

The Spirit of U'Hills

16 October 2009



PROGRAMS AND ACTIVITIES

- Oct 23 Jess Mora Subject: Colorado Golden Gloves
- Oct 30 Kim Day, DIA Manager of Aviation, Topic: DIA Master Plan
- Nov 6..... Hold
- Nov 13.... Curt Fentress..... DIA Architect
- Nov 20.... Zane Robertson. Subject: Active Minds
- Nov 27.... Children's Holiday Party
- Dec 6..... Holiday Party Phipps House
- Dec 11 Lynda Drake Bayaud Staffer, Subject: Homeless for the Holidays

GREETER(S)



Phil Beaver, Lowell Palmquist, Jim Fleming, and Bob Deloian

Lowell Palmquist and Jim Fleming do their normal superb job of welcoming Phil Beaver and Bob Deloian to our split-level dining room at the Glenmoor Club House. Buffet line is open, friends, outside on the patio.

INSPIRATIONAL MESSAGE

Don Goe advised us that he found out that he was going to be giving us our inspirational message about five to 10 minutes ago. So, it's what comes off the top of his head at this point.

"Considering the on-going political turmoil, it reminds me of a period of time when teaching Civics in secondary schools and trying to explain the difference between a conservative viewpoint vs. a liberal viewpoint toward politics. You try and point out



Don Goe

that the conservative puts things in terms of freedom and opportunity. The liberal puts them in terms of rights and equality. If you put those two side by side, there is collateral damage between the two that is almost irreconcilable. And, what we have seen in a lot of our political situations is this irreconcilability, trying to reach a point between two very diverse conceptions of what we're about.

"All of this is to lead you into a poem that says that regardless of the irreconcilability, perhaps there's a way:

*Somebody said it couldn't be done
But he with a chuckle replied
That "Maybe it couldn't but he would be one
Who wouldn't say so till he tried.
So he buckled right in with the trace of a grin
On his face. If he worried he hid it.
He started to sing as he tackled the thing
That couldn't be done, and he did it.*

[This poem, by Edgar A Guest, has three stanzas. The third stanza wraps it up very well...the "how" to go about "doing it".]

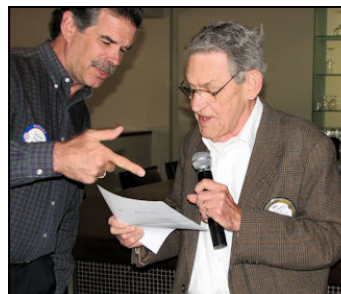
*There are thousands to tell you it cannot be done,
There are thousands to prophesy failure.
There are thousands to point out to you one by one,
The dangers that wait to assail you.
But just buckle in with a bit of a grin,
Just take off your coat and go to it;
Just start in to sing as you tackle the thing
That "cannot be done," and you'll do it.*

The Pledge of Allegiance to the flag followed.

INTRODUCTIONS AND ANNOUNCEMENTS

President David asked us to recognize the greeters today: Lowell Palmquist and Jim Fleming. And that's what we did, with a nice round of applause.

Said David, "And here to introduce our guests and visitors is Mel Capehart."



Steve Mast explaining his sign-in to Mel Capehart

Mel advised that we have just one guest today and "If I could just read it, I'd be able to tell you who he is." So, up jumped our visiting Rotarian, Steve Mast, Denver Rotary Club, who decoded the sign-in script. It started with a Stan Most but with a bit of coaching, turned out to be Steve Must. Welcome, Stan—or Steve. Mel asked him about his classification and background. Steve:



"I have been with the Denver Club for 28 years or so, was Past President five plus years ago...a very enjoyable field. Anyway, I enjoy Rotary, just like you do. **Mel** commented that "It's been quite awhile since I've made up a missed meeting at the Denver Club...may do it again. They have a man that greets people as they come in (Steve provided the name: Pete Bevis) And, he remembered my name. I think I'll go back again, just to see if he still remembers."

