



*The Honorable
C. Jean Stewart, Presiding*



Table of Contents

Volunteer Mediators, the Court's Unsung Heroes	1-2
Employee Spotlight	3
The Colorado Bar Association's New Appellate Pro Bono Program	4-5
UPDATE on Court Policies and Procedures On Setting a Hearing	6
Fall/Winter Interns at Denver Probate Court	7-9
General Court Information and Puzzles	10

Volunteer Mediators - the Court's Unsung Heroes

By definition, a mediator is a person who assists parties that are in legal dispute by providing a supportive, non confrontational setting in which to negotiate. They assist the parties to understand and analyze the facts and issues. But a mediator is really a peacekeeper.

Rather than allowing feuding parties to exchange verbal attacks, they keep the parties focused on the issues at hand and allow for each party to gain control of the dispute and facilitate productive solutions, "such as creating a stipulation to which both parties can agree," stated Beth Tomerlin, the Pro Se Protective Proceedings Facilitator at the Denver Probate Court.



Though mediation is ideal in some circumstances it isn't always an economically sound option for many families involved in litigation.

So, in **2004**, the **Denver Probate Court** assembled information from various individuals and organizations who had expressed interest in providing volunteered mediation services to lawyers and pro se litigants involved in contested decedent's estates and protective proceedings. A volunteer mediator in the Probate court may be asked to mediate a number of issues, most commonly issues that involve:

- Co-guardians that have differing opinions as to the best interest of the minor
- A parent who wants more access to a minor
- A parents who wants to terminate a guardianship
- An interested person feels the guardian is not fulfilling his/her duties
- Emergency/Temporary substitute guardianships

Many times litigants involved in protective proceedings who partake in mediation may not even enter a contested probate court case. Volunteer mediators help give families an opportunity to create interest-based solutions to family problems.

More On the Denver Probate Court's Volunteer Mediators Program

The program has been **largely successful** this year, **75 percent** successful in fact, in resolving disputes within feuding families **thanks to the dedication and commitment of the probate court staff and largely to Gina Bata and the rest of the volunteer mediators.**

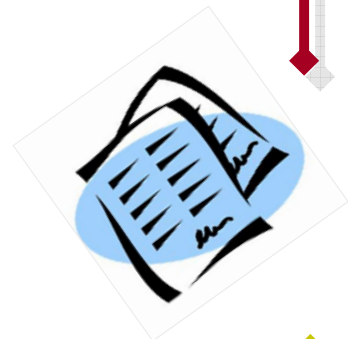
Volunteers are often from legal firms from around the Denver area but can be independent, either way, each of these volunteers has an interest in aiding families in dispute within the Denver Probate Court.

Before anyone can become a volunteer mediator though, they must first apply and then, through an evaluative process, be chosen to partake in the program. Once chosen, mediators are trained and then assigned in pairs as co-mediators to a case.

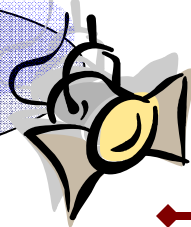


After a case is determined by the Honorable **Judge Jean Stewart** and **Beth Tomerlin** as an appropriate case for mediation, **Gina Bata**, the head volunteer mediation coordinator is contacted and asked to assign two volunteers to the case.

There are currently **23 volunteers** in the program and depending on their availability and areas of expertise, two mediators are chosen and an order is issued for mediation.



Employee Spotlight



Eric Dew

Eric Dew has been working within the judicial system for 4 years, as a clerk in the 2nd Judicial District Court and a paralegal in private practices. Though he only recently joined the Denver Probate Court two months ago, as a court judicial assistant, he's proven to be a valuable addition. Not only does he assist the public in any way he can at the Clerk's Office Counter, he is eager to assist his fellow staff with whatever task that needs to be done. And with the Denver Probate Court's caseload averaging 1750 active probate actions including 450 lodged wills, 250 deposited wills, over 600 trust registrations and close to 1100 new mental health cases, his help keeps operations running smoothly.



