

Message from the Dean

I am thrilled to join and to lead this community of thinkers and doers. This community includes outstanding students, staff members, faculty members, and thousands of Colorado Law graduates who now hold positions throughout the region, state, country, and world. We are many, and we are mighty.

As happy as I am to be the new dean of Colorado Law, I am also deeply thoughtful about the ways in which, looking at my childhood, my role here is somewhat improbable. I grew up in a poor and working-class family. Though I loved my family of origin, I yearned for more than my immediate circumstances.

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I am almost tempted to begin a discussion of my family's experience in a neighborhood where the odds were stacked against them. I grew up in a poor and working-class family. Though I loved my family of origin, I yearned for more than my immediate circumstances. I grew up in a poor and working-class family. Though I loved my family of origin, I yearned for more than my immediate circumstances.

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Inaugural Preorientation Program Readies Students for Law School



careers," said Professor **Amy Griffin**, who led a team to implement the program.

"There are many reasons why a student might be concerned about the transition to law school," said **Fernando Guzman**, assistant dean for diversity, equity, and inclusive excellence. "Some students have never met a lawyer, while others may be the first in their family to attend college. Some have learning differences, and some have been out of school for several years." The program included opportunities to talk with upper-level law students and attend lunches with members of the Colorado Law faculty and legal community.

"When we admit you to Colorado Law, we know you are capable of succeeding here," said **Kristine Jackson**, assistant dean for admissions and financial aid. "Wolf Week is meant to foster our students' belief in themselves."

This August, about 50 incoming 1Ls participated in Colorado Law's first-ever Wolf Week, an optional preorientation program designed to help transition students to the study of law. With the goal of demystifying some of the unique aspects of law school, the program addressed such frequently asked questions as: "What is the Socratic method?" "How do you read cases?" "Why do some professors pose so many hypotheticals?" And "What is a law school 'outline?'" Classes during Wolf Week

also introduced students to fundamental legal analysis skills and effective study techniques. Professor **Pierre Schlag** taught several classes that were run like traditional first-year courses, but with an additional component—the opportunity to deconstruct the experience with Schlag.

"We hope to give incoming students—especially those who might find the transition to law school more challenging—a sense of confidence as they begin their law school

Doug Spencer, an election law scholar whose research addresses the role of prejudice and racial attitudes in Voting Rights Act litigation, joined the University of Colorado Law School faculty as an associate professor this fall.

"I am thrilled to be joining the Colorado Law community at such an exciting time. There is a lot of enthusiasm about our new dean, **Lolita Buckner Inniss**, and a growing anticipation for meeting together again in person," Spencer said. "I am also excited for the opportunity to study election law in a state that champions voting rights for all and that has led the nation in accessible and free elections for many years."

Spencer's research examines the empirical implications of campaign finance regulations and the many ways in which election rules and political campaigns contribute to growing

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Associate Professor Kristelia Garcia teaches courses in copyright, property, and trademark, and serves as director of the intellectual property initiative with Colorado Law's Silicon Flatirons Center for Law, Technology, and Entrepreneurship. Her work focuses on competition and economics and how those fields intersect with intellectual property. In this Faculty Focus, she discusses contracting, licensing, and the role economics plays in shaping technology law and policy.

In March 2020, you published “Super-Statutory Contracting” in the *Washington Law Review*. You argue against conventional wisdom that strict property rules prompt intellectual property (IP) owners to contract-seek for more flexible liability terms. Rather, you argue that, in the face of statutory liability, IP owners are contracting for *more* protection instead of less—which you term as “super-statutory contracting.” Can you expand on this theory? Why do you think parties to property contracts are not behaving in the way the law anticipates?

