

Colorado Plaintiff Employment Lawyers Association

2012 COLORADO PELA MEMBERSHIP RENEWAL APPLICATION

Please note, dues and database changes must be received by **February 29, 2012** to continue membership benefits, be included on the PELA website and the PELA listserv

Name: _____ (Each member must submit a form)

Email Address: _____

(Supplying an email address authorizes PELA to include you on PELA broadcasts)

1. CERTIFICATION:

Percentage of my practice that is employment law: _____ %

I hereby certify that at least 51% of my **employment law** practice is plaintiff's or claimant's employment work. **Initial here.** _____.

2. As part of your membership benefits, you will automatically receive all important announcements including editions of *PELA Pointers* by email.

3. Do you want to be included on the PELA Listserv? Yes _____ No _____.

If you have any difficulty accessing the PELA listserv, please contact:

Mary Jo Lowrey at MaryJoLowrey@att.net or (303) 794-2404.

NOTICE: If a PELA member represents a Defendant employer in a case in which the Plaintiff is represented by another PELA member, the PELA member who represents the Defendant employer or assists in the representation of the Defendant employer must discontinue their use of the listserv during the pendency of the litigation. This policy allows the Plaintiff's lawyer to maintain the benefit of other members' knowledge and assistance while preventing the defense attorney from gaining insight into the plaintiff's litigation strategy.

4. Following receipt of your membership dues, you will receive instructions on how you can update your own member information on the website. In order to keep your information current, each member should visit PELA's website at <http://www.colopela.org/> after March 1, 2012 to review the information provided on the website.

Promoting and increasing public awareness of the rights of individual employees and providing educational opportunities, information and assistance to attorneys who represent employees.

www.colopela.org

5. Choose a law firm or individual attorney membership.

_____ Individual membership annual dues: \$125.00

_____ Law firm membership annual dues:

Each attorney up to 4 attorneys: \$125 per attorney

For each attorney over 4 attorneys: \$50 per additional attorney

(i.e., a 6 attorney firm would pay \$600 total)

*If this is a *law firm* membership, please make a copy of this form for EACH attorney in the firm to complete. Please return all forms with your firm payment. This will help us keep the database and listserv current.

6. Additional donation to PELA's lobbying fund in the amount of _____ to help PELA fight for legislation protecting employees in the state of Colorado (donation optional but encouraged).

PLEASE NOTE: No portion of PELA dues is tax deductible as a charitable contribution. 40% of every attorney's membership dues (\$50 for membership dues of \$125 and \$20 of member dues of \$50 for firms who have over 4 dues paying attorneys) will directly fund PELA's lobbying efforts so that PELA remains an active participant in legislative activities that affect employees; that portion of your dues is therefore NOT tax deductible. The remainder of members' dues may be tax deductible as an ordinary and necessary business expense. Please consult your tax advisor for further guidance as deductibility may depend on individual circumstances.

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Please return completed forms along with payment by check to:

**Mary Jo Lowrey
Truhlar and Truhlar, LLP
7340 E. Caley Ave. #310
Centennial, CO 80111**

PELA Listserv Do's and Dont's

The PELA listserv is a valuable resource for us all. The PELA Board would like to remind everyone about proper listserv etiquette so we may maximize the benefits we all receive from the listserv while minimizing potential dangers inherent in any online community.

PELA Listserv Policy

The PELA listserv is intended for plaintiff employment lawyers only and is therefore restricted to attorney members of PELA whose dues are current. Law student members may not participate in the listserv. PELA does not vouch for the validity of the content posted on the listserv. PELA is not responsible for any messages posted or the consequences of following any advice offered within those messages. Even though the PELA listserv is restricted to PELA members, PELA cannot guarantee 100% privacy. Posting to the PELA listserv should be done with this understanding. The views expressed in the posts you will find on the listserv belong solely to their respective authors and do not necessarily reflect the views of PELA.

If you find any of the messages on the listserv to be offensive or objectionable, please contact Mary Jo Lowrey, PELA Secretary, via email at MaryJoLowrey@att.net. PELA reserves the right to deny access to any individual who continues to post messages that violate the rules of the PELA listserv.

Is information on the listserv privileged?

NO! It is imperative to remember that if privileged information is set forth on the PELA listserv then it will likely lose its protected status and/or may be seen by third parties whom you would not want to see it. Do NOT use the PELA listserv to transmit privileged or confidential information. Statements concerning sensitive topics, especially those concerning the conduct of judges and lawyers in our community, and/or the issues we and our clients confront, should be carefully thought out prior to posting.

By way of example, if an attorney offered her impressions of an expert publicly over the PELA listserv, this could operate as a waiver of the work-product protection that would otherwise be granted in that attorney's litigation in which the expert was involved. See L.A. County Bar Ass'n Op. 514 at 7. ("Arguably, an attorney opining in reply about an expert might reveal mental impressions and effect a waiver of work product doctrine.")

Maintaining confidentiality while giving and seeking advice.

Use hypotheticals when posting questions in order to comply with Colorado Rules of Professional Conduct, Rule 1.6. A consulting attorney should construct a question in a hypothetical or general form that is not identifiable to a particular client. This practice reduces the risk of disclosing confidential or secret client information to the PELA listserv subscribers. Additionally, by responding to a hypothetical or general question, the responding attorney also lessens the likelihood of providing tailored advice to the detriment of her own clients. Note, however, that you may still run afoul of Rule 1.6 if the facts offered "allow the consulted lawyer subsequently to match those facts to a specific individual or entity, the information is not already generally known, and disclosure may prejudice or embarrass the client." ABA Comm. On Ethics and Prof'l Resp., Formal Op. 98-411 (1998). Remember, because no attorney-client relationship is typically created as a result of the inquiry, the consulted attorney has no automatic duty to maintain the confidentiality of information disclosed, or to refrain from representing a party adverse to the consulting attorney's client.