David called on **Marvin Hersh** to tell us what he has coming up. "We have coming up, the Holiday Party, and here's an update on where we stand. How many were at last year's Holiday Party? (respectable show of hands) And, how many heard about it? (a few more hands). And, how many who heard about it are coming this year? (All hands went up—well, almost.) It's going to be on Sunday, 6 December. It's going to be at the same venue as last year, the Phipps Mansion.

"We're going to make it a little bit different than last year. It's going to be better. We'll be sending out invitations probably the end of the first week in November. Again, we're finalizing the whole thing next week, price should be the same as last year, \$45 each. For that we have a really great meal, an open bar, wine tasting, tours of the mansion. Hopefully, this year we're going to have a string quartet during the opening session.

"As we progress, we're going to ask you to write down that particular date. This year we're not sharing the mansion with another club. Last year we had 124 people. We filled it up. The venue will hold a maximum of 130 and that's it. So, it will be first come, first served. We're just be doing it with our club, we hope we'll have a better party than last year."

MEMBERSHIP MOMENT



Alan Coldwell, Sean Smiddy, and Jim Fleming

Alan Coldwell, Membership Chair, asked **Sean Smiddy** and **Jim Fleming** to join him at the lectern. They did and he presented them both with special pins used at University Hills, Membership Sponsor Pins. Both Sean and Jim have sponsored new members. Alan said he had the membership applications in his briefcase and will start

them on their way toward membership approval during the coming week.

SERGEANT AT ARMS

Up next, **President David** called on **Jeff Duer**, our Sergeant at Arms, to take over the mike and lead us through the announcements of good things happening to the club membership during the past and future times. Jeff got us off to a quick start by surprising us with a real joke, not a riddle. It went like this: "Joe said to Bob, 'How did you break your arm?' And, Bob said, 'See those stairs over there?' And Joe said, 'Yeah.'

And Bob said, 'Well, I didn't.' OK. Fair enough. What's next?

"The student said to his teacher, 'Would you punish me for something I didn't do?' The teacher replied, 'Of course not.' And the kid said, 'Thank goodness. I didn't do my homework.' (That's a little better)

"What's the difference between George Washington and a duck? Give up? One has his face on a bill. The other has a bill on his face."

"Lastly, here's a little bit of food for thought. If you cut the tail of a glow worm, would it be delighted?"

"All right, who has some good news to report?"



Jeff Duer

Roberta Greengard reported that she was interviewed on Channel 4, a couple of weeks ago about the *Babies Now Foundation* which provides diapers and wipes for needy babies in the Denver Metro Area. "That was pretty exciting. There were a lot of sound bites and although I looked a little silly, I got some positive calls about it. So, it was a good thing."

President David: We had a change in our speaker today. Here to tell us about it is **Steve Whisenhunt**.

HARVEY STEINBERG DEFENSE ATTORNEY

Said Whizzy: "Before introducing our speaker, I'd like to give you some words about **Harvey Steinberg** from the firm of *Springer and Steinberg*. The firm has matured since its inception in 1981, and is now made up of 16 attorneys specializing in:

- Criminal defense
- Commercial litigation
- White collar
- Complex domestic relations
- Health care
- Product liability

And, 28 years later, they maintain the same commitment to excellence in criminal and civil litigation trials and appeals throughout the U. S.

Harvey has been selected by his peers for inclusion in the "Best Lawyers in America" in 2007. He specializes in criminal law and white collar criminal defense. His clients include a virtual Who's Who of notables from both the business and professional athlete communities all over the U.S.

"Now, unfortunately, yesterday at around 2:00 pm Harvey's schedule began to unravel. Several times in advance of speaking today, he was able to get out of court appearances due to his Rotary speaking engagement today. However, yesterday, a judge in Wisconsin told Harvey that if he wasn't in court there today, unpleasant things will happen and to hell with Rotary — or words to that effect. Harvey's plane left at



06:15am today, bound for Wisconsin.

"Rather than trying to cobble a program together at 05:30pm yesterday, the obvious solution was in Harvey's own house...his wife Stephanie. Stephanie was and is at the forefront of the citizen's lobbying effort to ban smoking in Colorado. She is a living example of how one person can make a difference. She also might offer a wife's perspective on a case or two that Harvey handled. Please give a U'Hills Rotary welcome to **Stephanie Steinberg**¹.



