Welcome to the 5-0

Celebrating Our 50-Year Practitioners

BY MARJORIE NANIAN

These profiles are part of a series celebrating CBA members who are in their 50th year of practicing law. Many thanks to CBA member Marjorie Nanian for volunteering to write this series to help us showcase the experiences of these valued members of the Colorado legal community.

James G. Benjamin

License Date: June 15, 1976

Colorado is one of the top five states known for fly-fishing, and semi-retired attorney James Benjamin of Franktown is an enthusiast. In fact, he's involved in Project Healing Waters, where he volunteers as a fly-fishing guide for veterans and soldiers with disabilities, including post-traumatic stress disorder (PTSD), on the Middle Fork of the South Platte River. He has done this for the past 15 years, along with fellow colleagues from the bar, including Mark Fogg, former CBA and DBA president; James Fogg, past president of the DBA YLD; Richard Caschette, retired district court judge; Thomas Kresl, partner at Kresl Law Group; and Bill Ritter, former Colorado governor and Denver district attorney.

Benjamin is a firm believer in the therapeutic impact of fly-fishing. He recalls the time he took a female veteran with severe PTSD—who was nonverbal—out on the river. As soon as her line hit the river, a fish took her fly, and suddenly the veteran began talking nonstop!

The future lawyer was born and lived in Washington, D.C., until he was 8, but his family relocated to Los Angeles after his father was transferred there by the Federal Bureau of Investigation. As a special agent, his father, Gilbert Giddings Benjamin Jr., was involved in several high-profile investigations, including the Patty Hearst kidnapping, the Frank Sinatra Jr. kidnapping, the Robert F. Kennedy assassination (exercising the search warrant on Sirhan Sirhan's apartment), and Martin Luther King Jr.'s assassination (identifying the fingerprint of James Earl Ray on the rifle used).

Needless to say, Benjamin's father was his greatest hero. But it was actually his attorney uncle, William Atha Mason of Rifle, Colorado, who inspired him to become a lawyer. Benjamin spent his summers fishing and winters skiing with his uncle. It was assumed that Benjamin would take over his uncle's law practice one day. But fate intervened, and during Benjamin's second year at Loyola Law School in Los Angeles, his uncle died, and his aunt sold the practice.

While in law school, Benjamin worked full-time at a national bank, first as an operation officer and then as a loan officer and branch manager. Eventually, he was moved into the bank's in-house legal department. "Back then, the term 'paralegal' was unknown, but that's what I did," he explains. "The bank obtained a special certification in which I could work as an apprentice/certified law student under the supervision of an attorney." The bank also helped pay for Benjamin's law classes.

In 1977, Benjamin decided to move to Colorado. Before he left, however, he celebrated one last day in California—surfing in Malibu in the morning, horseback riding in the town where *Gunsmoke* was filmed in the afternoon, and hitting the slopes in the evening.

In Colorado, to establish residency for the bar exam, he bought a condominium in Telluride for $16,000, steps away from the primary ski lift. After passing the bar, he joined the Denver litigation firm of Towey and Zak, where he handled a wide range of matters (though, as Benjamin recalls, his salary was half of what he had earned in California as a paralegal!).

Despite the modest pay, the job proved life changing. While handling the only divorce case of his career, he met his future wife, Isabell, then a legal secretary for opposing counsel.

After five years, Benjamin moved to another firm and developed his specialty in real estate law. Today, he serves as an expert witness in complex real estate actions and in attorney malpractice cases. His firm, Ireland Stapleton Pryor and Pascoe, is celebrating its 100th anniversary just as Benjamin reaches his 50th year of practicing law.

Over his half-century of practice, Benjamin has witnessed a sweeping evolution in technology. He began with teletypes, Dictaphones, and IBM typewriters, then adapted to digital typewriters and fax machines, and now works in an era defined by the internet and artificial intelligence. With each advancement came an expectation of ever-faster responses. When correspondence relied on the postal service, replies were not expected for several days. Fax machines shortened that window to about a day. Today, with email, the expectation is often immediate.

Benjamin misses the personal aspects of law, though many of his older clients still prefer to meet face-to-face. When he was the chair of the CBA Real Estate Section, there was a lot of personal interaction with fellow attorneys at symposiums. "Putting together a deal was more pleasant, personal, and efficient—and less adversarial—when working with opposing counsel you had met and spoken with at a symposium, rather than in a faceless exchange," Benjamin recalls. "Today, the practice of law is missing how enjoyable it is that the opposing party is someone you know."

As an attorney, Benjamin describes his service as DBA president as one of the most fulfilling chapters of his career. "I met so many people who exemplified why we became attorneys—providing pro bono services simply because it was the right thing to do, serving the broader community, and working to elevate the practice of law." In hindsight, he wishes he had continued that mission by pursuing the role of CBA president.

His advice to aspiring attorneys is to enter the profession to help others, not for financial gain. Law is an honorable profession where true fulfillment comes from making a difference in people's lives.

Michael S. Burg

License Date: May 17, 1976

Michael Burg fights with words and determination. This has been a long and slow evolution from the frightened elementary boy who was bullied into giving up his lunch money to three upper-class students. The feeling of powerlessness has never left the young Jewish boy from the south side of Chicago.

