Recovery of Attorney Fees and Costs in Colorado*, 33 Colo.Law. 11 (April 2004); *Fraud and Negligent Misrepresentation Tort Theories and Employment Law*, 29 Colo.Law. 79 (June 2000); *The Daubert Standard and Employment Law*, 28 Colo.Law 65 (Aug. 1999); *Wrongful Discharge Suits by In-House Counsel: Refining the General Dynamics Standard*, 11 Lablaw 35 (1995); *Discovery in Employment Discrimination Cases: The Employer's Perspective*, 4 Prac. Litigator 13 (Nov. 1993); *Recent Developments in the Law of Sexual Harassment*, 18 Colo.Law. 263 (Feb. 1989); *Conflict Between Workers' Compensation Exclusive Remedy and Common Law Actions For Psychic Injuries*, 14 Colo.Law. 1992 (Nov. 1985).

**JUDGE ROBERT D. HAWTHORNE**

**DATE OF JUDICIAL APPOINTMENT: AUGUST 12, 2004**



Judge Hawthorne was sworn in as a judge of the Colorado Court of Appeals on January 28, 2005. He currently serves as Chairman of the Professionalism Working Group for the Chief Justice's Commission on Professional Development, and is an active member of the CBA/DBA Professionalism Coordinating Council. Judge Hawthorne also serves on the Supreme Court's Office of Dispute Resolution Advisory Committee, Information Technology Services Standing Committee, and Judicial Conference Planning Committee. He is the Court of Appeals' representative to Colorado's 12th Judicial District. He has also represented the Court of Appeals as a member of the Colorado Judicial Coordinating Council and as the court's representative to the Deans' Diversity Council/Colorado Campaign for Inclusive Excellence. Judge Hawthorne serves on the Colorado Judicial Institute's Board of Directors, is a Colorado Bar Foundation Fellow, a Colorado and Denver Bar Association member, a CBA Judicial Liaison Section member, and a Minoru Yasui Inn of Court member and past president. He has participated for many years in the CBA Regional and State High School Mock Trial tournaments, Colorado's Access to Justice Program, CU and DU Schools of Law Intern Diversity programs, and the Colorado Close Up and We the People middle school programs. Judge Hawthorne is a graduate of the Judicial Branch's Colorado Institute for Faculty Excellence and has served as an adjunct professor in the Criminal Justice Department of the School of Public Affairs at the University of Colorado-Denver, a speaker for the CBA/CJI's *Our Courts* program and chair of its Partners Committee, presenter at the annual Colorado Judicial Conference and other CLE programs, and has spoken to elementary, high school and college classes about Colorado's judicial system.

Judge Hawthorne received a Juris Doctor degree from the University of Missouri School of Law in 1973 and a Bachelor of

#### JUDICIAL BIOGRAPHIES

Arts degree in Pre-Law from Louisiana State University at Monroe in 1970. He is admitted to practice in Missouri (1973), Illinois (1974), and Colorado (1977); the U. S. District Court, Western District of Missouri (1973); the U. S. District Court, District of Colorado (1977); the U. S. Court of Appeals, 10th Circuit (1986); and the U. S. Supreme Court (1989). Prior to his appointment as a Judge of the Colorado Court of Appeals, he practiced law for over 30 years as in-house counsel for a labor union, a deputy district attorney, a civil and criminal defense trial attorney and transactional counselor to private and municipal clients. Judge Hawthorne also served in the United States Army Reserves (1970-1976) and as District 11 Commissioner for the Colorado Department of Transportation (2003-2004).

**JUDGE GILBERT M. ROMÁN**

**DATE OF JUDICIAL APPOINTMENT: AUGUST 1, 2005**



**CAREER**

Partner, Rothgerber Johnson & Lyons LLP, Denver, Colo.; Associate General Counsel, Kaiser-Hill Corporation LLC, Broomfield, Colo.; Partner, Román, Benezra & Culver, LLC, Lakewood, Colo.; Partner, Feiger, Collison & Killmer, LLC, Denver, Colo.; Associate, Sherman & Howard, Denver, Colo.; Adjunct Faculty, University of Denver College of Law; Instructor, National Institute of Trial Advocacy/Christopher A. Miranda Trial Advocacy Institute; Arbitrator and Mediator, American Arbitration Association; and Arbitrator, National Association of Securities Dealers. Practice focused on complex civil litigation with an emphasis on employment law, commercial litigation and alternative dispute resolution.

**PROFESSIONAL**

Admitted to practice in Colorado, United States District Court for the District of Colorado, United States Court of Appeals for the Tenth Circuit, and United States Supreme Court. Member and former trustee of the Denver Bar Association and a former representative to the Colorado Bar Association's Board of Governors; board member of the Colorado Hispanic Bar Association and the Hispanic National Bar Association. Recipient of Appellate Judicial Skills and General Jurisdiction Certificates awarded by the National Judicial College; recipient of the Richard Marden Davis Award, Denver Bar Foundation; Outstanding Lawyer Award, Hispanic National Bar Association; Outstanding Young Lawyer Award, Colorado Hispanic Bar Association; and Outstanding Young Lawyer Award, Denver Bar Association. Served on The Chief Justice's Commission on the Legal Profession (Appointed by Chief Justice Bender) and The Chief Justice's Commission on Professional Development (Appointed by Chief Justice Rice). Serves on the Colorado Judicial Conference Plan-

## JUDICIAL BIOGRAPHIES

ning Committee, the Court of Appeals Governance Committee and as the Court's Diversity Internship Liaison to the local law schools. Is a speaker in the Our Courts statewide community outreach program.