Stephanie Steinberg

"Thank you for letting me pinch hit for Harvey. His schedule is so insanely freaky. But, he loves his job although it's a little traumatic.

"I don't know if any of you know him very well. He's a Denver native [a rare breed], So, whether you know him or not, make sure that if you meet him, tell him I told you how wonderful he is and what a great player he is. Those are the things he asked me to

do...nothing bad.

"And, remember. Behind every successful man is a woman rolling her eyes. That's me. Harvey has a very demanding job and sometimes it comes into conflict with my work. He represents a lot of people, some of whom have done bad things. Sometimes there are victims in his client's lives: children, women, men as well. Some have committed serious crimes against people. Being the humanitarian that I am, I sometimes have a hard time dealing with that. And, so, I decided that instead of getting angry at what he's doing, I thought about what it would be like to be in his shoes.

"So, I went to some of his trials. It was quite an experience. I don't know how many of you have ever been in a courtroom. A lot goes on in a courtroom and you learn a lot about life. Some of the things that I learned, sometimes people don't tell the truth in a courtroom. There are several eye witness testimonies and sometimes they conflict; there is evidence that is missing, and nobody knows where it is; witnesses don't show up and nobody knows where they are.

"It kind of changed my perspective. I realized that there is a lot involved in trying to determine if a person is guilty or innocent and there are checks and balances in the system. His job was to represent his client, to present evidence, and make the judicial system honest. And, that's what I saw him doing.

"You may have read or seen a trial in Atlanta, GA. Harvey was representing Brandon Marshall, a football (voice from the crowd, 'Oh yeah, *that* Brandon Marshall'). Yeah, that's the one, that's Brandon. I went with Harvey for the trial, it was a big case. His accuser was Brandon's former girl friend who alleged he'd assaulted her physically. I saw the pictures of what she looked like after the assault and it was pretty bad. And, when she was on the stand, and the pictures

were right in front of her. She just, immediately, started breaking down and crying. And, so did I. That's not good when you're the wife of the defense attorney. You're back there crying and he's looking back at me, and the girl, it was bad so he asked for an immediate recess.

"He came over to me and I said, 'We're going to lose this case. And, he was losing the case until he was able to get his turn at cross examining the girl. She lied about a lot of things. And, even if Brandon was guilty or not, it didn't matter, Harvey was there to keep the people honest.

"Criminal attorneys get such a bad rap because they're just out there to let guilty people go free. But, I realized that he doesn't make that decision. It's the jury, the people in society who makes the decision. It's not him.

"So, I started to love him a lot more. I got over my issues with him getting blamed for trying to get a guilty party off free. I wanted to talk about that for a little bit but I want to segue into what I do. It's not a smooth segue, but I'll just go over to my work and explain what I do.

"About five years ago I started advocating no smoking in public places in Greenwood Village. The reason was health issues. I used to work in bars. I grew up with people who smoked in my family. So, I learned from experience that I didn't like it.

"So I became a volunteer, full time. I talked to other people who were victims of second hand smoke. I started to advocate smoke free restaurants and bars. The gambling casinos were also guilty of allowing smoking. They were a tough bunch to attack because they had so much money to lobby for casino exemptions. I stayed with it, went to the legislature, talked to a lot of politicians, to get their viewpoints.

"It was very interesting. I was talking to a legislator and found that there was no cap on what a lobbyist could give a legislator for campaign funds. So, we had a big disadvantage in trying to lobby for smoke free public places.

"So, when the casinos were exempted from the state law, I started doing research. I went to casinos and did air studies. I had a personal air monitor to see what employees and patrons were breathing. It was really toxic. Many employees had high nicotine levels in their blood and yet they weren't smokers.

"And, the employees were talking to us. They wanted to vent. They wanted to tell their story. One lady said, 'I have this chest pain as a side effect of breathing all this smoke and I am pregnant. I'm afraid of what this will do to my child. They were coughing up phlegm and they actually named it. *Brown phlegm* was what they called it.