Ultimately, my favored explanation for this unexpected behavior boils down to efficiency. Many copyrights are subject to a statutory, or compulsory, license. These one-size-fits-all licenses necessarily overserve and underserve different parties. Where we have inefficiency, we have the opportunity to improve. That's what these private parties are doing, and in many ways this is a good thing. Of course, these parties are circumventing the statutory licenses in their own self-interest, without regard to the greater good. Viewed cumulatively, then, super-statutory contracting can undermine public law values, resulting in holdup, adverse selection, and misrepresentation. It may even exacerbate anticompetitive concerns. For these reasons, I don't advocate unbridled private ordering here. Rather, I hope to highlight the grossly underappreciated role of “perceived control”—something the statutory license negates—as a bargaining lever in the licensing enterprise.

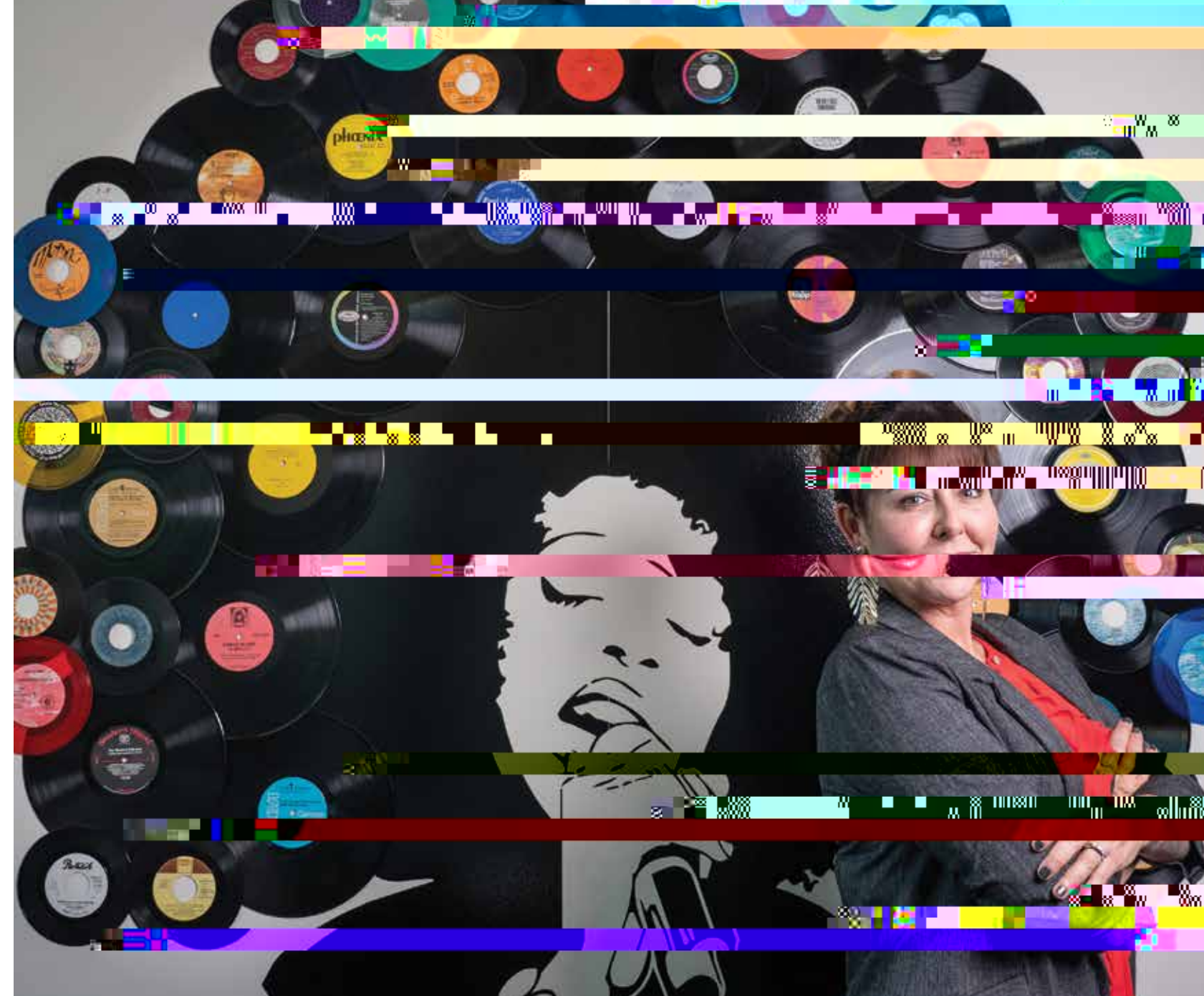
Also in March of last year, you published “Monetizing Infringement” in the *UC Davis*

