



Colorado Association of Legal Support Staff

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CALSS Educational Conference To Be Held in Longmont

The Colorado Association of Legal Support Staff (CALSS) will hold its 2007-08 Second Board Meeting & Educational Conference at the Radisson Hotel & Conference Center in Longmont, Colorado, February 8-9, 2008. The conference seminars are "Behind the Scenes at the Boulder Court" presented by The Honorable Lael Elisabeth Montgomery, and "Creating More Balance in Our Lives" presented by Dale Falini.

For more information, contact Vicki Maurer at 303-652-2433 or vmaurer@niwotlaw.com.

CALSS was incorporated as a Colorado non-profit organization in 1996. The Association is dedicated to furthering the knowledge of the law and upholding its honor and dignity, furthering the professional interests of legal support staff, establishing good fellowship among members, promoting and encouraging a spirit of loyalty and cooperation between employer and employee, and promoting a high standard of ethics among members.

For more information about the Association, visit www.calss.org.



Law Firm Dress Code: External Restriction or Internal Guide?

by Janet Ellen Raasch

The subject of law firm dress codes is guaranteed to get an animated response from any legal administrator.

Over the past decade, casual-Friday or casual-daily dress at law firms has become extremely popular with both staff and lawyers. Currently, the pendulum is swinging back to more formal business dress – strongly so in the major cities of the East Coast and increasingly so in the more casual cities of the Midwest and West Coast.

How does an administrator encourage staff and lawyers to adopt more formal business attire without having to rescind privileges that people have grown accustomed to?

"If you demonstrate to your staff and lawyers how their personal business style is closely linked with their ongoing career success, they will start to pay attention," said Doug Paris. "They will not need an external code. They will dress appropriately because their internal code tells them that it is in their best interest to do so."

Paris addressed the subject of law firm dress codes at the monthly educational luncheon of the Mile High Chapter of the Association of Legal Administrators (www.milehighala.org), held Oct. 18 at The Adams Mark Hotel in Denver.

Paris is founder of Denver-based Doug Paris Wardrobe & Design (www.parisdesignonline.com). He provides wardrobe design and consultation services to men and women who want to advance their careers as executives, managers, sales professionals and entrepreneurs. He is author of *Style: A Life's Work*.

"Although my clients may differ in many of the details of their lives, the one thing they all share – no matter what their budget – is a desire to ensure that their personal style reflects their individuality and their unique purpose in life," said Paris.

Enhance your style

Success in the legal field is based on skill, but also on relationships. "One of the key elements of any relationship, with both clients and colleagues, is respect," said Paris. "The way you dress tells clients and colleagues that you respect them – and that you respect yourself. Individuals who dress well command respect and increase their effectiveness in the workplace.

"When choosing a business wardrobe, consider your personal style – *who* you are at the core of your personality and how your clothes reflect this," said Paris. "Then, enhance your personal style through wardrobe in a way that helps you achieve your business goals and objectives – *what* you want to achieve professionally.

"Be careful that you do not confuse style with fashion," said Paris. "Style is timeless and defines the individual. It is built upon the classics. Fashion is transient and embraced by the masses. It is built upon trends. No matter what your wardrobe budget, invest most of it on style. For fun, spend a little bit on fashion."

"Business casual" is appropriate for casual-Friday or casual-daily law offices. "When people who work at law firms hear the words 'business casual,' both men and

Continued on page 7

Contents:

CALSS Educational Conference To Be Held in Longmont	1
Law Firm Dress Code: External Restriction or Internal Guide?	1
Is Habeas Corpus a Corpse?	3
So . . . Let's Have a Great Meeting!	4
The Grammar Queen: EMs and IMs.....	5
Let It Be	6

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From the Editor:

Cheers to 2008! Along with a new year comes a new edition of *De Novo*. I hope you enjoy the humorous tone of this issue – I had great fun putting it together for you.

As always, if you know of someone who would like to write an article for this publication, if you've come across an article that you found particularly interesting, or if you've found some topical, timely tidbits, please send them my way! I'm always looking for good things to share.

The next issue will be out in March 2008. So until then . . . good luck with those New Year's resolutions!