"So, I became less interested in what I thought about smoking and started doing it for them.

"A couple of other sponsors and I obtained bill sponsors in the legislature and we were able to produce a casino bill that would repeal the exemption. Despite opposition from the gaming industry we were able to get the bill passed that made casinos smoke free in Colorado...Blackhawk, Central City, and Cripple Creek.

"We received a lot of support from casino workers who said, 'Thank you for helping us.' I didn't know them, I didn't know who they were. But, it didn't matter because I knew that people would benefit as far as health is concerned.

¹ It wasn't mentioned, but Stephanie is Chair of the Smoke-Free Gaming of Colorado group. She also gets about as many Google hits as her husband, Harvey...something over 1,000,000!



“Next? We move onto Nevada, of all places. I learned of a lady who had worked in casinos in the Vegas area for 25 years, who now has Stage IV lung cancer from the smoke and is suing the gaming commission. There is a trial there and I’m taking Harvey with me to make sure everything is in good shape legally.

“There are similarities between what Rotary does and what I’m trying to do. You do help a lot of people and you don’t meet the people that you help. It doesn’t matter because what you’re doing is really awesome. We both have a passion for what we’re doing. It really makes sense because I have two friends who died in the last two weeks. It made me realize that life is short, ridiculously short. By doing what we can, helping other people is a wonderful thing. Are there any questions?”

Question (Regan): “During that trial, did Harvey ever council Brandon on his attitude?”

Answer: “No. He distances himself. He doesn’t become personally involved with his clients.”

Question (Krug): “There was a famous lawyer in the Houston area. I asked him one time ‘Why do you defend these terrible people?’ He said, ‘Because they are terrible people. I want to make sure they get punished even if the jury doesn’t. He had warehouses full of stuff.’”

Answer: “Like you were saying about punishment, Harvey had a case too where a guy had engineered a Ponzi scheme a few years ago. He literally stole money from people, elderly people who then had pick up a job in McDonalds because they had lost everything. I forget how many people were involved, lost all of their money. But, he was sentenced to something like 100 years. But then the guy who murders someone gets like 20. We used to jokingly say behind the scenes, ‘Well, he should have killed someone. He’d have a shorter sentence.’”

Question (Bell): “What do you think your chances are of getting a smoking ban in Las Vegas?”

Answer: “They actually have a smoking ban out there, passed by the voters. Unfortunately, in the system in Nevada, the politicians and the gaming industry are so closely tied together, it will be tough. They banned it in restaurants and in bars that don’t serve food. We’d just like to get it banned in the arcades. And, they smoke in grocery stores.

“At the checkout area, when you’re paying for your groceries, there’s a row of slot machines and they allow smoking there. I was in a grocery store in Reno and someone in the line was smoking. So, I asked the checkout clerk, ‘Do you allow smoking in here?’ She said, ‘Yeah, we have slot machines’ and pointed at them. And that was fairly recent, about three years ago. So, even in Nevada, we see hope. It’s the biggest mountain. Once we get Nevada, they’re number one in gaming revenues. Atlantic City is number two. In Atlantic City, 75% of their gaming casinos are non smoking.

Question (Darley): “Recently I saw a small article in the Denver Post that said heart disease is reduced when smoking bans are in effect.”

Answer: “Yes, we did a study, in Pueblo actually.

Medically, what happens, and I’m not a doctor, but smoke has something like 4,000 chemicals in it. It’s not anywhere remotely clean. The chemicals get into your blood system and cause your blood to get thicker and causes some clotting, which leads to heart disease and heart attacks. Pueblo had a smoking ban before the rest of the state did. They found that there were fewer heart problems in representative samples in Pueblo compared to elsewhere in Colorado.

Question (Hitchcock): “I have a reputation for being the devil’s advocate, and I’m wondering just how someone rationalizes the defense of someone when the lawyer knows his client is guilty, of serious crimes?”