Law Review. This paper describes the need to move toward a positive theory of copyright that recognizes the role private parties have in shaping technology law and policy, especially in *encouraging* copyright infringement. Why do you think this is? Should private parties be given this much breadth to influence important policy?

Infringement of copyright is a bad thing, right? Not necessarily, I argue. In fact, sometimes rights holders actually encourage infringement for a very simple reason: They benefit from it. The article identifies three broad categories of infringement that tend to serve certain rights holders: (i) profitable infringement, in which, for example, a video game developer can encourage piracy of a video game in order to sell upgrades within the game to a broader audience; (ii) remedial infringement, in which encouraging infringement is the lesser evil; and (iii) promotional infringement, in which, for example, a recording artist encourages fans to post so-called “fan vids” in order to increase excitement around a new release.

While I largely approve of this phenomenon, there are some areas of concern that I discuss in the paper. Several of them stem from the unregulated nature of the endeavor and the propensity for inaccurate norm-setting and uneven application. A video game developer, for example, may allow piracy of one game and not another, to the detriment of users who misread the signal. Indeed, after years of video game developers' allowing piracy in hopes of selling upgrades, a startup developer who can't afford piracy and/or whose games don't feature upgrades may be hard pressed to push against this unilateral policymaking by larger, more established brands.

Before joining Colorado Law, you worked for Universal Music Group and oversaw the release of Taylor Swift's album *Red*. Recently, Swift has begun rerecording many of her famous hits to manage the control, production, and distribution of her work. You recently spoke on a panel at the Santa Clara University School of Law on innovations in technology and access,



addressing Swift's recent moves. What type of questions do her actions raise about copyrights and licensing? Why do you think she has chosen to regain control now, and how do you think it will affect the music industry as a whole?

Swift's rerecording of her masters highlights a common fact that the general public is largely unaware of: The creator of a work is often not the owner of the copyright on that work. In this case, Swift is the recording artist for her first five albums, but the copyright on those sound recordings was held by her record label. This means that when those rights were sold, and then resold—ultimately ending up in the hands of a private equity fund—Swift was powerless to stop any of it.

This doesn't mean, however, that she's completely powerless. Given Swift's popularity and fiercely loyal fan base—along with an unusually generous recording contract—she

was able to rerecord those albums, offering “Taylor's Version” of the tracks to consumers, streaming platforms, and synch partners. So far, it looks like her gamble has paid off: *Fearless (Taylor's Version)*—an album first recorded 12 years ago—hit No. 1 on the Billboard Top 200 earlier this year.

For better or for worse, I wouldn't predict we'll see lots of this kind of thing going forward. There are a couple of reasons for this: First, many recording contracts prohibit rerecordings. Second, recording an album is expensive; it may pay off for an artist like Swift—with the fan base and resources to pull it off—but it won't make sense for the vast majority of artists. The more interesting question, I think, is whether we should reconsider the power dynamic between developing artists and established intermediaries.