Cathy Hansen, PLS
De Novo Editor



De Novo is a bi-monthly publication of the Colorado Association of Legal Support Staff (CALSS), published in odd-numbered months. The information in this publication is intended for general guidance, and should not be construed as legal advice. CALSS accepts no responsibility for loss to any person or entity as a result of action or inaction based on the use of any information in this publication.

Articles that appear in *De Novo* do not necessarily reflect the view of CALSS, nor does their publication constitute an endorsement.

An annual e-subscription to *De Novo* is provided to members of CALSS as part of their membership dues. Printed copies may be obtained from the editor.

All correspondence regarding content should be directed to the editor. Original articles may be submitted for publication, as well as reprints of previously published articles. (In the latter case, please include author and publication information so appropriate reprinting permission may be obtained.)

Deadline for submission is the 15th day of the month preceding publication (i.e., December 15 for the January issue).

Is Habeas Corpus a Corpse?

by Administrative Law Judge Craig C. Eley

I celebrated Constitution Day a few months ago by taking the day off work, cracking open a case of Samuel Adams and reading the U.S. Constitution. I'm sure you did the same. After the first couple of articles, I'll admit I got a little bored with the Constitution, so I called Blockbuster to see if they had the film version in stock. No dice. I could get *The Ten Commandments*, but not *The Constitution*. So, I put the Constitution down and went to the mall, hunting for those once-a-year Constitution Day Sale-a-Thons.

I noticed while at the stores that, surprisingly, few people were celebrating Constitution Day. No sales; no red, white and blue signs; no images of Franklin, Hamilton or their ilk. It didn't look like anyone was even into the spirit of the holiday. For example, at Home Depot I picked up a new metal pole for my bird feeder. When the clerk rang it up, I gave him just the amount shown on the price sticker. He told me that wasn't enough, I had to include tax. I said, "What about the 24th Amendment to the United States Constitution?" He replied, "What about it?" "It abolished the poll tax!" I exclaimed, to no one's amusement but my own. The guy didn't even seem to get the joke.

Aye, there's the rub. It seems that no one knows anything about the Constitution anymore, much less the 24th Amendment. And that's the whole reason for Constitution Day. U.S. Senator Robert Byrd, who, legend has it, keeps a copy of the Constitution in his pocket at all times, slipped a little wording into the federal 2004 spending bill that created Constitution Day on Sept. 17 of each year. Not only that, but he included a mandate that all educational institutions that receive federal money (probably 99 percent of all public and private schools in the country) had to take time out on every Constitution Day to teach about the Constitution. Some critics have urged Senator Byrd to actually take the Constitution out of his back pocket and read the thing, especially the 10th Amendment, which provides, in its entirety:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the public.

They make the point that nowhere in the Constitution does it give Congress the power to tell schools what to teach or when to teach it, so Senator Byrd's pet legislation is, itself, unconstitutional. But that is of no import. Senator Byrd did not include any enforcement mechanism (and certainly no funding mechanism), so schools across the country essentially ignore this mandate. Therefore, no one is inclined to make a federal case out of it, which is the only way to be sure it is or is not constitutional.

The passing of Constitution Day 2007 without a whimper is, in some respects, unfortunate, because all of us could do with a brush-up on that document once a year.

This has become even more evident in light of recent events that have demonstrated that, rather than being a staid and static document, the Constitution is a living thing, which evolves and changes year to year.

The first manifestation of this phenomenon in 2007 came in mid-January, when then-U.S. Attorney General Alberto Gonzales was testifying before a Senate committee, and the inconvenient subject of the writ of habeas corpus came up. For those readers who chose to take "The Law of Space" in law school instead of "The Historic Foundations of Anglo-American Law," a brief look backwards may be helpful to understand all the hoopla surrounding this ancient writ.

In 1215, King John of England reluctantly agreed to the terms of a document known as the Magna Carta.

Article 39 provides:

No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land.

This language is cited by some as the first written manifestation of the writ of habeas corpus (also known as the Great Writ), although there is evidence that it existed long before 1215. And, like most Americans, I was taught in high school that habeas corpus is one of the most celebrated protections of liberty enshrined in our Constitution.