The idea of becoming a trial lawyer took root at age 13, when he read *Clarence Darrow for the Defense*, by Irving Stone. Darrow, a powerful orator, famously defended a Tennessee educator in 1925 for teaching evolution in a public school—an act that was against the law—in what became known as the Scopes Monkey Trial. Decades later, in a full-circle moment, Burg would accept the Clarence Darrow Award at the 2013 Mass Torts Made Perfect Conference.

But first, the young Burg would need to learn how to become a lawyer. That journey began when he stepped off a plane in Colorado to tour colleges with his mother. It was February, 65 degrees, and overhead were the bluest skies that the young Burg had ever seen. Such a contrast to Chicago's gray skies. This sealed the deal for Burg, and he decided to make Denver his home. He attended the University of Denver for both his undergraduate and law school degrees, graduating from the DU Sturm College of Law in 1975.

But Burg's path into the legal profession was not paved with gold. There were many obstacles for Burg to overcome, beginning with his first job out of law school. He was working for a Denver law firm and, after one year, he was assigned to the trial team headed by a Harvard University graduate. The senior lawyer informed Burg that he would never let him try cases and he would have to carry the Harvard lawyer's briefcase for the next five years. This was very unappealing to the ambitious Burg, so he found a new job.

His starting salary was $11,200 per year in his new position; however, there was a catch: he had to pass the bar exam. Unfortunately, Burg failed the exam, which meant he would have to retake it—and take a pay cut at the firm. This created issues for Burg, but the firm would not relent, and Burg was ultimately fired.

Though discouraged, Burg refused to quit. He ultimately passed the bar and opened his own firm, taking on whatever cases he could. He also served as an adjunct professor at Metro State College, teaching paralegal courses.

It takes a long time to build a law practice, and in the meantime, Burg decided to try his hand as a stand-up comic. He began in Denver, performing a two-minute routine, and then a five-minute routine. "Doing stand-up was fun, but challenging," states Burg. "It taught me about communication and timing, which I use as a trial attorney." For example, during a jury trial in Steamboat Springs for a gas explosion case (the downtown was evacuated and the courthouse had to be relocated to the airport), he asked the jurors, during voir dire, how many of them were nervous. They all raised their hands. He then replied that he was too, because this was his first trial—in an airport!

Burg also tried his hand at acting. He took classes from Kathy Christopher and appeared in a commercial with her for Kansas State Bank and Trust. "Learning about acting and comedy made me a better trial attorney," says Burg. Later on, his acting coach asked Burg to handle her divorce, and many years later, they were married and have now been together for 38 years.

Early on, Michael's brother, Peter, joined the firm, and together—with Scott Eldredge—they built a successful practice that laid the groundwork for the firm as it exists today. A framed drawing on Burg's office wall captures a piece of that history. Michael represented members of the Little Rascals from the television series *Our Gang*. One of the original clients, Gordon Lee—best known as "Porky"—was represented by Eldredge, one of the firm's founding shareholders. Burg and Eldredge later teamed up to represent the Little Rascals in a lawsuit over the unauthorized use of their likenesses in a cartoon, for which they had received no compensation. During the case, they deposed cartoonist Bob Singer, and as a result, Michael, Peter, and Scott each received autographed drawings of Yogi Bear and other well-known characters created by Singer.

Ultimately, both Michael and Peter were joined at the firm by their sons, Stephen and Jake Burg, who are now crucial members of the firm's leadership team. The Burgs were also joined in 2000 by former Senator Alan K. Simpson of Simpson Kepler and Edwards in Cody, Wyoming. He, along with his sons,

Colin and Bill, agreed to merge with the firm, which then became what is now known as Burg Simpson. Over the next 25 years, the firm expanded to over 170 employees with offices in five states: Arizona, Colorado, Florida, Ohio, and Wyoming.

One of the biggest cases handled by Burg Simpson came from Burg's oldest son, Scott, who worked for Pursuit Partners, a Connecticut-based hedge fund. This was an eight-year-long case involving UBS, the largest investment bank in the world, and the ratings agency Moody's. It was a David versus Goliath fight. The case was settled in 2015, after a jury had been selected but before the trial started.

Burg has also been a leader in the area of mass torts. He was appointed to various leadership positions by federal court judges across the country, including to the plaintiff's steering committee in the Zyprexa litigation, by Judge Jack Weinstein from the Eastern District of New York; co-lead counsel in the Ortho-Evra litigation by Judge David A. Katz from the Northern District of Ohio; and co-lead counsel in the Yaz/Yasmin litigation by Judge David Herndon in the Southern District of Illinois. As a result of Burg's work, and his team of mass tort attorneys led by Seth Katz, the firm is now one of the leading mass tort firms in the country.

In 2014, Burg was appointed by the chief justice of the Colorado Supreme Court, the Colorado attorney general, and then-Colorado Governor John Hickenlooper to serve a six-year term on the Colorado Supreme Court Nominating Commission. Subsequently, he was appointed by Senator John Hickenlooper and Senator Michael Bennet to the Colorado Federal Court Nominating Commission to select federal court judicial candidates to forward to President Joe Biden.

There are many more cases depicted in Burg's book, *Trial by Fire*, written by him and Josh Young. It allows you to vicariously live the life of a trial lawyer. In the front of the book, Burg dedicates the book to his parents and quotes his father, Sydney: "Don't chase the money. Be the best lawyer and the money will follow." Burg has lived by this advice ever since!