### CIVIC

Member of the Workplace Advisory Board at the University of Denver Sturm College of Law as well as a mock-trial evaluator for the Rocky Mountain Children's Advocacy Practicum at the law school. Has judged the state finals of the We The People competition, the finals of the HNBA's National Moot Court Competition, the regional competition of the Thomas Tang International Moot Court Competition and the regional competition of the American Constitution Society. Served as a "Dream Team Anchor" on the Colorado Campaign for Inclusive Excellence, speaking to prospective law students in Denver, Fort Collins, Greeley and Pueblo. Has spoken at C.S.U. Rams, J.D.; The Office of the Child's Representative and Respondent Parents' Counsel Conference; the Leader's Challenge Youth Program, Leadership Jefferson County, the Council on Legal Education Opportunity (CLEO), the Lorenzo de Zavala Youth Legislative Session, the Colorado Bar Association's Appellate Section, the Colorado Judicial Institute, new judge orientation training, the Denver Bar Association's Appellate Section, the First and Ninth Judicial District bar associations as well as at schools and law firms across the state. Authored "Coming to a Community Near You: The Court of Appeals Extended Outreach Program" (The Colorado Lawyer, April 2017). Through the Courts in the Community program for high school students, heard oral arguments and spoke to students in Colorado Springs, Grand Junction, Denver, Longmont, Lakewood, Limon, Glenwood Springs and Steamboat Springs.

### PERSONAL

Born 1962, in Wichita, Kan. Colorado State University (Political Science, 1984); University of Michigan Law School (Juris Doctor, 1987). Member, Rocky Mountain Fiction Writers. Served as a Little League baseball and basketball coach. Married - Donna, three children - Augi, Dom and Gabe.

**JUDGE DAVID FURMAN**

**DATE OF JUDICIAL APPOINTMENT: DECEMBER 16, 2005**



**JUDICIAL EXPERIENCE**

Judge Furman was appointed to the Colorado Court of Appeals in 2005. Prior to his appointment, he served as a Magistrate in the Denver District Court, presiding over the adult drug court and handling post-decree domestic relations and foreclosure cases (2003-2005). He also served as a Magistrate in the Denver Juvenile Court, handling child protection, adoption, delinquency, truancy, and paternity and support cases (1999-2005).

**OTHER EXPERIENCE**

Before taking the bench, Judge Furman practiced trial and appellate litigation with his own criminal defense and family law firm, representing children in dependency and neglect and domestic relations child custody cases (1995-2000). He served as a Deputy Public Defender in the Appellate Division of the Colorado State Public Defender's Office (1990-1995). While an adjunct professor at Colorado Christian University, he taught courses on non-profit organizations, sociology, and laws impacting professional counselors (2004-2008). At Denver University's Graduate School of Social Work, he taught courses on laws impacting social work practice and government policies affecting children and families (1995-2005).

He is licensed to practice law in Colorado and admitted to practice in the United States District Court for the District of Colorado, the United States Court of Appeals for the Tenth Circuit, and the United States Supreme Court.

**JUDICIAL ACTIVITIES**

Supreme Court Standing Committee on Family Issues (member, 2011-present); Court Improvement Program (Executive Committee, 2011-present; member, 2002-2005, 2011-present); Indian Child Welfare Act Best Practices Committee (member, 2015-present); Editorial Advisory Board, *Judicial Benchbook on Colorado Child Welfare Law*, 5th ed. (Senior Editor and Chair,

#### JUDICIAL BIOGRAPHIES

2015-present); Post-Termination of Parental Rights Rule Revision Committee (member, 2015-present); Colorado Judicial Education Leadership Council (Co-Chair, 2015-present); Colorado Institute for Faculty Excellence in Judicial Education (CO-IFE) (faculty member and mentor, 2010, 2015-present); Court of Appeals ad hoc Committee to Improve Respondent Parent Counsel, which recommended formation of the Respondent Parent Counsel Work Group (2011-2014).

Trainer for the New Judge Orientation, Dependency and Neglect Judicial Institute, the Bench Basics-Dependency and Neglect video series, and the upcoming Bench Basics-Criminal video series. Presenter at the annual Colorado Judicial Conference and at the First, Fourth, Ninth, Thirteenth and Seventeenth Judicial Districts. Faculty trainer and participant for the Courts in the Community outreach program for high school teachers and students. Thirteenth Judicial District liaison for the Court of Appeals' district outreach program.

