

Inside Business

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Get to know your judge

It is said that a good lawyer knows the law, but that a great lawyer knows the judge. In an effort to level the playing field, this month's column is devoted to getting to know John Neiley, who was recently appointed to serve as District Court Judge for Garfield, Rio Blanco and Pitkin counties.



Matthew Trinidad
Pro Bono Publico

Q: Why did you apply to be a judge?

A: I am attracted to the intellectual challenge that being a judge entails, the public service aspect, and the belief that good judges perform an absolutely essential function in a free society.

Q: Identify one or two "best practices" that you want attorneys who appear before you to scrupulously observe.

A: Candor — to the court, opposing counsel and the client. In a smaller community people learn right away whether your word can

be trusted. This permeates every part of a lawyer's practice, not just litigation. It is also mandatory to be well-prepared before you enter the courtroom.

Q: Describe a memorable case that you worked on as an attorney.

A: The really memorable cases are the ones where I made mistakes. Will Rogers' adage holds true for me: "Good judgment comes from experience and a lot of that comes from bad judgment." I had a few

trials early on in my career where Judge Ruckriegle was presiding. He was ruthless on attorneys who were unprepared and would not hesitate to point that out. I learned very quickly how important it is to review a file in its entirety before you ever step foot in the courtroom. "Preparation is salvation" has been my motto since then.

Q: What is the most important quality in a trial attorney?

A: Being prepared and knowing the case inside and out. You can be the best orator in the world, but cases are won by attorneys who know the details. I also admire brevity.

(Editorial aside: a lawyer who knows this judge will get to the point, be trustworthy and prepared.)

Q: When will you require alternative dispute resolution (i.e. mediation) in connection with your case management?

A: ADR will be required in virtually every civil case. As a trial lawyer I was able to successfully mediate well over half of my cases. The parties need to get into a mediation setting early on, before attorneys' fees and extensive discovery make the parties harden their position.

Q: Describe a judicial temperament that you consider to be important?

A: A judge needs to be patient and attentive as a matter of simple courtesy. Litigants are involved in a complicated and expensive process. The one thing they want

is a chance to tell their story and have someone decide the case after hearing all the evidence. In any trial it is critical that the parties have a chance be heard.

Q: Will you now use a gavel when adjudicating a dispute between your children?

A: What makes you think I didn't use one on my kids before now?

Q: What's your favorite legal drama?

A: I don't enjoy legal dramas — they are too much like work or otherwise too unrealistic. My kids have a hard time when I am shouting, "Object, you moron!" at the TV.

Q: What was the most challenging question that you were asked in the interviewing process?

A: Perhaps the toughest question to answer was, considering my background, how would I handle cases that involved highly emotional or brutal facts — acrimonious custody battles, sexual assaults, child abuse and the like — basically, could I put aside emotion and still be impartial and fair? Dealing with cases like that is still

an unknown for me, but I will do my best to adhere to the law and be fair. I don't think being a judge means that you have to remove the human component from a decision. I am sure that Bill Gates and his engineers could come up with a software package that analyzes the facts and the statutes in a particular case, processes the applicable case law, and spits out a decision. We would probably save a lot of time and money with that program, but I doubt anyone would want to be judged by a computer. We have judges making tough decisions because we want someone with knowledge, practical experience, and hopefully some compassion looking at the whole picture. It's a challenge I look forward to.

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Freedom of Financial Choice

As we wind down our holiday weekend, let's take time to acknowledge and celebrate the freedoms we have in earning, giving, saving, investing and spending our financial resources.

We are blessed to live in a country where we are free to choose what we do for a living. Is financial gain the sole reason for choosing a career or path in life? Let us applaud the opportunity to grow from a job, to a career into a calling, or vocation. It is ultimately not the almighty dollar that will satisfy us, but the opportunity to serve others. More and more we are seeing social entrepreneurship — Visionaries and realists seizing opportunities to improve systems, invest in new approaches and creatively address issues in our world to change it for the better. We live in a country where free enterprise levels the field and anyone can enter the game. There are a growing number of venture capitalists and venture philanthropists that are investing in companies with new ideas that will serve others as well generate opportunities



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Personal Finance

for ROI. The game is changing and the "win" looks different. Let us heed the words of Victor Frankle "For success, like happiness, cannot be pursued; it must ensue, and it only does so as the unintended side effect of one's personal dedication to a cause greater than oneself or as the by-product of one's surrender to a person other than oneself."

Let's celebrate the liberty to give of our time, talents and resources — we are a generous nation. The challenges lie in how to discern who, where, what and how to give. Creating a "giving plan" can help you and your family clarify what causes and organizations speak to your hearts. Deciding "how much is enough" for yourselves and your heirs can help you to create margin to free up your time, or resources to share with others. Educating yourself and understanding the creative side of giving — donor advised funds, beneficiary designations, charitable remainder and lead trusts will help open doors to leverage your giving.

We get to revel in the freedom to save and

invest for our futures! We can choose to be free from consumer debt. If we have learned anything over the past five years — is that there is the certainty of uncertainty. While we cannot plan for every opportunity or obstacle that will happen in our lives, a solid, boring savings account will help you ride out a storm or seize an opportunity. There are a plethora of investment opportunities — which ones are a fit for you? How do you make your investment decisions? If we look at our money as a flow of our intentions, we have an opportunity and responsibility to look at how our money is invested. Our investments have the power to facilitate change. If you invest in the markets, dig deeper into your portfolio. Do you want it to be more than asset allocation, tax strategies, risk management or ROI? Speak up and ask questions of your advisors. There are filters to opt out of certain types of companies, there are filters that focus on specific sectors — do your homework.

We have the freedom to choose how we spend our money. Commend yourself for having a spending plan — you get to decide where your money will go! We vote with our wallets. What does your credit card statement say about you? What is important to

you? Are you making intentional choices about what you buy, where you buy and why you buy it?

Let's be cognizant of the personal wrestling match with our minds, our emotions and our money. I encourage you to take the time and energy to ask yourself arduous questions and put forth the energy to make small, but over time, significant changes. We know the cost of freedom is not free. We owe it to those who have given their lives to provide us with these opportunities to choose how we earn, give, save, invest and spend. Be part of the change, we are citizens of a great country and we have plenty reason to celebrate!

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Enterprise Foundation announces grant recipients

Professional Auto Body & Frame and Enterprise Rent a Car are happy to announce the local recipients of the first quarter 2013 Enterprise Foundation Grant Awards.

In the photo, from left, are: Lori Mueller of YouthZone, which was awarded \$1,000; Dave Malehorn, general manager of Professional Auto Body; Gayle Mortell, executive director of Glenwood Center for the Arts,

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which was awarded \$1,500; Tricia Williams, community outreach manager of Multiple Sclerosis Society, which was awarded \$5,000; Rachel McCombs, branch manager of Enterprise Rent a Car; and Jeff Kuhlman, area manager of Enterprise Rent a Car.

The Enterprise Foundation has awarded grants totaling \$17,000 to nonprofits in the Roaring Fork Valley since 2012. Statewide, the Enterprise Foundation has donated \$727,180 in the last 12 months.

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