Darryl L. Farrington

License Date: May 17, 1976

Before attending law school at the University of Colorado, Darryl Farrington was a linguist for the Army Security Agency. He spent 47 weeks at the language school in El Paso mastering Vietnamese, and in June 1966, he was deployed to Vietnam, where he worked on a

cryptography unit helping to break North Vietnamese military codes.

After four years in the Army, the future lawyer got married and finished his college education at Colorado State University, earning a degree in political science. His aspiration was to become a college professor, but his college adviser suggested that he consider law school because academia positions were hard to come by at the time. He applied and was accepted to several law schools but selected CU because his wife had a job that would allow her to be based in Boulder.

His first job, post law school, was in Fort Collins. The firm had a diverse practice, including representing Larimer County agencies. Farrington gained valuable experience in real estate, water law, and even criminal law. After about three years, he joined a partnership with two other Fort Collins attorneys, where he engaged in a general law practice. While in Fort Collins, his first marriage came to an end, and he met his current wife, who was working as a legal secretary.

Despite his Fort Collins practice, Farrington began to consider relocating to Denver to be closer to his son, who had moved there with Farrington's ex-wife. Through a contact, he learned of an opening in Banta, Hoyt, Malone, and Banta, an Englewood-based firm that represented numerous governmental entities in the south part of the Denver metro area. He was hired as an associate and moved to Denver in 1981. That was the beginning of his focus on what would become the three major areas of emphasis in his career: general school law, disability law, and special districts. He became a partner in the firm in 1984 and remained a partner in what was to become Banta, Hoyt, Everall and Farrington, until 2000, when he transferred his practice to his current firm.

Fast forward to today, where the Colorado native practices with Semple, Farrington, Everall and Case in Denver. His specialty is representing school districts, serving as general counsel for more than 30 school districts and boards of cooperative educational services around the state. He also maintains a smaller practice representing special districts. "School districts are a lot like little cities," comments the 50-year practitioner. "In addition to the various legal issues that arise from the mission of educating kids, primarily discipline and disability-related issues, there's a lot of real estate, construction, and employment law involved." He chuckles, adding, "Personnel is 80% of the budget and 80% of the problems."

Over his long career, Farrington has seen many changes in the practice of law. One of the biggest has been a shift from relying on support staff to produce much of the work product to having attorneys handle that work themselves. "It's been decades since I held a Dictaphone," he recalls. "Once word processing got to a certain level, I could type my own documents. I was lucky to be a good typist—I took a typing class in high school and did a lot of typing in the Army."

Another improvement has been the ability to hold meetings via videoconferencing. "Google Meet and similar platforms have revolutionized my law practice," comments the attorney. "Now, I don't have to drive to meetings on the Western Slope or the Eastern Plains."

It's no surprise that technology is changing the practice. Farrington references the speed of legal research thanks to artificial intelligence. "The level of sophistication will only increase with time."

Farrington is grateful to a handful of attorneys who served as important mentors in his career, but said if he had to pick one person whose impact was most significant it would probably be Richard L. Banta, who was once referred to by a fellow member of the Arapahoe County Bar Association as "The Law South of Hampden." "When Banta retired in 1987, I inherited a fair number of his clients, and I still have them today, but that wasn't the most important benefit I received from him. It was under his tutelage that I learned how to be a lawyer for public entities, and to this day I still regularly apply principles that he taught me."

Farrington notes that one of his greatest pleasures has been the opportunity to take his turn at mentoring younger lawyers and see them achieve excellence and prominence in the profession. His advice to young attorneys is to address legal issues with the mindset that you will be able to figure out how the client can accomplish their goals. "The law isn't a Volkswagen engine; there isn't just one way to fix things. It's much more fluid."

The 78-year-old likes true stories made into movies. When asked to name a favorite courtroom drama, he offered *Inherit the Wind*, starring Spencer Tracy, made in 1960 and later remade in 1999. It was based on the Scopes Monkey Trial of 1925, regarding a fight between science and religion involving the right to teach evolution in schools. "Many of the courtroom arguments in the movie were taken directly from the trial transcript," says Farrington.

When asked to name his proudest achievement as a lawyer, he says it is the privilege of working with amazingly skilled and dedicated colleagues in the firm, and the honor of serving the board members and administrators of the school districts and special districts boards that have remained his clients for so long.

John S. Finn

License Date: May 17, 1976

A college aptitude and personality test gave John Finn two career paths: funeral director or lawyer. Finn thought that law was a better choice.

Born and raised in upstate New York in Schenectady—known as the "Electric City" for its history with General Electric—Finn went on to attend Pennsylvania's Lehigh University, a school that benefited from the generosity of late auto executive Lee Iacocca. After graduating with a degree in government, he was accepted into the University of Denver's law school in 1973.

It was there, in his federal jurisdiction class, that Finn met the man who would inspire his legal career: Judge William Doyle of the US Court of Appeals for the Tenth Circuit. "The late judge was smart and friendly," he recalls. "I would see him at the YMCA, and he would know my name!"