But things change. When the Attorney General testified before a Senate committee on January 18, 2007, this colloquy took place between him and Senator Arlen Specter, a fellow Republican, and a former district attorney:

Gonzales: . . . there is no express grant of habeas in the Constitution. There is a prohibition against taking it away. But it's never been the case, and I'm not a Supreme –

Specter: Now, wait a minute. Wait a minute. The Constitution says you can't take it away, except in the case of rebellion or invasion. Doesn't that mean you have the right of habeas corpus, unless there is an invasion or rebellion?

Gonzales: I meant by that comment, the Constitution doesn't say, "Every individual in the United States or every citizen is hereby granted or assured the right to habeas." It doesn't say that. It simply says the right of habeas corpus shall not be suspended except by –

Continued on page 8

SO . . . Let's Have a Great Meeting!

by Audrey Brekel, CALSS Parliamentarian

Is the Colorado Association of Legal Support Staff doing the right thing by using parliamentary procedure at its meetings? Should your local chapter use parliamentary procedure at its meetings? Is parliamentary procedure important? Let's examine to see what works.

Parliamentary procedure can be adapted to fit any organization – no matter the size – and is a set of rules for conduct at a meeting. It means a democratic rule for the organization, it allows flexibility, it protects the rights of all members, and it provides fair hearing for everyone. Basically, parliamentary procedure is just common sense and respect for others attending the meeting.

Why is parliamentary procedure important?

- Meetings are more productive with structure.
- Business is accomplished in an open forum.
- The majority of the members rule; however, the rights of the minority and absent members are protected as well.
- It keeps discussion to the issue. The members take turns speaking – one member should not be allowed to monopolize the discussion (*i.e.* before the business of a meeting begins, it should be made clear that no member may speak twice on an issue until everyone who wants to speak does so and a time limit for the length of speaking by any member may be imposed by the president). If there is a contentious issue, those speaking for the issue and those speaking against the issue should take turns voicing their opinion.

- Members should always address the chair and they should not cross-talk or talk directly to each other.
- Members should speak so all can hear, and should listen when others are speaking. It wastes time – not to mention the frustration that it causes – when a member asks a question that was just answered in discussion!

One of the most common occurrences at a meeting is presentation of a motion concerning an item of business. The correct steps for presenting and voting on a motion are: presenting the motion; seconding the motion; discussing the motion; and voting on the motion.

The steps in presenting a motion are:

- Rise (or, in a smaller group, you may simply raise your hand) and wait to be recognized by the president.
- The language for a motion is, "Madam President, I move. . ." or, simply, "I move. . ."
- Your motion should contain who, what, where and when.
- The motion should be in writing if possible. This helps the president deal with the motion and also helps the secretary take accurate minutes.

The only step necessary in seconding a motion is:

- Just say "second" (in a large gathering, you will want to use your outside voice!). You do not need to rise or be recognized and you do not need to state your name.

Helpful hints in discussing a motion are:

- The person who makes the motion has the right to speak first.
- All members who are present at the meeting get the opportunity to voice an opinion if they so desire – they just need to wait their turn.
- When discussing a motion, speak to the president – not to the other members.
- Rules of the meeting may limit time for discussion and may limit the number of times you may speak on an issue. Generally, once you have spoken, you cannot speak again until everyone who would like to enter the discussion has the opportunity to do so.

There are five ways to vote on a motion:

- By voice (using yea or nay – or yes and no).
- By show of hands (used generally when the vote needs to pass by 2/3 or by a majority).
- By roll call (each name is called out and the vote is noted in the minutes – generally, you see this type of vote in municipal or school board meetings).

- By ballot (causes a secret vote).
- By consent ("If there is no objection. . .").

Miscellaneous information regarding motions:

- A motion should always be worded in the positive. If, after discussion, it becomes clear that the members do not want to do a particular action, a motion can be made in the positive and then simply defeated (rather than making a motion worded in the negative). A second option is if, after discussion, the members do not want to do a particular action, the matter can simply be dropped – unless it would be of benefit to have a record in the minutes of the desires of the members concerning that particular matter.