#### CIVIC ACTIVITIES

Metro State University School of Social Work Advisory Committee (member, 2015-present); Institute for Faculty Excellence in Judicial Education, University of Memphis (2006, 2010); Colorado Children's Trust Fund Board, Governor appointment to this board was confirmed by the state senate (Chair of the Board, 2000-2005; member, 1998-2005); Juvenile Law Section, Colorado Bar Association (Executive Committee member, 2002-2003); Lieutenant Governor's Committee to Promote Adoption (member, 2003-2004); Deer Creek Church Board (member, 1996-2004); State Task Force on Child Welfare, awarded a Governor's Citation (member, 1999-2000); Arapahoe/Douglas Mental Health Network Board, awarded Board Member of the Year by the Colorado Behavioral Healthcare Council (President of the Board, 1997-1999; Vice-President of the Board, 1995-1997; member 1993-2001); Legal Representation of Children Workgroup (member, 1999-2000); Public Interest Clerkship Selection and Steering Committee, University of Denver Sturm College of Law (1989-1993).

Invited speaker for the Dean's Leadership Lunch, University of Colorado Law School. Presenter at the Colorado County Attorney Association annual conference; Denver Bar Association; Colorado Bar Association Appellate Section; Barrister's Club, Colorado Christian University; University of Colorado Juvenile Law Program; and for the Metro State University School of Social Work child protection cases video series. Organized and presented appellate litigation training for The Office of the Child's Representative and Respondent Parents' Counsel Conference.

Moot court judge for the Rocky Mountain Children's Advocacy Practicum, University of Denver Sturm College of Law; Univer-

sity of Colorado Law School regional appellate advocacy competition; and Liberty University School of Law. Mock trial judge at Colorado's high school mock trial competition. Mentor for law student interns and externs, including interns involved in the University of Denver Sturm College of Law's diversity internship program.

**IMPROVEMENT IN THE LAW**

Successfully proposed the creation of the Office of the Child's Representative (OCR), *see* C.R.S. § 13-91-101 et seq. (H.B. 00-1371); and the formation of the Respondent Parents' Counsel Work Group, which recommended the structure of the Office of Respondent Parents' Counsel, *see* C.R.S. § 13-92-101 et seq. (H.B. 15-1149). Successfully proposed laws addressing the definition of child abuse (H.B. 05-1141), background checks in adoption cases (H.B. 04-1149), procedural modifications to Colorado's Safe Haven statute (H.B. 03-1095), the reauthorization of the Colorado Children's Trust Fund (H.B. 02-1063), and mandatory reporters of child abuse and neglect (S.B. 01-47). Successfully proposed the Juvenile Law Column of the *The Colorado Lawyer* (the first of its kind in the country) (first editor, co-editor, 2002-2005).

**PUBLICATIONS**

*The Judicial Benchbook on Colorado Child Welfare Law, 5th ed.* (Senior Editor, Co-Author, 2015-present); *Respondent Parents' Counsel Work Group: Final Report to the State Court Administrator* (September 20, 2014) (Co-Editor); *Judicial Benchbook on Colorado Child Welfare Law* (4th ed. 2005) (Senior Editor, Co-Author); *A Handbook for Families in Dependency & Neglect Cases* (2005) (Co-Author); *What Happens to Me Now? A Handbook for Colorado Children Who are Not Living at Home* (2003) (Co-Author); *Dependency & Neglect Benchcards* (2003) (Co-Author); *Updated Delinquency Benchcards* (2003) (Co-Author); "Guidance for Attorneys When Children's Mental Health Concerns are Implicated," *The Colorado Lawyer*, 31, 33 (October 2002) (Co-Author) (included in a theme issue on "Children and the Law" that was the recipient of the Luminary Award for Excellence in Special Publications by the National Association of Bar Executives); "The Updated Role of the Guardian ad Litem in Juvenile Delinquency Cases," *The Colorado Lawyer*, 31, 79-83 (May 2002) (Co-Author); *The Judicial Benchbook on Colorado Child Welfare Law* (3rd ed. 2002) (Co-Author); *Law in Social Work Practice* (2nd ed.) (1999) (Belmont, California: Wadsworth Publishing).

**EDUCATION**

Judge Furman holds a B.A. in Psychology and Christian Education from Wheaton College (1982), an M.S.W. from the Denver University Graduate School of Social Work (1989), and a

#### JUDICIAL BIOGRAPHIES

J.D. from Denver University College of Law (1989). His graduate research evaluated the impact of mandatory arrest policies on victims of domestic violence. He was awarded the Dorothy Spellman Award from the Graduate School of Social Work (1986) and the Jonathan L. Olom Trial Advocacy Scholarship from the University of Denver Sturm College of Law (1988). In 2012, Judge Furman was named Master's Scholar by the Graduate School of Social Work and, in 2011, was recognized as one of the Top 50 Most Influential Graduates from that school.

#### PERSONAL

David Furman is married to Liz Cowen Furman. David and Liz are the proud parents of three sons: Martin, Matthew, and Micah.

**JUDGE STEVE BERNARD**

**DATE OF JUDICIAL APPOINTMENT: JULY 5, 2006**



I was born and raised in Colorado Springs. I received both of my degrees from the University of Colorado, a BA in political science in 1975 and a JD in 1978.

I worked for the District Attorney's Office in the Seventeenth Judicial District from the end of October 1978 until the end of December 2004. I began my career as a deputy district attorney. I was promoted to chief trial deputy in 1982, and I became the assistant district attorney in 1993.

I worked as a chief deputy district attorney at the District Attorney's Office in the Nineteenth Judicial District from January 2005 until June 2006.