During his first year of law school, Finn began clerking for Nelson and Harding. An early project involved the Employee Retirement Income Security Act of 1974 (ERISA), which set minimum standards for private-sector

retirement and health plans. One of the firm's tax attorneys dropped off a huge file on the new law clerk's desk and told him to summarize ERISA. He then became the go-to person for questions about ERISA. But Finn didn't want to spend his life doing pension plans, so he decided on a career in commercial litigation. In 1989, he moved to Stettner, Miller and Cohn and practiced there for 25 years.

Through the years, Finn developed a specialty in construction law and provided representation to construction companies on projects throughout Colorado. Now in semi-retirement, Finn serves as a mediator on Dispute Review Board (DRB) panels for Colorado Department of Transportation (CDOT) projects. DRB is an independent panel of experts used to resolve contract disputes on construction projects before they escalate to claims.

Finn recalls a memorable site condition case involving a house that was buried under Highway 85 in Northern Colorado. Once discovered, the house had to be dug out, at additional expense, before CDOT could construct an intersection on the same spot.

Reflecting on his years as a litigator, Finn says he found that judges and juries weren't well-suited to understand complex construction cases. Instead, he found that mediation and arbitration—utilizing special personnel—were more equipped to handle these cases.

The senior attorney thinks the biggest change in the past 50 years is the exponential increase in discovery and document production. "This has made litigation more expensive. Too many attorneys are driven by a client's desires for a strong advocate, rather than a business adviser, and therefore they bill a lot of hours in pointless discovery."

Finn stresses the importance of understanding clients' businesses and their priorities. Above all, though, it's crucial to know when to fight and when not to fight. His advice to young attorneys is to find a niche that suits their strengths and to develop real expertise. "Trying to do every area of law is very difficult," he says.

Finn's daughter, Caitlin, followed in Finn's footsteps and became a lawyer. She presently works for a philanthropic organization that supports community-based groups working to strengthen families through grants, investment in start-ups, and policy work. His other daughter, Erin, is an endocrinologist at the University of Colorado Hospital and Children's Hospital Colorado.

Finn has since retired from full-time practice, after a health scare. He has become involved in other projects, such as conducting scholarship practice interviews with students at Arrupe Jesuit High School in Denver. "It gives me faith in our younger generation," he says. "These kids work for businesses to gain real-world experience and earn part of their tuition in this private school." A large percentage are the first in their families to graduate from high school, and nearly all of the students go on to college.

Another bucket list adventure he took part in was a National Geographic Around the World Tour. Alongside his wife, Sarah, he visited 12 World Heritage Sites. "The tour included three NGO lectures on people and places. One of the lecturers was the original female photographer for *National Geographic*."

Experiences like these gave Finn a broader perspective on both his career and his life. "My greatest disappointment as a lawyer was realizing that I couldn't fix everything," concludes Finn. "But, besides that, I have enjoyed the journey and found it very fulfilling."

Mark J. Fischer

License Date: May 17, 1976

Imagine you're in college, home for break, and you go to a local park for a game of pickup basketball, only to be beat by a 6′1″ eighth grader named Earvin Johnson. This is what happened to Mark Fischer in his hometown of Lansing, Michigan. Fischer lost to the future "Magic Johnson," who would later play for Michigan State University and for the NBA as the point guard for the Los Angeles Lakers.

Realizing that his prospects as a professional basketball player were slim, Fischer set his sights on a law career. He found the story of Justice Thurgood Marshall to be inspirational and applied to the University of Denver Sturm College of Law. After receiving a high draft number (325) for the Vietnam War, Fischer was free to move to Denver, where his sister was a teacher. He worked for a year for a Denver construction company before beginning his legal studies.

After graduation, Fischer did not return to Michigan to work for his attorney father. Instead, he stayed in Colorado and worked for Carl Feldman in a satellite office in Hayden for five years. He also served as an associate municipal judge in Hayden. Eventually, the new lawyer went out on his own and is presently a general practitioner in Steamboat Springs.

The 50-year practitioner believes that his greatest success was starting a nonprofit assisted living facility in Hayden—a facility that's still operational today. "This venture utilized all my legal experience," declares Fischer. "I used my law license and education for the public good."

His secretary disagrees that this venture was his greatest achievement. She points to his actions last year, when he represented two residents of a local senior living center. Casey's Pond was in receivership because it was unable to pay off its bonds used to construct the facility. The residents were ordered to move. In a letter to the facility, the court receiver, the state ombudsman, and the Colorado Department of Public Health, Fischer argued that the rights of the residents were superior to the bondholders. He stated that the nursing home and assisted living facility must transfer the residents to an equivalent facility and not discharge them to the care of their families or to a lesser service-providing facility. This supported local donors by pressuring the bondholders to settle for far less than full value and save the facility. Today, Casey's Pond is thriving and has a waiting list.

Other accomplishments that the avid golfer is proud of include serving on a city committee to build the highly rated Haymaker Golf Course for $3.5 million, and serving as president of the board of directors of the Steamboat Symphony Orchestra, started by his wife, Mary Beth Norris. Not only did this create a forum for her to play her flute, but it served as an inspiration for the flute and violin students in Routt County. Fischer plays piano, guitar, and harmonica—but not in the symphony.

Looking back on his 50 years of practicing law, Fischer is amazed at the computerization of law. "You can now run a law practice off of your phone!" He has also noticed a lack of respect for the judiciary. "There are more frivolous and groundless arguments, in addition to AI-generated appellate briefs."