Question: “He distances himself from the client. He’s looking at it as another case. So, he has a case in front of him. He sees his job is to determine if there is enough evidence to reach a decision, guilty or not guilty. I’ll be honest, he wins a lot of cases during cross examinations. When I dated him, it was hell! He knew everywhere I was going, everywhere I went— ‘Are you sure you were where you said you were?’ So, he distances himself from that. He just, basically, wants to keep the system honest. He’s had cases where he had police officers and detectives on the stand. And, he caught them lying. My jaw just dropped when I saw that happen. Evidence was missing and they made up stories as to where it was.”

I’ll be honest. He wins a lot of cases during cross examinations. When I dated him, it was hell! He knew everywhere I was going, everywhere I went, like, “Are you sure you were where you said you were?”

Whizzy Whisenhunt: “I didn’t mention it, but Harvey was a DA early in his career. So he is pretty zealous about whatever he does.”

Answer: “By the way, there is another Harvey Steinberg—Harvey Michael Steinberg—in the area. So, if you’re looking for a good lawyer, you don’t want Harvey Michael Steinberg, you want Harvey A. Steinberg.”

Question (Palmquist): “I would guess the reason the casinos were concerned was that their share of revenue would go down because people couldn’t smoke anymore. Has that really materialized?”

Answer: “We see a lot of similarity between smoking and gambling. They’re both addictions and when they are told they can’t smoke while gambling, they get angry and will stay away. We have a saying, ‘You can take the smoker out of the casino, but you can’t take the gambler out of the casino.’ You might remember about 18 years ago they had smoking and non-smoking sections on commercial aircraft. Of course, the smoke didn’t stop right there at the no smoking section. But, the flight attendants are the ones who put the pressure on the airline industry to be smoke free.”

Question (Osorno): Your editor heard Wendell’s question, but couldn’t get enough on tape to tell what he was talking about. He did, however, get the...

Answer: “The only time Harvey turns anyone away is when they can’t pay. (Appreciative laughter) ‘If you don’t have the money, I’m not your lawyer.’ You get the money up front. I’ve heard him say, ‘We have court tomorrow, are you going to pay me today. Because, if you don’t, I won’t



be there tomorrow.'

Question (Regan): "Has anyone ever really died from second hand smoke?"

Answer: "There are about 53,000 deaths per year due to second hand smoke. But, some people just don't get cancer from smoke. I had a lady call me the other day. She said, 'I'm 85 years old. I've been smoking since I was a teen ager. My brother is 87 and he's been smoking longer than I have. We don't believe the science. We don't believe what you're saying. We're still here and we're still smoking. I say, 'You know what they call that, don't you?' 'No.' 'It's called luck. You have the right kind of luck.'"

Regan followup: "How do they know there are 53,000 deaths from second hand smoke?"

Answer: "The Center for Disease Control, a lot of the major federal agencies."

Regan followup: "Yeah, but how do they know the death was from second hand smoke?"

Answer: "I don't know the science, I just..."

Marvin Hersh: "I can answer that question. As you know, I'm in the medical equipment design business. Our area is primarily respiratory advisers. I'll answer the question in sections. We've talked about lung cancer, we talk about emphysema. Those are just words. How many of you have watched someone die slowly? How many of you watch people that die of all the side effects? Not just the disease. Pneumonia and all the other diseases. Watch them gurgle, and slowly and very painfully over many, many, many days. It's a very unpleasant and miserable thing and I've seen it.

"We're talking about lung disease, but what we also forget is bladder cancer. All these chemicals are excreted in your urine. She just told you. They test the urine, they find the nicotine levels. All of these chemicals over a long period of time cause a much higher rate of bladder cancer.

"And, to answer your question, 'How do they know?', it's because they run in groups. If you have a family and you have smokers in that family, and half of those people have lung cancer or bladder cancer, that relates much differently to the general population. It's as simple as that. They're at a much higher rate. It's very easy to say, 'OK. In this family, 62% of the members got these cancers and in the general population, they have one chance in 80 some odd.' It's real, and it's there and people who don't see this are truly blind.