During my career as a prosecutor, I served on the governing board of the Colorado District Attorneys' Council from 1993 to 2004; the Adams County Community Corrections Board from 1994 to 2002; the Supreme Court Nominating Commission from 1997 to 2002; the Adams County Open Space Advisory Board from 2000 to 2004; and the Weld County Community Corrections Board from 2005 to 2006. I am a past president of the Adams County Bar Association.

Governor Bill Owens appointed me to the Colorado Court of Appeals in May 2006. I was sworn in on July 5, 2006. I have served on various committees on the Court of Appeals. I am a member of the leadership council of the Colorado Institute for Excellence in Judicial Education; the judiciary's Probation Standing Committee; the executive committee of the Colorado Bar Association's Criminal Law Section; and the executive committee of *Our Courts*, a nonpartisan organization that offers educational programs to the public about the court system.

My wife Molly and I were married in 1975.

## JUDICIAL BIOGRAPHIES

### **JUDGE DIANA TERRY**

**DATE OF JUDICIAL APPOINTMENT: JULY 5, 2006**



#### **CAREER**

Private Practice (1985-2006): Sherman & Howard; Moye, Giles, O'Keefe, Vermeire & Gorrell; McElroy, Deutsch & Mulvaney; Law Office of Diana Terry; White & Steele. Practice focused on complex commercial litigation, including intellectual property, computer technology, real estate litigation, and insurance coverage litigation.

Judicial Clerkship (1984-1985): Law Clerk to the Hon. Robert Tarleton, Presiding Judge, Chancery Division of New Jersey Superior Court.

#### **EDUCATION**

B.A. degree from Rutgers College with High Honors and Highest Departmental Distinction (1979); Phi Beta Kappa; Vice President, Rutgers Chapter of Phi Sigma Iota, the National Foreign Language Honor Society. J.D. degree from Rutgers University School of Law (Newark) (1984); Managing Editor, Rutgers Law Review (1983-1984).

#### **BAR ADMISSIONS**

State of New Jersey and United States District Court for District of New Jersey (1984) (New Jersey bar membership no longer active); State of Colorado and United States District Court for District of Colorado (1986); United States Court of Appeals for Tenth Circuit (1989).

#### **PROFESSIONAL AFFILIATIONS**

Member and Past President, Thompson G. Marsh American Inn of Court. Member and Past President, The Law Club of Denver. Fellow, American Bar Foundation. Member, Colorado and Denver Bar Associations. Fellow, Colorado Bar Foundation. Member, National Association of Women Judges. Member, Colo-

rado Women's Bar Association. Fellow, Advanced Science and Technology Adjudication Resource Center (ASTAR).

**HONORS AND AWARDS**

Annual Judicial Award from Colorado Women's Bar Association (2013). Colorado SuperLawyer, 5280 Magazine (2006). Law Club Achievement Award Honoree (2005).

**TEACHING**

Trainer for new Colorado Court of Appeals judges (appointed by Chief Judge Alan M. Loeb, 2013 to present); faculty, National Institute for Trial Advocacy (1995 to present). Past Member, Planning Committee, Colorado State Judicial Conference. Frequent CLE presenter.

**PUBLICATIONS**

Author, "Persuasive Techniques in Oral Argument," American Bar Association Section on Environment, Energy and Resources (2016); author, Chapters 2 and 3, Colorado Appellate Handbook (2015); author, "Putting Your Best Foot Forward – Improving the Effectiveness of Appellate Advocacy," *The Colorado Lawyer* (July 2008); co-author, "Transporter Liability Under CERCLA," 16 *Environmental Law Reporter* 10244 (September 1986).

**CIVIC AND CHARITABLE ACTIVITIES**

Past President of Board of Trustees, Metro CareRing, a faith-based nonprofit food pantry. Volunteer, Front Rangers Cycling Club, a nonprofit working with inner city youth to promote healthy alternatives to drugs and violence. Former member, Colorado Symphony Chorus. Former Sector Leader, Greater Park Hill Community. Leadership Denver Class of 2005.

**PERSONAL**

Born 1956 in Fort Monmouth Army Hospital, New Jersey. Featured vocalist in numerous legal-themed musical productions.

## JUDICIAL BIOGRAPHIES

### **JUDGE JERRY N. JONES**

**DATE OF JUDICIAL APPOINTMENT: JULY 5, 2006**



#### **CAREER**

Chief of the Appellate Division, Office of the United States Attorney, Denver, Colorado (2004-06); Partner, Moye Giles LLP, Denver, Colorado (1994-2004); Associate, Moye Giles LLP, Denver, Colorado (1987-1993); Special Assistant Attorney General, Criminal and State Services Sections, Colorado Attorney General's Office (1996-2003); Judicial Clerk for the Honorable George E. Lohr, Associate Justice, Colorado Supreme Court (1986-87).

Judicial Clerkship (1984-1985): Law Clerk to the Hon. Robert Tarleton, Presiding Judge, Chancery Division of New Jersey Superior Court.