You recently wrote about the concept of payola, or “pay-for-play,” which is

an undisclosed payment given for the

A Historic Moment

Introducing Colorado Law's 17th Dean: Lolita Buckner Inniss

By Samantha Swantek ('21)

Lolita Buckner Inniss has joined the Colorado Law family. Dean Inniss is a demonstrated advocate for social justice and researches at the intersection of race, gender, and law. Before coming to Colorado Law, she served as senior associate dean for academic affairs and professor of law at Southern Methodist University (SMU) Dedman School of Law. At SMU, she was a University Distinguished Professor, an honor reserved for SMU faculty members who demonstrate the highest levels of academic achievement. She was also a Robert G. Storey Distinguished Faculty Fellow. Inniss previously held the Hamilton College Elihu Root Peace Fund Visiting Professorship in Women's Studies, a distinguished visiting chair, and was also a fellow of the New York University-Centre National de la Recherche Scientifique Memory Project in Paris. A highly regarded scholar with a prominent national and international voice in her fields, Inniss is an elected member of the American Law Institute, and is the United States Special Rapporteur to the International Academy of Comparative Law on the topic of contemporary slavery.

Inniss earned her AB from Princeton University, where she majored in romance languages and literature, and her JD from UCLA School of Law,

"I'm looking so much forward to continuing the wonderful trajectory we're on. I hope that I am able to take us even further."

Dean Inniss

The Women of Color Collective (WoCC) is a student group at the University of Colorado Law School that is dedicated to supporting and promoting those who identify as women of color. Through supportive networking, mentorship opportunities, and collective initiatives, WoCC seeks to enrich the educational and social experience at the law school.

WoCC is a place that hears, discusses, and addresses the concerns of women of color, with a goal of fostering conversation and uplifting the student body at Colorado Law. The group's highest priority is to create a fully inclusive and welcoming environment to support every woman and member of the community. WoCC is committed to standing at the front lines of fighting and dismantling patriarchy, sexism, and oppressive forces that harm marginalized peoples. Women of color, nonbinary people of color, and gender diverse people of color stand together—in unity and strength—as influential trailblazers in the legal arena.

The WoCC came to fruition after a group of four women of color finished their first semester at Colorado Law in fall 2018. **Taylor Schad** ('21), **Sasha Strong** ('21), **Natasha Viteri** ('21), and **Charissa Wood** ('21) were sitting around a kitchen table when they recognized that the law school was missing a space for the intersection between being a woman and a person of color. Because women of color face different challenges in law school, the group wanted to ensure every woman of color had support at Colorado Law. Putting their vision into action was both challenging and exciting, and it ultimately resulted in the formation of WoCC.

WoCC continues to be a work in progress. The organization is always looking for ways to partner with attorneys and employers in the greater Denver area for opportunities to share with its members.