Title: Court Judicial Assistant

What do you do? I assist in citizen and court administration, assist the staff and manage the Clerk's Office Counter.

Happiness means something different to everyone, to you it means? Getting into mischief with the Missus.

When I'm not working, I'm..... It's family first. Then tinkering, reading and writing—maybe even hiking or camping.

What is the quality you most like in a person? Honesty, Sincerity, Honor.

Best gift you ever received? A lesson, from a stranger.

What's the most useless thing you ever bought? A multi-tool wrench. Good for 'dead weight' and that's about it.

Not many people know that I: Well, if I told you, then 'many people' would know, no?

Toughest thing about your job? – Patience-with myself and others.

Best memory at Denver Probate? I am reluctant to answer that question. I've not been with this court long enough to know what I'm talking about.

What would you do if won the lottery? Say 'Thank-you' to the Cosmos. Whatever else will have to wait for this event to come to pass.

What did you want to be when you grew up?

I still haven't found a 'calling.' Not yet, five years into a new career, and 20 plus years of family life-I just don't know right now.

What three individuals of historic or present would you like to have over for dinner? Benjamin Franklin, George W. Carver, and Thomas Edison.



Courtesy of poorwilliam.net

What is your greatest luxury? Family.

What is the craziest thing you would do for a million dollars?

Got a million dollars?! Let's find out, BUT... you have to come along.

Describe your perfect day: My perfect day...to witness dawn. To be constructively busy through the day, don't forget breakfast and lunch, witness dusk, supper with family and friends, then snuggle in the crib and snore the night away.



What three objects would you rescue from a burning house?

Family records, our daughter's treasures, and a change of clothes.

The Colorado Bar Association's New Appellate Pro Bono Program



The 9th floor at 1900 Grant Street is best known as the home of the Colorado Bar Association (CBA) but it is also, now residence to the new Appellate Pro Bono Program. The program started as a pilot program after a committee of various legal professionals decided it would be beneficial to indigent pro se parties to have access to legal representation if they decided to pursue an appeal.

Before the creation of this program, a party who lost part or all of their claim in a lower court decision may have not pursued an appeal because of their inability to pay a legal representative — even if they truly believed there was an error in the application of law, court misconduct, or found that a fact was entirely unreasonable to make on the evidence. Now, indigent parties can apply to the CBA for a free lawyer to represent their case in the Colorado Court of Appeals and the Colorado Supreme Court.

Not every person who wants to make an appeal can qualify for this program, however.

The original committee consisting of, **Judge Daniel Taubman, Judge David Richman**, from the Colorado Court of Appeals, and attorneys **Christinia Gomez, Jane Ebisch** and **Tony Viorst**, who all do work in appeals, have set a standard to qualify for the Appellate Pro Bono Program.

To qualify for the program the parties income must be below 125% of the federal poverty guidelines. The party's income and importance of legal issues is also considered by the committee and volunteer lawyers before a case is chosen for this program.

- It's also important to note that pro se litigants with civil cases pending in the Colorado Court of Appeals and Colorado Supreme Court are eligible for representation, unemployment compensation and prison inmate disciplinary appeals are excluded from the program.



More on the CBA's New Appellate Pro Bono Program

In deciding what cases will be entered into the program there is only one required factor, indigency, the other factors are discretionary and based on the review of substantive criteria such as, but not limited to

- Cases where arguments are supported by meritorious claims
- Cases concerning the vindication of significant constitutional or statutory rights
- Recurring issues that may otherwise evade review
- The number of appeals currently in the program
- The number of available volunteer lawyers.

The program will not only help pro se parties but also professionals in the legal community. The program aims to create a pool of volunteer attorneys with various areas of expertise, prior pro bono cases and significant appellate experience so that it may best match a case with the right attorney. Even law students from Colorado University and Denver Sturm College of Law, who will be supervised and collaborate with an experienced appellate practitioner, will participate in appellate pro bono cases as to gain valuable public service experience.