"The legal system is the last stand of democracy," declares the senior attorney. "But the future of law is going to look different from Hollywood courtroom dramas. Far fewer people will go in front of a judge. The courtroom will become impersonal because many judges prefer Webex due to security issues."

Having grown up in Michigan, it's no surprise that one of Fischer's favorite books is *Anatomy of a Murder*, by Robert Traver, the pen name for Michigan Supreme Court Justice John D. Voelker. The story is based on a real-life murder case that Voelker defended earlier in his career and was later made into a 1959 movie starring Jimmy Stewart. The success of the movie enabled Voelker to retire from the bench.

Rick M. Foster Jr.

License Date: June 15, 1976

How many attorneys can claim that they went on a double date with a soon-to-be president's daughter? Rick Foster Jr. can. When he was at Williams College in Massachusetts, he and his girlfriend once double-dated with President Richard Nixon's daughter, Julie, and her boyfriend, David Eisenhower, the grandson of President Dwight D. Eisenhower.

There was little contact with celebrities after that, as Foster was recruited by the Navy Reserve during his junior year of college to attend officer training school (OCS). Following two summers at OCS in Newport, Rhode Island, he was commissioned and assigned to a highly decorated World War II-era naval destroyer. He served in the engineering department. The ship's principal assignment was to train civilian reservists on their periodic active duty training obligation. In 1972, Foster faced the choice of "re-upping" for three years or leaving the Navy and applying to law school. He chose law school.

Ironically, during his first year at George Washington Law School, Foster found himself seated next to David Eisenhower and two presumed Secret Service agents.

He later transferred to the University of Virginia Law School, where he obtained his law degree. He was admitted to the Virginia bar and joined another lawyer in starting a nonprofit law organization that relied on federal grants to provide legal services to school children with special needs. In 1979, Foster and his wife moved to Colorado so she could complete a post-doctoral program in Denver.

Foster became an associate at a water law firm in Boulder, but after five years, he joined the firm of Cockrell, Quinn and Creighton in Denver, where he met his mentor and inspiration, the late Victor C. Quinn. Quinn meant so much to Foster that he kept the April 2021 issue of *Colorado Lawyer* with Quinn's obituary and brought it to the interview.

The former trial attorney has three pieces of advice for new lawyers: First, get to know other attorneys, including opposing counsel, by attending social events. Second, stay active in bar associations, especially through pro bono work, which is another excellent way to connect with fellow lawyers. And third, after you finish drafting a brief, put it aside for 24 hours. Then take out all the adjectives, leaving just the argument. Then file it.

Since retiring, the 50-year practitioner has had both the time and the means to pursue a passion first sparked in college—to see all 34 known paintings by Johannes Vermeer, the Dutch painter known for such iconic works as *Girl With a Pearl Earring*. Joining him on this journey was his second wife, Julie Waggener, who was previously featured in this 50-year series. Foster traces his inspiration for these visits to a college art history professor—a former Monuments Man who helped recover artworks stolen by the Nazis in World War II. He completed his quest in September 2023, when he viewed his final paining, *The Music Lesson*, at Buckingham Palace in London.

Foster has also renewed his childhood musical interest by playing piano again. He recalls that when he was in high school, he and 11 other classmates appeared as a singing group in the TV variety show *The Original Amateur Hour* (hosted by Ted Mack from 1948 to 1970). The group also performed at the 1964–65 New York World's Fair.

The attorney also enjoys watching movies with his wife. Two of his favorite comedies are *Legally Blond* (2001), starring Reese Witherspoon, and *My Cousin Vinny* (1992), starring Joe Pesci and Fred Gwynne (perhaps best known for his role as Herman Munster). "Both are hilarious and almost too outrageous to believe," laughs Foster.

Timothy R. Gablehouse

License Date: May 17, 1976

"We live in a complex society," says Timothy R. Gablehouse. "And a law degree hopefully gives us a level of competency in managing it." Gablehouse developed his level of competency in environmental law.

The Boulder native obtained his undergraduate degree in environmental biology from the University of Colorado, where he also did field work on environmental impact studies. He obtained both his master's in business administration and his JD from the University of Denver.

Gablehouse's first job as an attorney was working for a water law firm in Colorado Springs. "Water has been a source of conflict and progress throughout Colorado's history," says Gablehouse. "And that has not stopped, as is reported daily."

Today, Gablehouse's practice consists of environmental cleanup projects, redevelopment of brownfields, general environmental matters, work for the United Nations environmental program on chemical accident preparedness, and service on the Colorado Emergency Planning Commission. "I've been fortunate to have great partners and a wife of 53 years who tolerate the time I spend on these commitments."

Looking back, Gablehouse has seen a lot of changes in the mechanics of practicing law in the past 50 years. "The biggest change has been in the tools of the practice. We've gone from fax machines to email and electronic meetings. There used to be boxes and boxes of paper—technical reports and the like—and

now those materials are on a hard drive and searchable. It's a huge improvement from programmable typewriters!"

As an environmental lawyer, Gablehouse's biggest disappointment is seeing political leaders undo decades of progress in environmental protection. Lapses in enforcing clean air and water requirements, for example, allow contamination to degrade people's lives and the environment. He says that cleaning up the environment is much more expensive than preventing contamination in the first place.