- If the result of a vote is a tie, the motion is lost. If the president has not voted, she can vote to break the tie.
- The president can vote to cause a tie, in which event the motion fails.
- If you have a ballot vote, hand your ballot to the teller. **DO NOT** pass your ballot to another member!
- A member who makes a motion cannot speak against the motion, although she can vote against it.
- The member who seconds the motion can speak against the motion because a second means "Let's discuss it" and not "I agree."

- If you don't understand a motion or if the discussion has been confusing, be sure to ask for clarification. It is always appropriate to ask questions to clarify the issue -- and it is of the utmost importance that you understand what you are voting on!

Continued on page 5



The Grammar Queen: EMs and IMs

by Darlene Johnson

Jane was a hard-working, responsible and efficient executive assistant to a difficult boss — until she made one fatal error. Responding sarcastically to an e-mail her boss had sent to the staff, she sent it off to her favorite co-worker, Deb, only to realize with horror that she had hit “Reply to All.” She was soon gone.

This scenario, while fiction, has happened all too often and is always embarrassing (or worse). I think we’re all a little more careful because we’ve heard so many horror stories about it. But there’s another e-mail gaffe that workers make every day: treating e-mail and instant messages as a less formal and less important method of office communication than letters. You know what I mean — the e-mailer who can’t be bothered with capital letters or proper punctuation; the co-worker who just has to put a smiley face or other facial expression at the end of each sentence; the in-a-hurry typist who uses OMG and BYOB and LOL instead of actual words.

While all of these are arguably okay in personal communications, they should be avoided in office communications, whether you are sending to co-workers or clients. First, office communications of *any* kind are a representation of the company or firm, and should be

created with the same care as a letter would be. Second, both e-mail and instant messages are captured on your computer or your company’s network and can come back to haunt you, whether because of their dicey content or because of your lack of professionalism in their creation.

So, the next time you fire off an e-mail at work, take a moment before hitting “Send” and proof it, just as you would a letter. Is it correct? Is it appropriate? Is it professional? How will it reflect on you in the future — especially when you’re asking for a promotion or a raise? This scrutiny may take a little time, but it will pay off in the end with fewer negatives in your personnel “file.”

Remember, diamonds are forever — and so are e-mails and instant messages. _____✍

Darlene Johnson is the Managing Editor at Continuing Legal Education in Colorado, Inc. When she’s not busy making sure all the i’s are dotted and the t’s crossed, Darlene enjoys baking scones and spending time with her husband and daughter. Please send your grammar questions to Darlene at djohnson@cobar.org.



Great Meeting (continued from page 4)

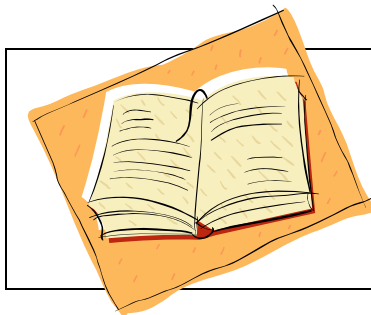
When should a meeting end? Hopefully long before the crack of dawn! No meeting should be adjourned without:

- Tying up loose ends. Be sure you finish every item that was brought before the meeting. If there are any unresolved issues, they can either be tabled until the next meeting or finished quickly at the end of the meeting.
- Clarifying the need for follow-up on assignments or decisions made at a meeting. It is important to be clear on who is responsible for carrying out the actions resulting from decisions made at a meeting, what is to be done, how it is to be done, and the deadline for completion.
- A summary of decisions. A recap of the actions taken can be helpful — and can also help to avoid confusion.

- Plan the next meeting. Get a head start on the future — set the time and place of the next meeting. Meetings should end on a positive note!

Coming up in the next issue: “So. . . You Are A Leader!” _____✍

Audrey Brekel is a past president and charter member of CALSS. She currently serves as CALSS parliamentarian. Audrey has earned the reputation of parliamentary guru of the association, having written a number of articles and presented many seminars on the topic. Comments and questions may be directed to audrey.brekel@hro.com



NOTE TO READERS: If you prefer to read a non-graphic version of *De Novo*, you can view all of the articles in straight text format at www.calss.org (log in to the Members Only page, and follow the links to the Publications Page).

