

## New Associate Expands BLG's Civil Litigation Services

SHANE FULTON BRINGS EXPERIENCE AND EXPERTISE IN PERSONAL INJURY, INSURANCE, AND CONSTRUCTION LITIGATION

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Baker Law Group is excited to welcome Senior Associate Attorney Shane Fulton to our litigation and trial practice team! While Shane has experience in a wide variety of litigation matters, he has a specific emphasis in Personal Injury, Insurance Subrogation and Construction Defect cases. Shane's diverse experience will be an asset to our expanding legal team and to our clients.

Shane typically favors complex litigation. As he puts it, "The more complex, the more parties, and the more obscure the laws, the more interesting it seems to be."

One of Shane's most notable cases involved representing dozens of clients who were victims of the 2018 Merrimack Valley Gas Explosions. This incident caused millions of dollars in property damage to over 75 buildings, injured several people, and left at least 3 towns without utilities for several days.

Shane earned a B.A. in English from Northeastern University, and received his J.D. from Tulane Law School, graduating *magna cum laude* at both institutions. He is licensed to practice in Colorado, New Jersey, New York and Pennsylvania.

His approach to litigation places a special emphasis on early research and investigatory work. This effort often pays big dividends in the later stages of a case.



Newly hired associate attorney Shane Fulton brings years of litigation experience and has been named as 2021 Best Lawyers of America "One to watch".

Shane first decided he wanted to become a litigator after he was a class representative in a Class Action Lawsuit against the College Board, the administrator of the SATs. Shane, along with over 4,000 other high school students, had their test scores reported incorrectly. The lawsuit settled out of court and Shane, having seen firsthand the potential for the law, began preparing for a career as an attorney.

He went on to study English at North Eastern University in Boston, MA, and

earned a degree in something he loved, reading and writing, after which he attended Tulane Law School in New Orleans, LA.

While still in law school at Tulane, one of his first legal jobs was working for the City of New Orleans, assisting in the process of leasing out the air space rights under the balconies along Bourbon Street. This air space can become a legal quagmire due to unsuspecting passers by being randomly hit with flying objects (If you've ever been to Bourbon Street during Mardi Gras, you know what we're referring to).

Shane moved to Colorado in Summer of 2018 with his wife after attending a friend's wedding in Vail. During this trip, while his wife was out with the girls, Shane had a great time fly fishing and realized how beautiful the area was.

In his spare time, Shane enjoys playing the guitar, building furniture, and camping with his family in our beautiful State Parks. In adding Shane to our team, we are delighted to have an attorney with such intellectual acumen and breath of experience in litigation and trial matters. We know he is eager to fervently represent our clients in their journey for victory and justice, his track record speaks for itself.

## Baker Law Group Celebrates a Decade in Business

Founder Jereme Baker recalls the launch of Baker Law Group in 2011 as a "leap of faith." With no office, no clients, no business partners, and just a few years of experience, starting a new firm would be challenging.

But Jereme knew he wanted the freedom to explore the practice areas that interested him. He was also following a strong spiritual vision, shaped by his father's encouragement and vivid dreams that

provided divine direction. "This was the path that I was supposed to be on," he explains, "and the universe opened the doors." He remembers that key mentors offered both helpful advice and much-needed client referrals.

Between those open doors and lots of hard work, Baker Law Group has come a long way, with seven full-time employees, numerous valued clients, and an office of its own in the Denver Tech Center.

Ten years in, Jereme still strives to keep alive the purpose and entrepreneurial spirit that motivated him to found BLG. He wants to make sure its attorneys are practicing in the areas they care most

about, even if it means adding new practice areas to the firm.

"This life about fulfilling our dreams," he says, but "it's up to us to make it a reality. I want that to continue, and always be a part of our firm...This will make attorneys and staff better at what they do, providing a better service to our clients."

Jereme isn't done dreaming— he is always thinking about ways to make BLG's next ten years even better than the first.





## Baker Law Group Employee Spotlight: Executive Assistant Danelle Rains

**Years in Colorado:** My whole life! I’m a Fourth Generation Native and it’s so interesting to see how things have changed since my Great Grandparents settled here.

**Education:** University of Colorado at Denver, Bachelor of Arts in English with an emphasis in Cinema Studies

**Life’s Ambition:** Sell my glass work or become a raconteur

**Hobbies and Interests:** Cinema, glass blowing and fusing, painting, Minecraft and Nintendo tournaments with my kids, and late afternoon strolls with my hubby.

