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In light of our new associate's practice areas, this newsletter issue focuses on our litigation and business practices.

We are excited about expanding the reach of our firm. Be assured, however, that our probate and estate planning practice is still going strong! We continue to provide a wide range of services related to estates and trusts.

## BLG Welcomes Associate Attorney

### DAN ERNST'S WEALTH OF EXPERIENCE & EDUCATION STRENGTHENS BLG'S LITIGATION, CORPORATE AND REAL ESTATE DIVISIONS

Baker Law Group is excited to welcome Senior Associate Attorney Dan Ernst to our team! We believe that Dan's rich experiences, both inside and outside of the courtroom, will be an asset to our office and our clients.

His path to law took him through a variety of academic disciplines, universities, and even multiple countries. He began his post-secondary career in the sciences, earning an A.B. in Physics at the University of California, Berkeley.

He later shifted his focus to philosophy and politics, serving as a Harvard University teaching assistant and research fellow in those areas. A few years later, he completed his Ph.D. in Political Theory/ Philosophy at Yale.

Following his Ph.D., he began a position as an Assistant Professor in the department of International Studies at EWHA Woman's University in Seoul, Korea, where he taught, researched, and published.



Newly hired associate attorney Dan Ernst brings years of litigation experience along with an Ivy League education.

After three school years as a professor, he returned to the classroom as a student, this time studying law at New York University. He says he was drawn to law because a number of legal questions had come up during his research, and he "realized the importance of law in contemporary society."

During law school, he spent two summers in Israel as a legal research associate and earned his J.D. with

an emphasis in International Law.

Dan is now in his seventh year of practicing law. Some of the highlights of his legal career include acting as primary counsel in a multi-million dollar corporate partnership dissolution, arguing before state courts, appeals courts, and Federal District Court, winning a \$58 million-dollar trial verdict, defending hospitals and physicians in malpractice cases, and winning a Motion for Summary Judgment in a multi-million dollar crypto-currency case.

His background also includes working with HOAs and homeowners, litigating on behalf of nonprofit corporations, representing plaintiffs in complex commercial litigation and mass-tort cases, and general corporate transactions.

At Baker Law Group, Dan's practice will concentrate on civil litigation, HOAs, real estate, and corporate law. Dan says he is "looking forward to getting to know clients personally and helping them through trying times to obtain justice."

## Proposed Bill Provides Protections for Businesses in COVID Era

At the end of July, lawmakers unveiled a \$1 trillion coronavirus relief package that included a bill, known as the "Safe to Work Act," that would (in part) prevent individuals from suing businesses for coronavirus-related infections and death. Claims arising from "actual, alleged, feared, or potential exposure to the coronavirus" would be subject to the requirements of the bill.

If the bill is enacted, plaintiffs will have to establish that a business was grossly negligent (defined by the bill as reckless disregard of one's legal duty and the government's guidelines) or engaged in willful misconduct. For example, if a business fails to require its staff to wear masks despite knowing the risks of failing to do so, this may be grossly negligent behavior by the business. Some plaintiffs have argued that proving gross negligence will be too difficult of

a standard to prove in court, which would ultimately allow businesses to unjustly escape liability. On the other hand, proponents have reassured that the standard is fair and undoubtedly possible to meet.

Plaintiffs would also have to establish that a business failed to make "reasonable efforts" to comply with applicable public health guidelines related to the coronavirus. Thus, even if a business has acted grossly negligent or engaged in willful misconduct, it may be able to avoid liability if it can establish that it made a good-faith attempt to comply with guidelines. Again, proponents of the bill reassure that the standard is reasonable, while opponents argue that proving that a business acted in bad faith will be nearly impossible.

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## Baker Law Group Employee Spotlight: Law Clerk Angela Bubis

**State of Origin:** California (San Diego)

**Years in Colorado:** One (1)

**Reason for moving to Colorado:** I began attending law school at the University of Colorado at Boulder in 2019 (Go Buffs!). I wanted to attend a school that would provide a different environment from the ones that I have experienced before, while remaining somewhat close to my family.

**School/ Degree:** University of California, Los Angeles (UCLA) – Psychobiology, B.S. (Go Bruins!)

**Career Plans:** After graduation, I hope to move to New York City to work as a patent litigator, focusing on cases concerning pharmaceutical patents, biotechnology, etc.

**Why I chose a career in Law:** After spending time providing legal services to underserved communities in Los Angeles, I became aware of lawyers' abilities to not only provide meaningful and necessary assistance to others, but I also found that it was an unconventional way to empower one's community through our skillset.