#### **PROFESSIONAL**

Admitted to practice in Colorado (1986); United States District Court for the District of Colorado (1987); United States Court of Appeals for the Tenth Circuit (1987); United States Supreme Court (1992). Colorado Judicial Performance Commission, Second Judicial District (1999-2006), Chair (2001-06). Amicus Committee, Colorado Bar Association (2002-06). Faculty of Federal Advocates (1997-2006).

#### **EDUCATION**

A. J. Dimond High School, Anchorage, Alaska (diploma, 1979); Arizona State University (B.S., 1983); University of Denver College of Law (J.D., 1986) (Tenth Circuit Survey Editor, Denver University Law Review (1985-86); American Jurisprudence Awards in Constitutional Law and Torts).

#### **PERSONAL**

Born October 22, 1961, in Lexington, Kentucky. Grew up in Anchorage, Alaska. Married, three children.

**JUDGE NANCY J. LICHTENSTEIN**

**DATE OF JUDICIAL APPOINTMENT: JUNE 30, 2008**



**CAREER**

Deputy State Public Defender, Appellate Division, Denver, Colorado (2001-08); Solo Private Practice (1997-2001); Deputy State Public Defender, Appellate Division and Trial Offices (1988-1996). Adjunct Faculty, University of Colorado School of Law (2007), West Publications, author, Colorado Criminal Practice and Procedure (2005-present).

**PROFESSIONAL**

Admitted to practice in Colorado (1988); United States District Court for the District of Colorado (1988); United States Court of Appeals for the Tenth Circuit (1998); United States Supreme Court (2004). Member, Colorado Senate Judiciary Subcommittee, Consolidation of Colorado Sentencing Laws (2001-2003); Vice President, Colorado Criminal Defense Bar (2001); Editor, The Rap Sheet, Colorado Criminal Defense Bar Quarterly Publication (1999-2002).

**PERSONAL**

Manual High School, Denver, Colorado (diploma, 1980); Northwestern University, Evanston, Illinois (B.A., 1984); University of Denver College of Law (J.D., 1988).

JUDICIAL BIOGRAPHIES

**JUDGE DAVID J. RICHMAN**

DATE OF JUDICIAL APPOINTMENT: APRIL 30, 2008



Upon graduating from Harvard Law School in 1975, I served as law clerk to Judge William Holloway, Jr., Tenth Circuit Court of Appeals from August 1975 through August 1976. In August 1976, I became a staff attorney in the Denver Regional Office of the Federal Trade Commission. In February 1978, I became an associate in the Denver law firm of Coghill Goodspeed & Horowitz, and in 1980 I became a shareholder in the successor firm, Coghill & Goodspeed, P.C.

Upon the dissolution of the firm, I moved to an of counsel position with Burns, Figa & Will, P.C., Englewood Colorado. My work in private practice consisted solely of litigation and litigation related matters, primarily commercial business litigation, with occasional involvement in criminal matters including representation of clients before grand juries.

When Phillip S. Figa was appointed to the federal bench in November 2003, I moved with him to the U.S. District Court where I served as his career law clerk until he unfortunately passed away on January 5, 2008. I continued to serve as clerk for the federal judges until July 2008, when I was sworn in as a Judge on the Colorado Court of Appeals.

I am married and we have four children, ages 16 through 25.

**JUDGE LAURIE A. BOORAS**



Laurie Booras was appointed to the Colorado Court of Appeals to fill one of the vacancies created by the retirements of Judges Rothenberg and Vogt. Booras grew up in Lawton, Oklahoma. She graduated from the University of Texas School of Law in 1982, and began her legal career at the Texas Attorney General's office defending against federal habeas corpus actions filed by state prisoners. From March, 1985, to November, 1990, she served as an Assistant District Attorney in the Travis County District Attorney's office in Austin, Texas, and the Bexar County District Attorney's Office in San Antonio, Texas.

In 1991, Booras began working in the Colorado Attorney General's office in the Appellate Division, and was promoted to First Assistant Attorney General in January 2000. Booras has been a frequent lecturer for the Colorado District Attorney's Council, and presented several in-house CLE lectures at the Attorney General's Office. She served on the Colorado Supreme Court Advisory Committee on Rules of Criminal Procedure (2004 to 2008); acted as an advisory member of the Colorado District Attorney's Council Legislative Subcommittee (2000 to 2008) and participated in the Colorado Senate Judiciary Subcommittee, Consolidation of Colorado Sentencing Laws (2000-2003) and the Sentencing Reform Committee (2003 to 2006).