**Ten Movies I recommend everyone should see (This was so hard to narrow down):**

- |  |   |
|--|---|
| 1. Monty Python and the Holy Grail (Terry Gilliam & Terry Jones)             | 6. Amélie (Jean-Pierre Juenet)          |
| 2. The Lives of Others (Florian Henckle von Donnersmarck)                    | 7. Blazing Saddles (Mel Brooks)         |
| 3. City Lights or Modern Times (Both by Charlie Chaplin)                     | 8. Pan’s Labyrinth (Guillermo Del Toro) |
| 4. The Graduate (Mike Nichols)   | 9. Metropolis (Fritz Lang)              |
| 5. A Billy Wilder film (Some Like it Hot, the Apartment or Double Indemnity) | 10. Casablanca (Michael Curtiz)         |

**Favorite Thing About Colorado:** There is a calmness that you can feel in the air. I don’t really know how else to explain it.

**Favorite Colorado Event or Destination:** Telluride Film Festival and Glenwood Springs

## Litigation Roadmap: The Typical Phases of a Civil Case

Although most people are familiar with the idea of a civil lawsuit, those who haven’t been party to one may not have a clear idea of how a civil case unfolds. Civil matters typically follow a similar path, and understanding that path can be helpful for those considering bringing a suit, or for those on the receiving end of a suit. Of course, every case is different, so keep in mind that exceptions to this process may happen. What follows is a simple litigation roadmap.

**Initial Pleadings**

A civil litigation case begins with the plaintiff’s complaint. This complaint will specify the claims or alleged wrongdoings against one or more parties (defendants). The case is usually initiated when the plaintiff files their complaint with the Court. Then, the complaint must be personally served upon the defendant.

Next, a defendant has the opportunity to respond to the allegations. If the defendant denies the allegations in the complaint, the case can then move to the next phase. They may also bring claims of their own against the plaintiff (counterclaims), to which the plaintiff then has the opportunity to respond.

**Discovery**

The next stage of a litigation case involves what is called discovery. In discovery, attorneys and investigators gather facts that could either prove or disprove the legal issues at hand. Discovery can entail many different types of methods, such as interrogatories, requests for production, and requests for admissions, to name just a few. This is also

the phase of the case in which depositions may be held.

**Alternative Dispute Resolution (ADR)/ Settlement Efforts**

In some cases, the Court may order that the parties participate in Alternative Dispute Resolution (ADR), such as mediation. In other cases, the parties may choose this option. The goal of ADR is to resolve some or all of the issues at hand. If the parties reach an agreement, they can present their agreed-upon terms to the court and ask that the court order accordingly.

Even if ADR is not used, the parties and their attorneys may exchange settlement offers among themselves and could similarly resolve the case by reaching an agreement. These settlement efforts may take place at any point in the case.

**Trial Preparation**

Once the discovery period has ended, and if resolution has not been reached, the parties now may prepare for trial. In this stage, the parties take the facts that they gathered during discovery and shape the evidence so that they can present it to a judge or jury at trial. There are many documents and plans that must be developed during this stage, such as preparing a witness list, preparing witness questions that conform to the rules of evidence, preparing jury instructions, and developing demonstrative aids and other exhibits to be used during the trial, for example.

**Motions**

Between the time the case begins and the trial, there are numerous types of motions that may be brought by different parties.

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## Business Spotlight: Dan Kiel of The Bank of Denver

Commercial Mortgage Group

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When it comes to Commercial Real Estate Finance, having an expert you can trust can prove to be invaluable. But how do you know what information and what sources to rely on? That's where a great mortgage broker can be of assistance.

As Dan Kiel, a Commercial Mortgage Broker at The Bank of Denver explains, "I am both a bank lender and a commercial mortgage broker, doing both of these jobs for The Bank of Denver. I imagine there may be others in my same position in the US, but I have yet to meet any."

Kiel, who has been with The Bank of Denver for the past 7 years, clears the way for others to follow in his footsteps. "I helped to create this position for The Bank of Denver and I run the Commercial Mortgage Group for them. Being under the umbrella of a bank, I am able to lend in any state using any lender. Lenders that only work with brokers will work with me and lenders that don't work with brokers will still work with me because they qualify me as another bank."

While Dan's Commercial Mortgage Group has a Nationwide Service Area, The Bank of Denver focuses on the Denver Metro Area. They look to serve Owner Occupied or Investment Real Estate, Purchase or Refinance.

Outside of the office, Kiel is a member of the Denver Lions Club, also serving on the Board of Directors for the Denver Lions Foundation. He also is a Member of the Board for the Savio House (a local non-profit child wellness organization) and the Morgan Adams Foundation's Chili, Booze & Brews event (an annual food and beverage competition benefitting local Cancer survivors).