**Hobbies and Interests:** Reading, curating music, and spending time with loved ones.

**Surprising Facts about my Interests:**

- Studies have suggested that reading for as little as six minutes per day can reduce your stress levels by almost 70%!
- The concept of patents dates back to the ancient Greeks in the year 1474.
- In 2020, approximately 1 in every 37 people in the United States calls New York City home.

**Favorite Experience in Colorado:** My favorite experience has been cultivating friendships and professional relationships with intelligent and dedicated peers and mentors.



## Considerations for Businesses Filing a Lawsuit

If you are in a business contemplating suing a third-party, there are several considerations that you should make before moving forward:

**Do you have a “good” case?** Be sure that you have a genuine legal claim that will likely have a court's support. You should also consider whether you'll be able to produce the relevant evidence to support your claim. If you have doubts, you might want to consider settling outside of court with the help of an attorney.

**What type of civil lawsuit would you be involved in?** Businesses are commonly involved in either employment lawsuits, insurance lawsuit, cases where one party owes another money, breach of contract suits, or tort actions. If you believe that your case involves fraud, such suits tend to be more difficult to prove, in some cases resulting in a lengthier process.

**Are you suing the correct party?** Knowing the proper party to sue is important, because it will likely affect the amount of damages you can recover

if you prevail in a lawsuit. It will also help you to better predict the difficulty of your lawsuit and your likelihood of actually recovering.

**Where will you be able to sue?** If you are suing a defendant from a different state, a Colorado court may not have jurisdiction over them. In that case, you may have to sue the defendant in their location, which would likely be more inconvenient for you.

Consider whether you'll be able to produce the relevant evidence to support your claim.

**Are you within the applicable statute of limitations?** Verify with a lawyer to make sure that any time limits for filing a suit have not expired. This is important, because if the statute of limitations passes before you initiate your claim against the defendant, then

you may lose access to important potential legal remedies.

**How much do you expect to recover from the lawsuit?** The cost for any lawsuit likely involves costs from the court and other legal fees. If these costs exceed the amount that you are expecting to recover, it may not make financial sense to bring suit against the defendant. If you are expecting your claim to not exceed \$7,500, you may be able to take your case to a Colorado small claims court. It's also important to know if you are entitled to recover attorney fees in the event you prevail.

**Can you reasonably rely on recovering from the defendant?** In civil lawsuits, the court will not assist you in getting the money that you've been awarded from the defendant. This can make it difficult to recover in certain instances. Consider whether or not the defendant has the resources to pay a judgment.

Every case is unique, but the above questions are a good starting point for anyone considering filing a lawsuit.

**Business Spotlight: The Law Office of Michael A. Hug**

**24 Years of Experience in Family Law**

**Serving the Denver Metro Area**

7700 E. Arapahoe Rd., Ste. 140, Centennial, CO 80112

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The outcome of divorce and child custody cases can have a lifelong impact on a family’s wellbeing. Attorney Michael Hug, owner of The Law Office of Michael A. Hug, recognizes the significance of these matters, particularly for children. He explains, “Personally, I take great satisfaction from the custody aspects of each case as children are near and dear to my heart, and knowing we are helping the children and the parents resolve issues and move forward makes me feel like we are doing our part to help society and our communities.”

In addition to divorce and child custody, Hug’s office also offers services relating to paternity, endangerment, parental responsibility, child support, post-decree modifications, and property settlement, as well as criminal defense as the need arises within family law cases. In all matters, his firm is committed to caring for its clients well, as Hug describes: “All clients receive personal attention from the lawyers ... We like to keep our clients fully informed at all times and ensure their participation in the decision-making process. Our clients love the way we take care of them.”

Hug’s commitment to children’s welfare stems from personal experience. He was raised in the Colorado foster care system and understands the “obstacles awaiting children if they do not get the nurturing, encouragement and support they need as children and young adults.” This motivates him to work tirelessly to reach resolutions that will put children in safe, stable situations. As the positive client reviews on his website attest, Michael Hug’s commitment to children and families shows through in the quality of his work.



**Business Spotlight: Insurance Town & Country**  
**Independent Commercial & Personal Insurance Agency**

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[joan@insurancedenver.net](mailto:joan@insurancedenver.net)

If you dread calling your insurance agent, you’ve probably never had the pleasure of calling Joan or Jeremy Burkett at Insurance Town & Country. As co-owner Joan Burkett explains, “We actually answer the phone and know your name!” We at Baker Law Group can attest that this is true— we have made numerous calls to Insurance Town & Country on behalf of business clients, and it has always been a pleasure to work with them.

This independent insurance agency serves individuals, families, and businesses, providing both personal packages (home, auto, umbrella, life and health) and commercial business packages (liability, property, equipment, business auto, group health, bonds, and umbrella). They boast over 60 years of insurance knowledge, and note that being independent gives them the flexibility to find the coverage their clients need.