Let It Be

by Senior U.S. District Judge Jerry Buchmeyer

This marvelous (!!!) contribution is from **J. Red Tripp** of Austin, Texas, who is the deputy general counsel in the State Office of Risk Management. It's an opinion written by *Judge Gregory R. Todd* of the 13th Judicial Court of Yellowstone County, Montana, in Cause No. DC 06-0323, *State of Montana v. Andrew Scott McCormack*:

Mr. McCormack, you pled guilty to the charge of Burglary. To aid me in sentencing, I review the pre-sentence investigation report. *I read with interest the section containing Defendant's statement.* To the question of "Give your recommendation as to what you think the Court should do in this case," you said, "*Like the Beetles say, 'Let It Be.'*"

While I will not explore the *epistemological or ontological overtones* of your response, or even the *syntactic or symbolic keys of your allusion*, I will say **Hey Jude, Do You Want to Know a Secret?** The greatest band in rock history spelled their name B-E-A-T-L-E-S.

I interpret the meaning of your response to suggest that *there should be no consequences for your actions* and I should just **Let It Be** so that you could live in **Strawberry Fields Forever**. Such reasoning is **Here, There and Everywhere**. It does not require a **Magical Mystery Tour** of interpretation to know **The Word** means leave it alone. I trust we can all **Come Together** on that meaning.

If I were to overlook your actions and **Let It Be**, I would ignore that **Day in the Life** on April 21, 2006. Evidently, earlier that night you said to yourself **I Feel Fine** while drinking beer. Later, whether you wanted **Money** or were just trying to **Act Naturally**, you became the **Fool on the Hill** on North 27th Street. As **Mr. Moonlight** at 1:30 a.m., you did not **Think for Yourself** but just focused on **I, Me, Mine**.

Because you didn't ask for **Help, Wait for Something** else, or listen to your conscience saying **Honey Don't**, the victim later that day was **Fixing a Hole** in the glass door you broke. After you stole the 18 pack of Old Milwaukee, you decided it was time to **Run for Your**

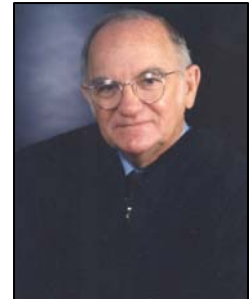
Life and Carry That Weight. But when the witness said **Baby It's You**, the police responded **I'll Get You** and you had to admit that **You Really Got a Hold on Me**. You were not able to **Get Back** home because of the **Chains** they put on you. Although you hoped the police would say **I Don't Want to Spoil the Party** and **We Can Work It Out**, you were in **Misery** when they said you were a **Bad Boy**. When the police took you to jail you experienced **Something New** as they said **Hello Goodbye** and you became a **Nowhere Man**.

Later when you thought about what you did, you may have said **I'll Cry Instead**. Now you're saying **Let it Be** instead of **I'm a Loser**. As a result of your **Hard Day's Night**, you are looking at a **Ticket to Ride** that **Long and Winding Road** to Deer Lodge. Hopefully you can say both now and **When I'm 64** that **I Should Have Known Better**.

Dated this 26th day of
February 2007.
Hon. Gregory R. Todd,
District Court Judge

Excerpted with permission from "et cetera," Texas Bar Journal, 913 Vol. 70, No. 10 (November 2007).

Jerry Buchmeyer, District Judge of the Northern District of Texas, who just completed his seven-year term as Chief Judge, was appointed to the federal bench in 1979 by President Jimmy Carter. Prior to his judicial appointment, he worked as a civil litigator at the law firm of Thompson & Knight L.L.P. Since 1980, he has entertained lawyers far and wide with his "et cetera" column in the Texas Bar Journal. Contributions to et cetera may be mailed to U.S. District Judge Jerry Buchmeyer, U.S. District Court, Northern District of Texas, 1100 Commerce St., 15th Floor, Dallas, TX, 75242. Or you can email suggestions to tbj@texasbar.com.