## JUDICIAL BIOGRAPHIES

### JUDGE TERRY FOX



**Terry Fox** sits on the Colorado Court of Appeals, having been sworn in on January 7, 2011, following her September 2, 2010 appointment. From 2004-2010, she served as an assistant U.S. Attorney in Colorado, working as trial counsel to federal agencies and specializing in environmental, constitutional, and other civil matters. In addition to her legal duties, Judge Fox served on the U.S. Attorney's Advisory Council and the Diversity Committee. Before joining the U.S. Attorney's Office, Judge Fox was an attorney with the Colorado Attorney General's Office, an associate with the law firm of Holland & Hart (where she practiced Environmental Law), and a clerk for Justice Craig Enoch on the Texas Supreme Court. Judge Fox serves as District 12 Director for the National Association of Women Judges (NAWJ), previously having served as the NAWJ's Colorado Director. Her community service includes the Colorado Supreme Court's Board of Law Examiners, and membership in the Colorado Hispanic Bar Association, which recognized her in 2006 with its Chris Miranda Outstanding Lawyer Award, and in 1997 with its Outstanding Young Lawyer Award. Judge Fox is a long time member and former board member of the Colorado Women's Bar Association (CWBA). She previously served on Colorado Supreme Court's Attorney Regulation Committee. In 2002 she was selected as a Marshall Memorial Fellow which allowed her to travel with other emerging American leaders to five countries in Europe. In 1989, she earned her bachelor's degree from the Colorado School of Mines in Chemical Engineering and Petroleum Refining, and her law degree in 1993 in Houston, Texas. Judge Fox is a 1985 graduate of Brighton High School in Brighton, Colorado.

**JUDGE STEPHANIE DUNN**

**CAREER**

Judge Dunn was appointed to the Colorado Court of Appeals in June 2012. Before joining the bench, she was a partner at the national law firm, Perkins Coie LLP, where she practiced from 2003-2012. Her practice focused on complex business litigation and appellate litigation in state and federal courts as well as white collar investigations and defense. She was a member of the firm's securities and corporate governance litigation practice group, its appellate practice group and its investigations and white collar defense practice group. While a partner at Perkins Coie, she was Chair of both the Denver Diversity Committee and the Denver Pro Bono Committee. Prior to joining Perkins Coie in 2003, she was an associate in the litigation department of a New York based law firm, where her practice focused on commercial litigation. Before that, she clerked for Chief Justice Luis Rovira of the Colorado Supreme Court. In 2012, she was recognized as one of Law Week Colorado's Lawyers of the Year on the Big Verdict Case list.

**EDUCATION**

University of Denver Sturm College of Law, J.D., 1993, Order of St. Ives, Law Review, Honor Board; University of Colorado, B.A., 1990, Phi Beta Kappa.

**ADMISSIONS**

Admitted to the Colorado bar (1993) and the following courts: United States Supreme Court (2012); United States Court of Appeals for the Tenth Circuit (1995); United States Court of Appeals for the Federal Circuit (1997); United States Court of Appeals for the Ninth Circuit (2011); and United States District Court for the District of Colorado (1994).

**PROFESSIONAL ASSOCIATIONS**

Current or past member of the American Bar Association, Colorado Bar Association, National Association of Women Judges, Colorado Women's Bar Association, Denver Bar Association, Colorado Judicial Institute, Our Courts, the Colorado Lawyer's Committee Hate Crimes Education Task Force and the Faculty of Federal Advocates; Colorado Bar Foundation, Fellow.

**PUBLICATIONS**

"Inside the Minds: The Laws Behind White Collar Crime," Aspatore Books - White Collar Chapter (2006); "Mitigating Corporate Criminal Liability: The Role of Corporate Compliance Programs" Financial Fraud Newsletter, Vol. 1, No. 11 (Spring 1998).

## JUDICIAL BIOGRAPHIES

### JUDGE KAREN M ASHBY



#### CAREER

**Judge, Denver Juvenile Court.** September, 1998 to 2013. Presiding Judge, July, 1999 to 2013. **Judge, Aurora Municipal Court.** March, 1995 to 1998; **Sole Practitioner.** Denver, Colorado, September, 1988 to 1998. Emphasis on criminal and family law cases-trial and appellate; **Deputy State Public Defender.** Denver Trial Office, 1983 to 1988; **Law Clerk.** The Honorable Leonard P. Plank, Denver District Court, 1982 to 1983.

#### EDUCATION

B.A. Williams College, Williamstown, MA, B.A. Spanish Literature, June, 1979; J.D. degree from University of Denver, Sturm College of Law, 1983.

#### BAR ADMISSIONS

State of Colorado, 1983; United States District Court for District of Colorado, 1987.

#### PROFESSIONAL AFFILIATIONS

National Council of Juvenile and Family Court Judges (NCJFCJ), member, Board of Trustees, 2004 to 2011; Colorado Court Improvement Committee, member, 1999 to present; Co-Chair, 2002 to 2011; Chair, 2011 to present.

#### HONORS AND AWARDS

Professionalism award, Kempe Foundation for the Prevention and Treatment of Child Abuse and Neglect, April, 2013; Excellence in Practice Award-Judicial Officer, Colorado Department of Human Services/Colorado Court Improvement Project, June, 2012; Friend of Children Award, North American Council on Adoptable Children, October, 2011; Bicentennial Medal, Williams College, 2009; Raising the Bar award, Colorado Women's Bar Association, 2008; Public Service Award, Sam Cary Bar Association,

2007; Judge of the Year, Colorado CASA (Court Appointed Special Advocates), 2006; Distinguished Jurist Award, Sam Cary Bar Association, 2003; Trailblazer Award, American Association of University Women, Denver Chapter, 1999.