When asked what makes their business unique, they cited their level of service. Joan Burkett recounted a recent client example that exemplifies the loyalty of their customers: “We just had a client that we had for over 20 years who moved to Texas, call to ask if we could write her coverage in TX. She had missed ‘that level of comfort’ from dealing with us. We are providing proposals for her right now.”

Insurance Town & Country’s commitment to service extends from their office into the Denver community and beyond. They have volunteered with Denver Rescue Mission for several years, and for over 15 years, they have sponsored a Denver family for both back-to-school and Christmas. They have also been doing microloans, teaching business, and assisting with other projects in Haiti for over 20 years.

Experience and customer service set this agency apart from the many insurance options. If you are looking for a new policy or want to review your current coverage, give Insurance Town & Country a call. Before long, they’ll know your name, too.

**Business Protections**

Continued from Page 1

All cases arising from the bill would subject the parties to limitations on noneconomic damages, e.g. pain and suffering, unless a plaintiff can prove that the business committed willful misconduct. Advocates for the bill have argued that limiting these types of damages would lower health care and insurance costs for everyone, including plain-

tiffs not subject to the bill.

Critics argue, however, that limitations on these damages compromise plaintiff’s constitutional rights to recover from a business’s wrongdoing. The bill would also allow prevailing defendants to seek damages if a plaintiff’s claim turns out to “lack foundation” or to have been made in bad faith.

Overall, the bill’s proposed protections could provide businesses with much more security

during the coronavirus’s impacts on the economy. It would allow businesses to focus on reopening, and it would help to support small and medium-size businesses that are struggling disproportionately during the pandemic.

However, advocacy groups have criticized the bill for its likelihood of increasing infection rates across the country, as well as de-incentivize businesses to take precautions if they know they cannot be sued over coronavirus-related infections.



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**DISCLAIMER:** The information provided in this newsletter does not, and is not intended to, constitute legal advice; instead, all information, content, and materials are for general informational purposes only. No action should be taken in reliance on the information contained in this newsletter. An attorney should be contacted for advice on specific legal issues. Nothing in this newsletter is an offer to represent you and shall not create an attorney-client relationship.

## COLORADO CORNER

### Virtual Visits & Activities

Even as many Colorado sites and destinations are open to the public, some Coloradans are electing to keep their distance this summer for health and safety reasons. That doesn't mean that you can't enjoy some local favorites virtually, though. Check out the following event databases for fun and/or educational events:

Visit Denver keeps a running list of events going on in Denver, and they've added a "Virtual Events" section at the bottom of the list. Some current highlights include digital offerings from local museums, including the History Colorado Center and the Children's Museum of Denver, digital puzzles of Denver landmarks, and more. Learn more at [denver.org/blog/post/Denver-events-this-weekend](http://denver.org/blog/post/Denver-events-this-weekend).

The Colorado State Library has published a Virtual Events Calendar, which, according to their website, features "online events that Colorado libraries and other cultural institutions and literacy partners are offering to the public."

The calendar lists events for people of all ages throughout the day, from Call-In Mid-Morning Meditation to Virtual Baby Storytime to an afternoon writing workshop to Bedtime Yoga for Kids. To see the vast array of educational and interactive events, visit [coloradovirtualevents.org](http://coloradovirtualevents.org).

The Denver Post maintains an extensive schedule of virtual events. At the time of this writing, upcoming events included concerts, classes, city council meetings, comedy performances, walks, art exhibitions, and more. Find their full list at [denverpost.com/calendar](http://denverpost.com/calendar).

We encourage you to double check the details on any events you find on these lists, and we can't ensure that every event on every list will be appropriate for everyone. However, we hope that these lists help you to continue to enjoy Colorado and its variety of educational, social, and

### Many Thanks for Recent Referrals

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

Linda Alexander of Alexander Properties

Matthew Burkett of The Flyfisher Group

Chelsea Place (an Anthem memory care community)

Kay Sender of Cohen & Cohen, P.C.

Eric Faddis of Varner Faddis Elite Legal

Dan Hugo of Accounting & Tax Services

Jehnai Jackson of Dignity Memorial

Johnson Law Group, LLC

Mable Sutton, Real Estate Broker

Newcomer Cremations, Funerals & Receptions

Lauren Varner of Varner Faddis Elite Legal

cultural events from the comfort of your home.

If you find a great event on any of these lists or know of other upcoming or ongoing virtual events, we invite you to share them on our Facebook page: [facebook.com/jbakerlawgroup](https://facebook.com/jbakerlawgroup).