### Civil Litigation Roadmap, Continued from Page 2

These motions request, or "move" the Judge to take certain actions or make certain rulings about the case. For example, a defendant may file a Motion to Dismiss, arguing that the case does not have legal merit to move forward, and asking the Judge to dismiss it. Parties also may move the court to make orders regarding other parties' actions during the pendency of the case. These motions may be decided with or without a hearing.

#### Trial

The trial may take place in front of a Judge only, or before a jury, depending upon whether either party has requested a jury trial earlier in the matter. During trial, each side will present an opening argument, call and question their own witnesses, cross-examine the other side's witnesses, and present their evidence.

The judge or jury will then deliberate and decide if the plaintiff has proven the claims of the case. The decision of the judge or jury is called the final verdict.

#### Appeal

After the verdict, the losing party may appeal the case to the Colorado appellate court. At the appellate court, there will not be any witnesses. Instead, the attorneys will have a few minutes to present an argument to a panel of judges. This is called oral argument. From there, the appellate panel of judges will review the case and decide if the lower court made any errors during the trial.

While there is really no such thing as a "typical" case, many civil suits will include these phases.



## What is a Quiet Title Action?

A quiet title action happens when there is a legal dispute concerning the ownership of property. The objective is to "quiet" any questions or claims regarding who is the titled owner.

In Colorado, quiet title actions are governed by the Colorado Rule of Civil Procedure 105 and the Colorado Revised Statute 38-35-114.

A quiet title action may be appropriate in many contexts. First, for example, quiet title actions could be used if there is a dispute between heirs of property. Second, it could be

used to settle boundary disputes or errors in surveying.

Third, for instance, quiet title actions may even be necessary before an individual tries to sell or finance their home. Finally, quiet title actions could be necessary if an individual is involved in a case that concerns adverse possession, which refers to when a person, who does not originally own the property, acquires legal ownership of that property because the person occupied and made use of the land for a period of time.

A quiet title action may be opposed if other parties disagree with the Plaintiff's stance on

who owns the property. In other cases, they may proceed unopposed.

A quiet title action doesn't drastically depart from many other civil litigation matters. In other words, there will still be a plaintiff, defendant, and lawyers involved in court. The parties will go through trial preparation, such as the discovery stage, as well as prepare witnesses to give testimony during the trial.

Under Colorado law, courts are required to completely resolve claims for property. That means that, following the litigation, the title to the land will, settled, and the parties will definitively know who the proper owner is.



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## COLORADO CORNER

### 8 Most Colorado Foods

Since Danelle is the only native of Colorado, we decided to let her give us her top foods that just scream Colorado. So in no particular order here they are:

#### Beau Jo's Pizza

Take a day trip up to Idaho Springs for this Colorado Classic. You've never seen pizza crust like this! And you have to try the honey on the crust.

#### Fast Casual Dining

Not everyone knows that fast casual food got its start here in Colorado. Tocabe is Danelle's favorite, owned and operated by Native Americans featuring staples such as shredded bison and Native American Fry Bread.

#### Palisade Peaches and Rocky Ford Cantaloupe

These are some of the best summer treats. A fun late summer trip is to go to Palisade on the Western Slope and go peach picking.

#### Denver Omelette

Ham, Green Bell Peppers, onions and cheese. Who doesn't love this American Classic from



the railroad days? It's said that this dish was created as an Americanized version of Egg Foo Yung.

#### Sweet Corn

Now some will say that Olathe Sweet Corn is the best. But whether you get it from the mountains or the plains, it just isn't summer without some fresh sweet corn on the cob.

#### Rocky Mountain Oysters

Yes, we know what they are, but they are one of those bucket list kind of foods that everyone should try at least once.

#### Cheese Burgers

Betcha didn't know this one. This world famous invention was created right here in the Mile High City. In fact, there's a marker where the Humpty Dumpty Drive-in (the original restaurant to serve the Cheeseburger) stood, right off Speer and Federal.

#### Green Chile

Last but certainly not least, the epitome of Colorado Cuisine, Green Chile. We Coloradans put green chile on everything.

### Many Thanks for Recent Referrals

Word-of-mouth referrals are priceless to small businesses like ours, so we want to thank everyone who has referred someone to us in the last few weeks:

Jason Butler of Body Worx

Deborah Cayce, Brokers Guild Cherry Creek, Ltd.

John Daskam of Milgrom Daskam

Eric Faddis of Varner Faddis Elite Legal

Samantha Flannagan

Greg Fleener of Newcomer Cremations, Funerals & Receptions

Russell Hedman of Hogan Lovells

Judge Gary Jackson

Johnson Law Group

Anna Needock of Amera Reverse Mortgage

Opfer, Campbell Beck P.C.

Scott Rice of State Farm Insurance

Gary Schaffer of Client Preference

Jim Shonts of Property Management, Inc.

**Thank you all!**