OLLS Website Provides Legislative Information to Public

The Office of Legislative Legal Services (OLLS) is the non-partisan, in-house legal counsel for the Colorado General Assembly. In addition to writing laws, producing statutes, and reviewing administrative rules, the OLLS serves as a resource of legislative information for the public. Much of this information is available on the OLLS website.

The OLLS website offers information about legislation and members of the state legislature, as well as legal memoranda and law summaries. In addition, it provides links to audio broadcasts of legislative proceedings and short summaries (digests) of bills that have passed each year since 1994.

The "Colorado Revised Statutes" tab recently was updated to include an index of "Analyses of Acts with Multiple Articles." This index provides practitioners with a listing of the section numbers and headnotes that comprise statutory acts spanning more than one article in a given title.

To access the OLLS website, visit www.state.co.us/gov_dir/leg_dir/olls. Contact the OLLS at 303-866-2045 with questions about legislation, legislative history, or the General Assembly.

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Dress Code (continued from page 1)

women should think in terms of three pieces of clothing,” said Paris.

“For men, this consists of a sport coat or sweater over a casual shirt and nice slacks,” said Paris. “An updated look is to wear a suit with a light-weight mock-turtleneck or an open-collar woven shirt. Women can wear a jacket or sweater ensemble.

“Khakis, jeans and knit shirts are weekend casual – not business casual,” said Paris. “In my opinion, they should not be worn at any time in a professional office by those who want to demonstrate respect for themselves, their colleagues and their clients.

“Shorts, tank tops, and anything too tight or too loose are also unacceptable,” said Paris. “From an HR point of view, the more skin, the more risk.”

Rules for the wardrobe

For those who want to “invest” in a business wardrobe, stressing quality over quantity, Paris recommends the 4x4x4 rule. “Less can be more if you buy coordinated classics – four jackets, four skirts or pants, and four shirts or tops. This simple start gives you 64 combinations – enough to wear a different outfit each day for two whole months.”

Another one of Paris’ rules for enhancing style is to pay close attention to the top ten inches of your body and the lower ten inches. People will notice these areas first.

“The top ten includes your head and neck – starting with a friendly smile,” said Paris. “Find a haircut and eye-glasses that flatter your features – updated, but not copying the latest celebrity. Women should wear subtle (not dangling) jewelry of the best quality they can afford; scarves should be subtle woven silk or cashmere. Men’s ties should follow the same guidelines. If someone calls your neckwear ‘snappy,’ think twice.”

The lower ten includes footwear and stockings. “Men will rarely go wrong using a black cap-toe dress shoe as a wardrobe basic,” said Paris. “Stockings should be quality fabric and calf-length. Women should focus on closed-toe pumps in several colors and should wear stockings – always in winter and virtually always in summer.”

Neither men nor women should ever wear sports shoes, sandals or flip-flops to the office – even at offices that are casual-Friday or casual-daily. Loafers are a classic casual choice.

“The rules will get you through most workplace situations,” said Paris. “Once you know the rules, it can be fun to break them – on purpose and with attitude to

reflect your unique style, not by accident because you don’t know any better.”

Invitation consternation

Invitations to social events are confusing to many people. “You may see ‘smart casual,’ ‘dressy casual,’ or ‘professional casual’ referenced on an invitation,” said Paris. “In general, this means the same three pieces as business casual – but with an upgrade in fabric quality and construction. This is when you replace cotton and wool with silk and cashmere.”

If an invitation says ‘informal’ or ‘formal,’ the first thing to check is time of day.

For informal and *before* 6 p.m., men may wear a sport coat with an open-collar woven shirt or merino-wool mock-turtleneck shirt. After 6 p.m., add a tie or upgrade the turtleneck to silk or cashmere. Women can take a less-tailored approach than they use at the workplace – a blouse or sweater-set *before* 6 p.m. and fine, less-constructed clothing in natural fabrics *after* 6 p.m.

“For formal and *before* 6 p.m., dress is a dark suit and tie for men and tailored business wear for women,” said Paris. “For formal and *after* 6 p.m., dress is black tie for both men and women. A woman may also wear an embellished evening suit.”