Gablehouse's greatest inspiration was the late Jim Makris, who worked for the Environmental Protection Agency. "Regardless of the presidential administration, Makris was focused on preventing chemical accidents and generally improving the quality of life for all. He believed in making changes through education, awareness, and cooperative efforts." Gablehouse got to know Makris while working on the Emergency Planning and Community Right-to-Know Act. Recognizing that preparedness for accidents was first a local proposition, the law's intent was to give communities more information and a greater voice in how their communities plan for chemical emergencies.

With his focus on environmental law and cleanup, you would think that Gablehouse's favorite movie would be *A Civil Action*, the 1998 movie starring John Travolta as an attorney involved in an environmental lawsuit regarding contaminated water. But instead, he prefers *The Pelican Brief*, the 1993 legal thriller involving a law student who wrote a brief about the assassination of two Supreme Court justices, because it reminds him that the temptation of the powerful to subvert the rule of law is a possibility that the profession must guard against.

Don D. Jacobson

License Date: May 17, 1976

Don Jacobson knew he wanted to be an attorney when he was 10 years old. His older cousin's announcement that he was going to become an attorney was the deal clencher for the young Jacobson. He grew up watching the original *Perry Mason* television series starring Raymond Burr as the defense attorney, and resumed watching it for good luck as he studied for the bar exam.

After winning a state speaking event as a high school senior, Jacobson received a debate scholarship to the University of Denver and after two years transferred to the University of Texas, graduating with a major in government in 1970. He returned to the University of Denver for law school so he could take classes at night and work during the day. While in law school, he worked at a hotel for his first year, then worked in the Denver Probate Court as a file clerk, and later clerked for an insurance defense firm. After graduating in 1975, he joined another insurance defense firm.

In 2000, Jacobson and his wife moved to Israel while she worked on her doctorate in second language acquisition. Jacobson took the Israeli bar exam and began a required internship, but the couple returned to the United States in 2001 because of unrest and poor economic outlook during the Second Intifada.

Jacobson says his greatest achievements as a trial lawyer were the cases where he protected people—especially cases that he won when nobody thought it was possible. One such case was a malpractice lawsuit that he defended, where opposing counsel remarked afterward that going up against Jacobson had been the best weight loss program he'd ever been on!

Jacobson doesn't try cases anymore but instead has switched to probate work, including writing briefs, motions, and contracts, as well as participating in negotiation and arbitration.

Expressing one of his frustrations with the current practice of law, Jacobson says, "Courts are burdened by administrative needs and their lack of resources. Judges are overwhelmed and don't have the staff they need." He continues, "In my first 15 years of practice, every courtroom had a bailiff, a court clerk, a reporter, and one or two law clerks." He says that this type of support staff has now disappeared, while the caseload has increased dramatically.

One of the biggest changes Jacobson has noticed is the introduction of artificial intelligence. "If you phrase the question right, it's faster than researching the law in books. Chat GPT is a starting point for research, but it needs to be vetted, hopefully by a law clerk." He remembers his law school days, when he had to take a course on how to use the law library, and occasionally misses the old approach to research. "Sometimes when you're leafing through a book, looking for a case, you find something else that can help you now or later."

Inspired by a program originally sponsored by the Denver Bar Association where people could call in for legal advice, Jacobson has started a nonprofit called Call A Lawyer that allows the public to consult with a lawyer for free. Both sides are anonymous, and the lawyer taking the call is not available to be hired by the caller.

The 50-year practitioner concludes that he has been able to do most of the things he wanted to do in his trial practice and looks forward to the next stage of his career: running Call A Lawyer.

Joel S. Judd

License Date: May 17, 1976

After obtaining an economics degree from New College, a small, private college in Sarasota, Florida, Joel Judd applied to both graduate and law schools. Inspired by two best-selling novels, Erle Stanley Gardner's *Perry Mason* (later made into a television series starring Raymond Burr as the always victorious defense attorney) and Richard Powell's *The Philadelphian* (made into a 1959 movie starring Paul Newman and Robert Vaughn), Judd chose law school. A Colorado native, he attended the University of Denver law school, which at the time was located downtown, across from the City and County Building. Interestingly, Judd played a photo double of Alan Rachins in the TV movie *The Case of the Silenced Singer*, which was filmed in the City and County Building in the 1980s.

During his last year at DU, Judd clerked downtown for Hal Feder, a top local trial attorney. While on a dinner date one Saturday

night, Judd was surprised when Feder stopped by the table to tell him that the bar exam results had been posted that morning, and that Judd had passed. Feder hired Judd as a lawyer at $1,000 a month.

A year later, Judd went to work for a suburban firm. His boss, Woon Ki Lau, introduced him to immigration law. A client, Tommy Wong's Island Restaurant, accepted periodic immigration raids as a cost of doing business. But one day a raid continued to a house across the street, rousting Tommy's elderly mother. Tommy sprang into action. They tackled him, and his mother dove into the pile. Following the scuffle, Wong was apprehended and detained, but the US attorney had him released. Wong was furious and wanted to sue. Judd filed the lawsuit, winning a preliminary injunction at the beginning of the case, thus preventing more raids as the suit progressed.

After five years, Judd dropped the complexities of immigration law when he opened his own law office near downtown Denver. His current practice focuses on assisting family businesses.