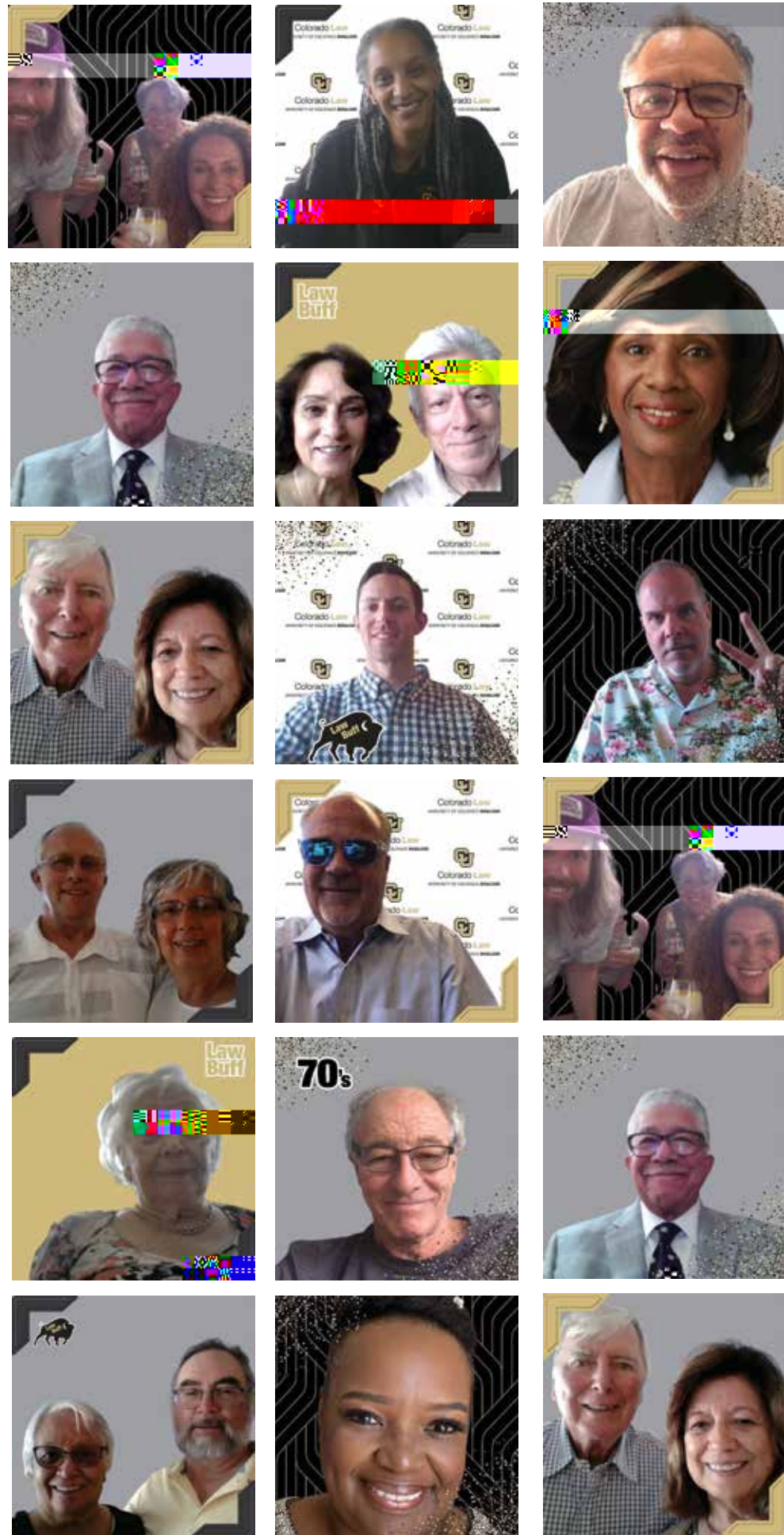
Last summer, we sought to bolster the legal community of women of color by highlighting

local women of color attorneys. By giving a forum for women of color in the law to tell their stories, their wisdom can live on and inform generations to come.

To accomplish this passing of wisdom within the community, we selected four Colorado Law alumnae of color to interview:

- Verónica González ('23) interviewed **Hiwot Covell** ('09).
- Sasha Strong interviewed **Lisa Shellenberger** ('11).
- Natasha Viteri interviewed **Gillian Asque** (z09).
- Taylor Scong interviewed

career. I've been fortunate enough to work on matters where I can see a direct line into how my settlement will positively impact the community. As you know, our client is the environment and the public health, so that's always our goal and our guide post. So, it's always fulfilling to me when I go through my day and think about how this is going to impact this community or this certain environment, and seeing it happen and sometimes in short order, which is great. The second thing that might be somewhat odd is I look forward to learning something new pretty much every day. My clients, while technically are the environment and public health, on a day-to-day, I'm working with inspectors, the engineers, the chemists



Celebrating 40 Years of Honoring Distinguished Alumni and Friends

For 40 years you have celebrated with us as we recognized our distinguished alumni and friends. Thank you to our sponsors, alumni, and friends who have contributed year after year to the success of Colorado Law's signature alumni event. Together, you raised over \$1 million to support Colorado Law (2005–21).

380

TOTAL AWARDS GIVEN

\$1M+

TOTAL EVENT PROCEEDS RAISED TO SUPPORT COLORADO LAW (2005–21)

\$730K

RAISED FOR THE DEAN'S FUND FOR EXCELLENCE (2005–21)

\$215K

RAISED FOR THE LAW ALUMNI SCHOLARSHIP FUND (2005–21)

51

LAW ALUMNI SCHOLARSHIPS AWARDED (2005–20)

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SAVE —THE— DATE

See you in 2022!