Black tie is the most common formal event. For men, this means a traditional tuxedo. “In my opinion, black tie is never *optional* – no matter what the invitation says,” said Paris. “If it’s on the invitation, and you want to enhance your style, you wear it.” For women, black tie means a long (preferably) or short formal gown.

White tie calls for the most formal of evening attire. A man wears a tailcoat, a white pique vest and a white tie. A woman wears a very formal long evening gown and may wear long gloves.

“Whether casual Friday at the law firm or a black tie event with an important client – appropriate dress enhances an individual’s unique style and purpose in life,” said Paris. “Once this is understood, a dress code should not be necessary.”

Janet Ellen Raasch is a writer and ghostwriter who works closely with lawyers, law firms and other professional services providers to help them achieve name recognition and new business through publication of articles and books for print and rich content for the Internet. She can be reached at (303) 399-5041 or jeraasch@msn.com.



I like these cold, gray winter days.
Days like these let you savor a bad mood.

Bill Watterson,
creator of the comic strip *Calvin & Hobbes*

Habeas Corpus (continued from page 3)

Specter: You may be treading on your interdiction and violating common sense, Mr. Attorney General.

I'm not sure what "treading on interdiction" means, but it doesn't sound like something I would want to do anytime soon. Treading on the writ of habeas corpus, however, is another matter, and one that seems to have agitated Senator Specter. Despite Attorney General Gonzales's assurances that the writ of habeas corpus is not a protection guaranteed by the Constitution, Senator Specter clearly wasn't buying it. This disagreement could perhaps be chalked up simply to what one law school teaches versus another – Specter went to Yale, Gonzales to Harvard. Let's take a look at what actually is written in the Constitution in Article I, Section 9:

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Apparently, what the Attorney General was saying was that although there is a prohibition on suspending habeas corpus, there is no actual affirmative grant of the right to habeas corpus in the Constitution. In other words, just because the government cannot suspend habeas corpus doesn't necessarily mean anyone had the right to habeas corpus to begin with.

It's easy to see how, in the 572 years between the creations of each document, a little thing like the right to habeas corpus could be dropped during the transition from the Magna Carta to the Constitution – perhaps lying on the cutting-room floor of the Constitutional Convention somewhere. Seeing as I did not have the good fortune of attending Harvard Law School, I normally would bow to the superior knowledge of the Attorney General on this point. But a few words drifted back to me from Professor Beaney's Con Law class all those decades ago, prompting me to look up the wording of another part of the Constitution, the First Amendment. Here is what I found:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Wow. Just like the habeas corpus provision, this amendment is phrased in the negative. If the Attorney General's reasoning is applied to the First Amendment, he would say that there is no express constitutional grant of freedom of speech. Thus, just because Congress cannot abridge freedom of speech doesn't mean we were ever entitled to such a freedom in the first place. Given the history of the Attorney General's boss in glossing over habeas corpus, if I were *The New York Times*, I'd be sweating right now.

Later in his testimony, the Attorney General acknowledged habeas corpus as "one of our most

cherished rights," but maintained that it is a right granted by statute, not the Constitution. Congress giveth, and Congress taketh away.

And so the Constitution evolves before our eyes, as it transmogrifies to meet the needs of a complex society. And that's not the only change I've noticed. For example, in school I learned that when the President is presented with a bill passed by Congress, he could take three actions: sign it, veto it, or do nothing with it. Maybe I was asleep during high school civics class when "signing statements" were discussed. I only heard of these creatures a few months ago, and as best I can figure they occur when the President approves a bill, and then makes a statement that, despite its terms, the bill will not apply to him and maybe not to the entire executive branch.

Where did that come from? I hate to keep harping on what's in the Constitution, but Article II, Section 3 requires that the President "shall take Care that the Laws be faithfully executed. . . ." It doesn't say that he can choose to ignore those laws he doesn't like. If he doesn't like a law, he can veto it. That's something the Constitution *does* say he can do.

Now, like Senator Specter, perhaps *I* am becoming a little agitated (the use of italics twice in two sentences is a dead giveaway). Maybe Senator Byrd has the right idea. Next September 17 why don't we all take the day off and read the Constitution. It could do us all good – whether we are in Colorado, Washington, D.C., or even Cambridge, Mass. _____

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