Seeing as the Appellate Pro Bono Program is partnered with the Metro Volunteer Lawyers, any services performed by volunteer lawyers within the program will be counted toward satisfaction of the Colorado Supreme Court's Pro Bono Recognition Program and be considered for continuing legal education credit.

*If you are interested in **volunteering** for the program or **are a pro se party** and think you qualify for, or just want to know more about applying for the CBA Appellate Pro Bono Program, please visit the Colorado Bar Association's website, www.cobar.org.*

The link to go directly to the CBA's Appellate Pro Bono Program is:
<http://www.cobar.org/index.cfm/ID/21607>





A Little Change in Plans:

Updated Policy on Parties wanting to Obtain a Hearing

The Denver Probate Court's new policy applies to parties wanting to obtain a hearing. All pro se parties and attorneys wanting to obtain a hearing must first call the docket phone line at:

- (720) 865-8349
- **On MONDAYS ONLY**
- **Any time between: 9:00 a.m. –12:00 p.m. ONLY**

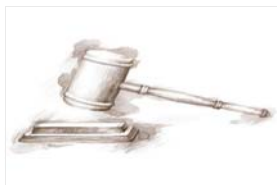
Also, **ONLY ATTORNEYS** wanting to set an **UNCONTESTED** Guardianship/ Conservatorship may set without calling first and must set the matter on any Friday (giving enough time for proper notice) between:

- **9:30am and 1:30pm, in Room 232.**

You will confirm the time by leaving a message at:

- **720-865-8349** along with:
 - the date
 - time
 - case number

FAILURE TO CONFIRM THE DATE AT THIS NUMBER MAY RESULT IN YOUR HEARING BEING VACATED!



If Your Party Requires an Interpreter:

If the parties require an interpreter, **counsel is responsible for ensuring that an interpreter is present** at the hearing. Counsel is also responsible for **informing the Court**, when they call to set the hearing, that an interpreter will be present at the hearing.

As a General Reminder:

Court employees cannot give legal advice, nor may they help you complete legal forms.

If, after looking over the forms, you still need help, the Denver Probate Court staffs a volunteer attorney office on:

- Mondays and Wednesdays
- 1:30 p.m. –3:30 p.m. on both days
- Room 230

It is a first come first serve basis and is only available to eligible persons.

Required forms for Conservators/Guardians can be found on the Denver Probate Court's Website Under "Court Forms," "Forms/Definitions," "Conservatorship/Guardianship."

For further questions please call the general Denver Probate Court line:
720-865-8310



New Faces, Auspicious Futures

Fall/Winter Interns 2010

Matthew Skotak

I am originally from Phoenix, AZ, attended undergrad at Gonzaga University in Spokane, WA, and have found the happy



medium between those two climates in Denver; which I hope to call my home for quite some time. I graduated from the University of Denver Sturm College of Law in May 2010, and passed the July bar exam.

I will be admitted to practice on October 25, 2010 and am looking forward to beginning a long and successful law career in Colorado. My interests are in estate planning, bankruptcy, and real estate law, with an emphasis on elder law issues. I would love to continue to help



Courtesy of Photos/fusionpanda(Flickr)

elder citizens who are struggling and in need of assistance, whether that be through legal services or volunteer work, and I ultimately would like to help reform nursing home and assisted living facilities costs and availability, so as to better meet the needs of our elderly.

Sharon Retz

I grew up in Steamboat Springs, Colorado. Desiring to stay in this beautiful state, I attended the University of Colorado at Boulder after high

school. There, I double majored in International Affairs and Political Science. During my undergraduate education I



worked as a personal care provider, assisting special needs clients. These eye opening experiences, and taking several law classes at CU, led me to believe I eventually wanted to pursue a career in law.