41st annual Alumni Awards Banquet

Thursday, March 10, 2022

To learn more about sponsorship opportunities, please email lawbanquet@colorado.edu.



CLASS ACTIONS

1969

The University of Colorado Board of Regents honored **Charles Sisk** ('69) with its Distinguished Service Award for his lifetime of public service and dedication to the state of Colorado. Sisk has served as deputy district attorney in Boulder, Boulder County public administrator, Louisville City Council member and mayor, and RTD board member and chair. He retired from public office in 2019.

1977

After 30 years on the bench, Denver District Court Judge **Morris B. Hoffman** ('77) retired effective May 1, 2021.

Colorado Springs Mayor **John Suthers** ('77) has been elected chairman of the board of directors of the Daniels Fund. Now valued at approximately \$1.6 billion, the Daniels Fund is a private charitable foundation dedicated to making life better for the people of Colorado, New Mexico, Utah, and Wyoming through its grants program, scholarship program, and ethics initiative. Suthers has served on the Daniels Fund Board of Directors since May 2015.

1979

Terry Hart ('79) retired after decades of work in the county government of Pueblo, Colorado. During his tenure, he served as Pueblo County attorney, senior associate county attorney, and chief of staff for the district attorney. Most recently, he served two terms as county commissioner representing District 1. He has been involved with county governance since January 1981, when he became an assistant prosecutor in the Pueblo County prosecutor's office.

1982

Stan Garnett ('82), a shareholder in Brownstein Hyatt Farber Schreck LLP's Denver office, joined the board of directors of the International Academy of Trial Lawyers. The academy is an elite group of trial lawyers representing both sides of the bar: plaintiffs' and defendants' counsel in civil

litigation, and prosecutors and defense lawyers in criminal cases. Garnett was elevated to the board as recognition of his work as the chair of the academy's Latin American Task Force and to further strengthen its presence and relations with the legal community in the region.

1984

Neal Cohen ('84) has joined Sullivan Cohen LLC as a partner. The Boulder firm was established in 2020. Cohen has 36 years of experience trying complex commercial cases and has represented clients in a variety of areas of law, including employment, securities, intellectual property, renewable energy, trust and estates, and natural resources. His practice focuses on high-stakes litigation in state and federal district and appeals courts, as well as arbitration, throughout the U.S.

1985

Rett Nelson ('85) will retire after six years as regional counsel for the U.S. Environmental Protection Agency's Region 5 office in Chicago, and after 37 years of government service. The EPA's general counsel said that Nelson has been a pillar of EPA's legal community, both in Region 5 and nationally, soundly advising agency officials on legal, policy, and management matters. **Gillian Asque** ('17) carries on the Buff tradition in the same office, something of a rarity in faraway Chicago. Asque's

Please send your submissions by **October 1** for inclusion in the next issue. If your contact information or communication preferences have changed, update them at [www.cba.org](#)

career with Region 5 started as an honors fellow in 2017 and continues today as assistant regional counsel. Tackling climate change and ending environmental injustice require the skill and talent of the next generation of legal advocates/counselors, and Nelson says that hiring great lawyers like Asque is one of his signature achievements.

1986

Hon. Don Quick ('86) was selected as chief judge for the 17th Judicial District. He was appointed to the district court bench in December 2014. Before that, Quick served Ken Salazar as the deputy attorney general for criminal justice and chief deputy attorney general, and then two terms as the elected district attorney in the 17th Judicial District. Quick has been married to Kerrie Quick ('86) for 33 years, and they have two grown sons.



Becker ('89)

1988

Regina Rodriguez ('88) was confirmed as U.S. district judge of the United States District Court for the District of Colorado. She was nominated by President Joe Biden in February. Rodriguez, a veteran litigator, previously was a partner at WilmerHale in Denver, where she specialized in corporate regulatory compliance.