**TEACHING**

Youth Aging Out of Foster Care and Transitioning to Independent Adulthood: Perspectives on Strategies for Improving Opportunities for Success and Identifying Resources, Colorado Bar Association Juvenile Law CLE presentation, April, 2013; Cross-Over Youth Practice Model, Colorado Court Improvement Project Best Practice Court Convening, April, 2013; Adolescence Innovative Practices, Georgetown University Public Policy Institute LEAD conference, panelist, January, 2013; Family Drug Court Models-Parallel versus Integrated, SAMHSA Family Drug Court conference, September, 2012, Family Drug Court Learning Academy Webinar, October, 2012; Cross-Over Youth Practice Model, Colorado Summit on Children and Families, June, 2012; Improving Outcomes for Status Offenders, National Council of Juvenile and Family Court Judges' 73rd annual conference, presenter, July 2010; National Court Appointed Special Advocates (CASA) annual conference, presenter, "Courts Catalyzing Change", March, 2009; Co-occurring Disorders: A Multi-Disciplinary Approach, National Council of Juvenile and Family Court Judges and National District Attorneys' Association, presenter, 33rd annual conference on Juvenile Justice, March, 2006; Institute for Faculty Excellence in Judicial Education, Participant, October, 2004 and March, 2005; Adoption Education for Legal Professionals, The Adoption Exchange, presenter, April, 2004; Delinquency, Crime and Substance Abuse, Robert Wood Johnson Foundation and others, presenter, May, 2004; Stepping Up to Juvenile Court (training for judicial officers rotating to Juvenile dockets), CO State Court Administrator's Office, presenter, February, 2004; Colorado New Judges' Orientation, faculty (Juvenile Law), 2001 to 2008; National Association of Counsel for Children Annual Conference, presenter, "Institutional Diversity", March, 2008; National Institute for Trial Advocacy, faculty, 1992 to 1994.

**PUBLICATIONS**

"Report-Writing Tips for Guardians ad Litem in Dependency and Neglect Cases," 31 Colorado Lawyer 87, (October 2002); "Implementing C.A.R. 3.4 to Expedite Appeals in Dependency and Neglect Cases," 34 Colorado Lawyer 47 (June, 2005); "Colorado's Model Courts: Innovation in the Juvenile Court System," 36 Colorado Lawyer 10 (October, 2007).

## JUDICIAL BIOGRAPHIES

### **JUDGE MICHAEL H. BERGER**

**DATE OF JUDICIAL APPOINTMENT: DECEMBER 17, 2013**

#### **CAREER**

Husch Blackwell LLP (partner 2011 through 2013); Jacobs Chase LLP (partner 2007 until 2011); Koff Corn & Berger P.C. (member and shareholder 1982 to 2007). Practice focused on complex commercial litigation, appeals, and legal ethics. Law clerk to Colorado Supreme Court Chief Justice Edward E. Pringle (1975-76).

#### **EDUCATION**

Cornell University, B.S.(1972). University of Colorado School of Law, J.D. (1975).

#### **BAR ADMISSIONS**

Colorado (1975); United States District Court for the District of Colorado (1975); United States Court of Appeals for the Tenth Circuit (1978); Supreme Court of the United States (1978).

#### **TEACHING**

Visiting Lecturer in Law, University of Colorado School of Law, 1978-79; frequent CLE presenter on legal ethics.

#### **PROFESSIONAL ACTIVITIES**

Colorado Supreme Court Committee on Rules of Civil Procedure (Chair, 2014 to present; member 1996 to 2012); Colorado Supreme Court Committee on Rules of Appellate Procedure (2001 to present); Colorado Supreme Court Standing Committee on the Colorado Rules of Professional Conduct (2001 to present; chair of subcommittee on ABA Model Rules of Professional Conduct 2003-2008); Colorado Bar Association Ethics Committee (Chair 1991-92, member 1986 to present); Colorado Bar Association Amicus Brief Committee (Chair 2008-2013, member 2003 to 2013).

#### **HONORS AND AWARDS**

American College of Trial Lawyers (Judicial Fellow); Colorado Bar Association Award of Merit (2013).

#### **PUBLICATIONS**

“Preservation of the Attorney-Client Privilege: Using Agents and Intermediaries to Obtain Legal Advice,” *The Colorado Lawyer*, May 2001, Vol. 30, No. 5; Report and Recommendations Concerning the American Bar Association Ethics 2000 Model Rules of Professional Conduct” issued by the Colorado Supreme Court Standing Committee on the Colorado Rules of Professional

Conduct, December 30, 2005 (co-authored with Marcy G. Glenn, Esq.) available at <http://www.courts.state.co.us/supct/committees/profconductdocs/sc-standingcommreport.pdf>; “The New Colorado Rules of Professional Conduct—A Survey of the Most Important Changes,” *The Colorado Lawyer*, August 2007 (co-authored with Marcy G. Glenn, Esq.); “The Duty of Confidentiality: Legal Ethics and the Attorney-Client and Work Product Privileges,” *The Colorado Lawyer*, January 2009 (co-authored with Kathryn A. Reilly); “Inadvertent Disclosure of Confidential or Privileged Information”, *The Colorado Lawyer*, January 2011 (co-authored with Ann T. Lebeck); “The Ethical Preparation of Witnesses,” *The Colorado Lawyer*, May 2013.

