

SUPREME COURT, STATE OF COLORADO
Court Address: 2 East 14th Avenue
Denver, Colorado 80203

ORIGINAL PROCEEDING PURSUANT TO
§ 1-40-107(2), C.R.S. (2006)
Appeal from the Ballot Title Setting Board

Petitioners:

**POLLY BACA, KRISTY SCHLOSS, and
RON MONTOYA, Objectors,**

v.

Respondents:

**VALERY ORR and LINDA CHAVEZ,
Proponents,**

And

**TITLE BOARD: WILLIAM A. HOBBS,
DANIEL L. CARTIN, and DANIEL
DOMENICO**

Theresa Spahn, Atty. Reg. No. 17504
President
Colorado Women's Bar Association
Fay Matsukage, Atty. Reg. No. 10257
President
Colorado Women's Bar Association Foundation
3200 Wells Fargo Center
1700 Lincoln Street
Denver, CO 80203
Phone No.: 303-831-1040
Fax No.: 303-831-1041
E-mail: execdir@cwba.org

**BRIEF OF AMICUS CURIAE OF THE COLORADO WOMEN'S BAR
ASSOCIATION AND THE COLORADO WOMEN'S BAR ASSOCIATION
FOUNDATION**

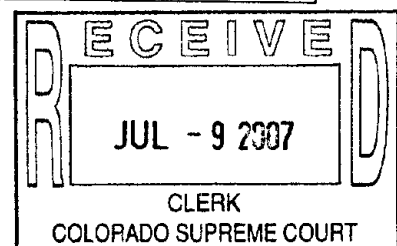
FILED IN THE
SUPREME COURT

JUL 27 2007

OF THE STATE OF COLORADO
SUSAN J. FESTAG, CLERK

▲ COURT USE ONLY ▲

CASE NO. : 07 SA 197



The Colorado Women's Bar Association ("CWBA") and the Colorado Women's Bar Association Foundation ("CWBAF") hereby file this brief of amicus curiae in support of Petitioner's opposition to the final action of the Ballot Title Setting Board ("Board") concerning Proposed Initiative for 2007-2008 #31 ("Prohibition on Discrimination and Preferential Treatment by Colorado Governments") ("Initiative"). As grounds therefore, the CWBA and CWBAF state as follows:

1. Petitioners Polly Baca, Kristy Schloss and Ron Montoya oppose the Board's approval of and setting a ballot title for the Initiative on multiple grounds, including but not limited to, the ground that the Initiative violates the single subject requirement of Colo. Const. art. V, § 1(5.5) and § 1-40-106.5, C.R.S. (2006).
2. The CWBA and CWBAF support the Petitioners' opposition efforts.
3. The CWBA is a statewide organization comprised of approximately eight hundred lawyers, mostly women. The CWBA was founded in 1978. Its primary purpose is the promotion and advancement of women in the law and the protection and promotion of the general welfare of women throughout the State.
4. The CWBAF is a separate entity that works in conjunction with the CWBA. The CWBAF's purpose is to implement the charitable and education work of the CWBA and thereby assist the CWBA in meeting its goals of promoting and advancing women in the law, and protecting and promoting the welfare of all women.
5. In accordance with these stated goals, the CWBAF offers a scholarship to two women law students attending law school at the University of Colorado (a second

year student and a third year student). The criteria for the scholarships are (i) female gender, (ii) participation as a student member in the CWBA and (iii) financial need.¹

6. The University of Colorado School of Law assists the CWBAF in awarding these scholarships by listing or advertising the scholarships, accepting applications, culling the applications for those applicants that meet the minimum requirements and forwarding the remaining applications on to the CWBAF for selection of the final recipients.

7. The CWBA and CWBAF are concerned that the ability of the University of Colorado, as a public institution of higher education, to administer and facilitate the application process will be imperiled by this Initiative. Specifically, the CWBA and CWBAF are concerned that the "preferential treatment" language in the Initiative could be deemed to prohibit a public university from assisting the CWBAF in advertising and identifying students to receive a gender specific scholarship.

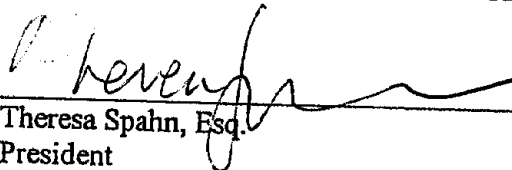
8. If the Initiative is approved by the voters in the November 2008 election and the University of Colorado School of Law is unable to assist the CWBAF in offering these scholarships, it will make it difficult, if not impossible, for the CWBAF to award these scholarships to women law students attending the school. This is because the University's inability to participate in the process will virtually eliminate our referral source for students, and the administration of the scholarships will be made much more difficult for an organization with very limited staff time.

9. Therefore, the CWBA and CWBAF support the Petitioners' opposition to the Board's final action approving and setting a title for the Initiative.

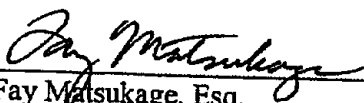
¹ The CWBAF offers the same two scholarships to women law students attending the University of Denver Sturm College Of Law.

Respectfully submitted this sixteenth day of July, 2007.

COLORADO WOMEN'S BAR ASSOCIATION


Theresa Spahn, Esq.
President

COLORADO WOMEN'S BAR ASSOCIATION
FOUNDATION


Fay Matsukage, Esq.
President

3200 Wells Fargo Center
1700 Lincoln Street
Denver, CO 80203
Phone No.: 303-831-1040
Fax No.: 303-831-1041
E-mail: execdir@cwba.org


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of July, 2007, a true and correct copy of the foregoing **BRIEF OF AMICUS CURIAE** was served via hand delivery to the following addressees:

Richard A. Westfall, Esq. Aaron Solomon, Esq. Hale Friesen, LLP 1430 Wynkoop Street, Suite 300 Denver, CO 80202	Maurice G. Knaizer, Esq. Deputy Attorney General Colorado Department of Law 1525 Sherman Street, 6th Floor Denver, CO 80203
---	---

Edward T. Ramey
Isaacson Rosenbaum PC
633 Seventeenth Street, Suite 2200
Denver, CO 80202

Jean E. Dubofsky
Jean E. Dubofsky, PC
1000 Rosehill Drive
Boulder, CO 80302



Beth Doherty Quinn