New Faces Continued

Needing a change of pace, I transitioned to a job with Nordstrom. There, I was promoted to various department manager positions. When I decided I was finally ready to return to school, I stepped down to pursue my legal education at the University of Denver, Sturm College of Law. May 2011 is my anticipated conferment date, and I plan to sit for the Colorado Bar Exam in July, 2011.

Sarah Lewis

I was born and grew up in Glenwood Springs, CO. After having grown up in a mountain valley town I realized the mountains were my home. I decided to stay in CO for my undergraduate schooling and attended Colorado State University at Fort Collins. I majored in Journalism and Digital Communications. After graduation I didn't hesitate to pursue my legal passion by searching for another internship in a legal office.

I've interned with the 9th Judicial District Attorney, a private practice attorney, specializing in family law, and now volunteer at the Denver Probate Court. I am awaiting the results of my LSAT and applying to law schools including the Denver University Sturm College of Law for the 2011 fall year. I am interested in helping families with estate planning and asset protection as well as criminal and environmental law and hope to soon be researching these areas, as well as many others in law school. When I'm not focused on law and applying for school I design web pages and enjoy all the wonderful outdoor activities the mountains have to offer.



SUMI LEE

Sumi Lee was raised in South Korea and Colorado Springs, although she has had her fair share of the east coast as well. She received a B.A. in English and Government from Georgetown University, during which she interned for Senator Ken Salazar and Congressman Mark Udall in their Washington, D.C. offices. She recently received her J.D. from New York Law School with coursework focused on trusts and estates and tax law.

New Faces Continued

SUMI was the Senior Editor of the school's Media Law and Policy Journal and completed externships at Kings County Surrogate's Court and Supreme Court. She is thrilled to be back in her home state and excited to begin a career in trusts and estates and probate practice in Colorado. She passed the July '10 New York Bar Exam. During her free time, she enjoys creative writing and film production and recently completed her first indie feature film in Utah, which is currently in consideration at Sundance.

Molly Caldwell

Molly was born and raised in Littleton, Colorado. After attending Tulane University in New Orleans for her undergraduate degree, she returned to Colorado for law school at the University of Denver. Molly is currently in her second year of law school and is interested in pursuing probate work after she graduates in May 2012.



8	1					6	5	
		3	1		9	7		
				6				
3				1			9	
			8	3	7			
1				5			7	
				2				
		7	4		8	3		
4	5						9	6



The following are the legal holidays for **calendar year 2010**:

Thursday, November 11th	Veteran's Day
Thursday, November 25th	Thanksgiving Day
Friday, December 24th	Christmas Eve
(In observance of Dec. 25th)	
Friday, December 31,	New Years Eve
(In observance of Jan. 1 2011)	

**Denver Probate Court
Contact Information**

Judge's Division	x8310
Magistrate's Division	x8310
General Information	x8310
Clerk of Court	x8389
Registrar	x8312

 **LexisNexis®** *File & Serve* Customer Support available 24 hours a day 7 days a week

Law Firm & Attorneys Customer Support: **1-888-529-7587**
File & Serve Accounting Department: **1-800-227-9597 X 56349**
 To schedule *File & Serve* training call the Law Firm Training Specialist:
 Elise Herding at 720-982-8395 or elise.herding@lexisnexis.com

Denver Probate Court Staff

C. Jean Stewart	Presiding Judge	Melissa Barnes	Specialist
Ruben Hernandez	Magistrate	Eric Dew	CJA
Lee Cole	District Administrator/Clerk of Court	Cheryl Langren	CJA
Jennifer Shaler	Law Clerk		
Linda Riggle	Registrar		
Sarah Solano	Specialist		
Beth Tomerlin	Protective Proceedings Facilitator		
Natalie Williams	Administrative Specialist		

Published quarterly
 1437 Bannock St. Rm 230 Denver, CO 80202
www.denverprobatecourt.org

[Return to Top](#)