JUDICIAL BIOGRAPHIES

**JUDGE ELIZABETH L. HARRIS**

**DATE OF JUDICIAL APPOINTMENT: JULY 23, 2015**



**CAREER**

Law Office of Elizabeth L. Harris, LLC (2013 - 2015); Husch Blackwell LLP (acquired Jacobs Chase) (2011 - 2013); Jacobs Chase LLP (2003 - 2011) Office of the Federal Public Defender (1997-2003); and Law Clerk to the Honorable John Porfilio, United States Court of Appeals for the Tenth Circuit (1996 - 1997).

**EDUCATION**

New York University School of Law, J.D. (1996); Georgetown University, B.A., English Literature (1989); and Walt Whitman High School, Bethesda, Maryland (1984).

**JUDGE REBECCA R. FREYRE**

**DATE OF JUDICIAL APPOINTMENT: SEPTEMBER 18, 2015**

**DATE OF INVESTITURE: NOVEMBER 16, 2015**



**CAREER**

Deputy State Public Defender, Appellate Division, Denver, CO (2005-2015); Deputy State Public Defender, Arapahoe County Trial Office, Centennial, CO (1991-2005); Law Clerk, Larry Pozner & Associates, Denver, CO (1988-1991); Manager, Planning & Control, Oppenheimer Funds, Denver, CO (1985-1988); Bank Management Consultant, Penquite & Associates, Dallas, TX (1982-1985)

**PROFESSIONAL**

Admitted to practice in Colorado (1990); United States District Court for the District of Colorado (1998); United States Supreme Court (2011)

**EDUCATION**

Topeka West High School, Topeka, KS (Diploma, 1978); Smith College, Northampton, MA (B.A. Economics, 1982); University of Denver College of Law (Order of St. Ives), Denver, CO (J.D., 1990)

**CIVIC/VOLUNTEER**

Denver Partners (1985-1988); Colorado Uplift (1985-1988); Colorado Children's Justice Task Force (1992-1995); Arapahoe County Community Corrections Board alternate (1993-2004); Aurora Gang Task Force (1993-1999); Mock Trial Coach, Arapahoe High School, (1992-1995); Mock Trial Coach, Lookout Mountain School (1993-1994); Habitat for Humanity (200-2005); Project Angel Heart (2002-2005); PTCO Holly Hills Elementary School (2005-2015); East High School Constitutional Law Scholars (2009-2010); West Middle School Mock Congressional Hearings (2015-Present)

JUDICIAL BIOGRAPHIES

**PERSONAL**

Born December 9, 1959 in Kansas City, Kansas. Married, three children.

**JUDGE CRAIG WELLING**

**DATE OF JUDICIAL APPOINTMENT. DECEMBER 30, 2016**

Before coming to the Court of Appeals, Judge Welling served as a District Court Judge in the 17th Judicial District. Prior to that, he served as Legal Counsel to Governor Bill Ritter and was an associate at Rothgerber John & Lyons LLP.

## JUDICIAL BIOGRAPHIES

### JUDGE TED C. TOW III

DATE OF JUDICIAL APPOINTMENT: FEBRUARY 13, 2018

#### CAREER

Before joining the Court, Judge Tow served for seven years as a District Judge in the 17th Judicial District (Adams County). Prior to his judicial service, he served as the Executive Director of the Colorado District Attorneys' Council, following several years as a deputy district attorney. He began his legal career in private practice, working as an associate primarily in labor and employment for three different law firms, including Dickinson, Wright, Moon, Van Dusen & Freeman (Chicago); Matkov, Salzman, Madoff & Gunn (Chicago); and Sherman & Howard (Denver).

#### PROFESSIONAL

Judge Tow is admitted to practice in Colorado (1999), Illinois (1994, presently inactive status), U.S. District Court, District of Colorado (1999), U.S. District Court, Eastern District of Michigan (1996), and U.S. District Court, Northern District of Illinois (1994).

Judge Tow is a member of the Colorado Bar Association, and has served on the Board of Governors and the Executive Council of the Criminal Law Section since 2008. He is also a Fellow of the Colorado Bar Foundation, and a member of the Adams/Broomfield Bar Association, and the Law Club of Denver. Judge Tow previously served on the Colorado Judicial Discipline Commission (2013 to 2018).

#### EDUCATION

Judge Tow received his high school diploma in 1985 from Olathe South High School in Olathe, Kansas. He received a B.A. with Distinction and College Honors in English Literature and Comparative Constitutional History from the University of Kansas in 1989. And he received his J.D., *summa cum laude*, from Wayne State University Law School in 1994.

#### TEACHING

Judge Tow is a graduate and member of the faculty and the leadership council for the Colorado Institute for Faculty Excellence in Judicial Education (COIFE). He is a frequent presenter of CLE for the Judicial Branch and the Colorado Bar Association on a wide range of topics including family law, civil procedure, and legal and judicial ethics.

#### PERSONAL

Judge Tow is married, and has three children and two grandchildren. He enjoys attending the theater, sports, playing games and cards, skiing, and hiking. He also enjoys performing, and has in recent years done so with the Colorado Symphony Chorus in *Too Hot to Handel*; in local community theater productions, including *Catch Me If You Can* (Roger Strong) and *Next to Normal* (Dr. Fine/Dr. Madden); and in numerous Ethics Revues put on by the Law Club of Denver.



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