In 2002, Judd dipped his toe into politics and was elected to the Colorado House of Representatives as a Democrat, representing House District 5, which encompassed downtown Denver. He was reelected in 2004, 2006, and 2008; term limits prevented him from serving longer. He then ran for the Colorado Senate in the 34th district but lost in the Democratic primary to an incumbent.

Reflecting on his 50 years of practice, Judd remembers when the fax machine came into law offices, creating client expectations that attorneys would respond instantly to their questions. "Whether it's a fax or an email," says Judd, "that expectation hasn't changed."

He also remembers a dress code requiring a coat and tie every day. "Client presentation mattered." To look older, Judd grew a beard.

Early on, a building's law library was almost essential to the practice, but now those days are gone. In the 1990s, he remembers a friend buying a building with a law library. Judd told him technology meant that tenants no longer needed a library. The friend was able to lease out the former library space, cutting costs and increasing revenue.

Judd's advice for would-be lawyers is this: "Give it a try. Work in a law office but find a way to release stress and tension."

Patricia Jo Stone

License Date: May 17, 1976

Patricia Jo Stone doesn't believe that she had a great achievement as a lawyer, yet she successfully litigated breast implant and intrauterine device cases, to the point that neither of the products involved in the lawsuits are on the market today. "I want to empower people who are discouraged, injured, or sick," she says.

A solo practitioner in Parker, Stone handled these cases because she wanted to make a difference and help women who had been victimized by the pharmaceutical industry.

Riding on this success, Stone wrote a novel in 2022 called *Murder by Another Name*. It is a cumulation of events and experiences litigating product liability lawsuits. The book deals with polyurethane-coated breast implants that cause liver cancer. In this fictional story, key witnesses to the litigation are killed, beginning with an explosion that eliminates the sales representative for the implant manufacturer and injures the plastic surgeon who inserts them.

A Colorado native, Stone grew up in Bovina, which was an important water stop for cattle drives in the late 1800s. Her grandfather had established a homestead north of Vona, which was 40 miles away.

She attended the University of Colorado Boulder for all three of her degrees: a bachelor's in English, a master's in English literature, and a Juris Doctor. Her decision to become a lawyer happened later in life. She and her husband, James, had set up childcare centers called the Gingerbread House and were spending a fortune on lawyers. So, Stone decided to register her husband to take the LSAT. He didn't want to do it, however, and suggested that she should go to law school instead. So, she did.

Stone was pregnant with her fourth child when she sat for the exam and later received an acceptance letter from CU while in the hospital after giving birth.

Stone admits that she wouldn't have been able to attend law school without support from her spouse and his mother, who lived with them. "My late mother-in-law, Lois Stone, was my greatest inspiration," reflects the 50-year practitioner. "She spent most of her life in a wheelchair as a victim of polio. She inspired my children and dedicated her life to raising them."

Upon graduation from law school, Stone accepted a job offer at the firm she clerked for, Law, Nagel and Clark, doing insurance defense work. After eight years, Stone left in 1983 and set up her own practice. For the past 25 years, she has focused her practice on estate planning. This field has changed, she says, shaped in part by privacy regulations like HIPAA (the Health Insurance Portability and Accountability Act) and by the increasing use of sophisticated estate planning strategies recognized by the Internal Revenue Service. These strategies often involve multiple coordinated trusts designed to support multigenerational wealth preservation, asset protection, and tax-efficient planning.

"Trusts are a creative process," explains Stone. "I find that the laws in Colorado are conducive to an estate practice, and I make it a point that my trusts will be valid in every state."

Although none of her four children followed in her footsteps, her musical grandson, Anthony, works for his grandmother.

For anyone thinking about a legal career, Stone advises them to think it over and make sure that they love people. "Law is about making life easier for people, and you can't do that if you don't care about them!"

Frank W. Visciano

License Date: May 17, 1976

Frank Visciano is known among some as Frank *Vicious* because of his passion and determination as a complex commercial litigator.

The grandchild of Italian immigrants, he grew up in Brooklyn, New York, and grew up helping out around his father's spring shop. "My dad was my greatest inspiration. He suggested that I become a professional, so I did."

In high school, a teacher suggested that Visciano pursue law because he was a good writer. Following that advice, he began his legal journey by attending Brooklyn College, majoring in political science and sociology. He then married his high school sweetheart, Lori, before attending New York University Law School. While there, he took up skiing, and when he received an invitation to interview in Denver during his third year, he jumped at the chance.

"It was magical," reflected the 50-year practitioner. "I moved in January to study for the bar exam and after passing, I began to work at Davis, Graham and Stubbs on April Fool's Day in Denver."

After working for two other law firms, Visciano opened his own practice. He handled a real estate development case against a client of Mark Senn's firm. The case went to trial, and Visciano prevailed. Senn was impressed and invited his opposing counsel to join his firm as the head of the litigation department. Visciano agreed and has recently celebrated his 35th year with the firm, now Senn Fortis. Visciano presently serves as of counsel to the firm, continuing his business litigation practice.

He has seen a lot of changes in the practice of law over the years. "It used to be that when I filed a motion, I usually would go to court to argue it," reflects Visciano. "There might be a dozen or more attorneys in the courtroom waiting to argue their motions. Now this is rare occurrence. In state courts, judges decide motions without oral argument. There was more face time with judges then. In federal court, you're a bit more likely to come in for a hearing." Visciano notes that state court judges today have limited staff, and there is not enough judge or staff time to have hearings on every matter.