Mackey ('91)

1989

Douglas J. Becker ('89) received the James E. Bye Lifetime Achievement Award from the Tax Section of the Colorado Bar Association in 2020 in recognition of his distinguished career practicing tax law in the state, his contributions to legal education, and his service to the Tax Bar. Becker recently commenced a solo law practice under the name Becker PC, with offices on 17th Street in Denver. He continues to teach as an adjunct professor of the University of Denver Graduate Tax Program.

Margaret Vellar ('89) was appointed by Gov. Jared Polis to the bench of the Pueblo Combined Court. Vellar previously served as a deputy clerk (where she specialized in) TJ0 -1.2 mjet ew 10 0 015 sTJ/ (d frs OfTd(PC, wy)92.2 (. Rodrigu(w02 hlar prs Td(SectiSpNelsTj0mo)18od i7.9.2 ewo 039 31 (own sons.)TJ0.812 0.722 0.485 scn/GS0 gs/T11_1 Tf-0.036 Tc 0.

2013

Nora Katz ('13) was elected to partner at Waller Lansden Dortch & Davis, LLP. Katz represents health care providers, automakers, and manufacturers with critical immigration matters.

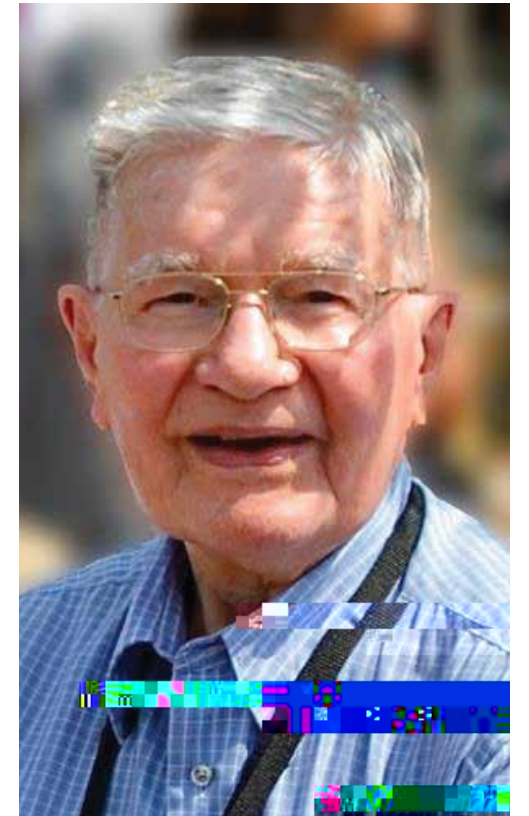
2014

Austin Chambers ('14) joined international law firm Dorsey & Whitney LLP as an associate in the firm's cybersecurity, privacy & social media practice in the Denver office. Chambers focuses his practice on domestic and international data privacy and security, software licensing, and general technology law. He is a Certified Information Privacy Professional, a designation given by the International Association of Privacy Professionals.

Brandon Dittman ('14) became a shareholder at Kissinger & Fellman P.C. He joined the firm in 2015, focusing on the areas of public utilities law, municipal law, and telecommunications law. He is also the general counsel for the Colorado Association of Municipal Utilities.

Breanne Johnson (Compton) ('14) rejoined Curray York & Associates LLC after working with a civil rights and immigration law firm in Seattle. She brings more than six years of experience with immigration law, including four years with Curray York & Associates LLC. Johnson initially joined the firm as a law clerk while attending the University of Colorado School of Law.

Courtney Shephard ('14) recently joined the energy & natural resources practice group at



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Homecoming and Reunions Nov. 5–6, 2021

This fall, 20 classes (graduation years ending in "0," "5," "1," and "6") will celebrate their reunions in person. We invite these alumni to participate in the Digital Reunion Memory Book to connect with classmates and learn about what they have been up to since graduation.

colorado.edu/law/homecoming

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Celebrate esteemed alumni and friends at Colorado Law's signature alumni event.

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