"Research practices have also changed," he continues. He notes the tremendous advances and specialization of online research: "It is so much more speedy and efficient."

Visciano further reflects that, "In the old days, you would write a letter, and the other attorney would take her time to respond. Today, the response time is compressed; clients and counsel expect a nearly immediate response."

Visciano believes that in litigation today, there often is more reliance on the written word than interpersonal relationships. "We often used to meet or pick up the phone to talk to opposing counsel about issues and problems. Nowadays you often are not in the same room with opposing counsel for months well into a lawsuit. Since much of what litigators do involves people skills, this development is somewhat disappointing."

Visciano also believes that artificial intelli-

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have come in with a ChatGPT script of how their case should proceed."

He views the next generation of attorneys and other professionals as "amazing," having research and technical skills that are on a different level than when he started practicing. "I am dazzled by them!" This observation pertains to his three sons, one of whom is a lawyer and real estate developer. Visciano is impressed by the work-life balance his sons have achieved as fathers, and sees this trait in his interactions with younger attorneys in his firm and with whom he is litigating. He admires the emphasis on a proper balance between the demands of the legal profession and personal and family matters. Visciano's law practice consumed a lot of his time over the decades.

Beyond the achievements of success in the cases he has handled over the years, Visciano is proud of the relationships that he has developed with clients, some of whom have become close personal friends. Visciano continues: "Litigation diverts our clients' attention from building their business and making money. Litigation for clients is negative space, but often is unavoidable. I'm happy when, at the end, my clients not only respect what I've done for them but want to maintain a relationship going forward. That to me is the ultimate compliment."

John L. Watson

License Date: May 17, 1976

John L. Watson applied to and was accepted at both the University of Colorado and the University of Denver law schools. Encouraged by his brother-in-law, an environmental lawyer, Watson decided to pursue a career in environmental law. At the time, only two law schools in the country offered environmental law classes—DU and Harvard. The Denver native had no interest in leaving his home state, so he chose DU (and skipped applying to Harvard altogether).

Upon graduation, the new lawyer got a job as a staff attorney with the Western Governors Regional Energy Policy Office. He reported to the board of directors, which consisted of governors from 10 western states. Later, during a reorganization, Watson became the executive director and general counsel to the new agency known as the Western Interstate Energy Board, representing 16 western states in energy policy work.

In 1979, Watson left the Energy Board and joined the Denver law firm of Gorsuch, Kirgis, Campbell, Walker and Grover. "At that time, the Denver culture discouraged moving from one firm to another," reflected Watson. "That has changed dramatically over the decades, and moving around isn't frowned on like it was 50 years ago. Attorneys now can move from job to job without hesitation."

Presently, Watson serves as of counsel to Spencer Fane and works as a trial lawyer, with 65% of his practice dedicated to environmental, natural resources, oil and gas, mining, and public lands law. "I have no intention of retiring! I don't work as much as I used to, but I'm very good at what I do, and I enjoy the work."

When asked which presidents have done the most to protect the environment, Watson named Richard Nixon and Jimmy Carter for their contributions. Nixon created the Environmental Protection Agency by executive order and signed into law several landmark measures, including the National Environmental Policy Act, the Clean Air Act Amendments, the Clean Water Act, the Endangered Species Act, and the Marine Mammal Protection Act.

Carter also signed into law several major pieces of legislation, including the National Energy Act of 1978, the Energy Security Act of 1980, the Surface Mining Control and Reclamation Act, the Uranium Mill Tailings Radiation Control Act, and the Comprehensive Environmental Response, Compensation, and Liability Act (also known as Superfund).

Professor Watson has shared his knowledge with students at DU law school and the Colorado School of Mines by teaching environmental classes. He has also taught dozens of environmental law courses nationwide for nonlawyers, who were mostly environmental managers. If he was asked to give a TED Talk, it would focus on the environmental decade of the 1970s.

Having practiced for half a century, Watson has the following advice for aspiring lawyers. "I would tell them the same thing that I told my children: Before going to graduate school, get a job in the real world first and work there for a year or two. It'll set you up for a better law school experience."

As for students already in law school, Watson cautions them not to confuse the practice of law with law school. "Law school helps to train your brain, but the practice of law is very different. So, focus on your fundamental job as a law student. Figure out the game the professors want you to play, and study very hard to get good grades. Extracurricular activities should take a backseat to good grades. Grades will give you more opportunities and open more doors to employment, no matter the venue—law firm, in-house attorney, government attorney, or nonprofit attorney."

Watson acknowledges that technology has made attorneys significantly more efficient and effective at serving clients' needs. "Our only purpose as lawyers is to help clients solve their problems." He adds, "Sometimes you need to tell your client that the decision they make may, in your opinion, be the wrong one. Get comfortable telling clients that but stay grounded in your respect for whatever business or personal decision they ultimately pursue." CL

Marjorie Nanian was recently sworn in as the part-time associate municipal judge in Englewood. She is originally from Michigan, where she worked as a solo practitioner for 30 years and as an adjunct college professor. She has also worked as an administrative law judge in Phoenix, Arizona, and as a deputy district attorney in the 13th Judicial District of Colorado—mnanian@yahoo.com.

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