"If any of you want to see people die, I'll take you. I go to the hospital. I watch them die. It isn't pleasant. And, you, Stephanie, are doing a much better job for society than Harvey." (Lots of laughter and applause)

"I came from a family of lawyers, one of whom was a constitutional lawyer and who, in fact, founded our public defender system in Denver, **Eddie Sherman**. I watched that guy get up in the middle of the night, when I was young, defending these dirt balls. I asked him one day why he did it. He said, 'It's about the law. It's about protecting all of

us. The ones who are guilty get the same kind of protection' and that's what it's about. Period.

"I finally learned it when I saw this guy, middle of the night, go to the jails. The difference was that he didn't care about the money. He did it because he loved the law. And, he was protecting all of us and I think that's what is important. You're still doing a great job, Stephanie."

Jerry Regan: "Harvey just needs the money to play poker with Whisenhunt."

Whizzy Whisenhunt: "This is a legal question I was going to ask Harvey. At one of our poker games...I think I can talk about this now because the case is over. **Chris Henry** was arrested for a massive amount of marijuana and some other drugs. He was up in Montana. He could have been sentenced to life, but Harvey got him 10 years, then on appeal, Harvey got it down to three and... (Comment from the group, **Travis Henry**?) Yes, it's Travis not Chris Henry. I asked Harvey, in small talk, 'How did you do this?' He answered, 'Jury selection.' Have you Stephanie, learned any techniques in jury selection from Harvey?"

Answer: "Yes, he has a good read on people. He looks for people who are not going to be judgmental, obviously...more open minded. He'll ask them very direct questions, like, 'Do you smoke marijuana? Do you do other drugs?' Like in the Brandon Marshall trial, he selected mostly women and the victim was a woman.' And, I was like, 'I can't believe you putting all those women on the jury when the victim is a woman is.' He said, 'No... women are harder on women.' So, I thought about it, said, 'Yeah, you're probably right.' So, when he picks people he picks people...he has to look at it from his client's standpoint and from the plaintiff's standpoint.

In the Brandon Marshall trial, he selected mostly women for the jury and the victim was a woman. And, I was like, "I can't believe you're putting all these women on the jury when the victim is a woman." He said, "No, women are harder on women." So, I thought about it, said, "Yeah, you're probably right."

"They played a tape from her, a recorded voice message, and she was cussing every other word. And when the women in the jury heard it, they were really angry at the woman because they thought that women shouldn't talk that way.' Harvey is very perceptive about all angles that make up a good defense."

Whizzy: "And in reading people, that's what makes Harvey a *really* good poker player. You better have

you 'A' game when you sit down with Harvey."

Question (Wood): "Isn't Harvey getting into dangerous territory, personal danger, with some of the his clients?"

Answer: "Yes, it happens. He was involved in a major drug case. He had to go talk to his client, who was in jail. When he got off the plane, he was met by the drug dealer's family, with machine guns on them. They put him in this vehicle to go see the client in jail. The family was a very well known drug dealing family, they had a lot of money. They would come into the jail and cook together, and hang out with the kids. It was really different. It was a safety issue. I asked him, 'Aren't you afraid of personal harm from this man's family?' And he said, 'No. These people like me. I'm on their side.'"

Question (MacDermott): "When it was such hell when



you were dating Harvey, why did you marry him?"

Answer: "I felt sorry for him. (much laughter) With his vocabulary and his wit, I was convinced that he was the one for me. Y'know, he's incredibly smart and I learn from him all the time. I consult with him on anything. And, I think that's why he's been so successful. He's always a step ahead of everybody else. He's always ten steps above me. But, now he's just one. That's why I married him."

Question (Mason): "Where do you stand with the baseball industry and chewing tobacco?"

Answer: "Our issue is the second hand smoke. The chewing tobacco is different. With cigarettes, there is the act of lighting it up and the smoke that affects other people. But, the tobacco industry is very conniving. Now, they have a new product called Snus. It's in a pouch. So, when you put the chewing tobacco in your mouth, it's in a pouch. They've marketed it as an alternative to smoking bans. So, communities that have smoking bans can use this product. It originated in Sweden. So, they try to find ways to keep people addicted to nicotine as long as possible."

"Also, there are flavored cigarettes to appeal to children, so they can become addicted. Once you get children addicted, they're life long customers for tobacco products. So, they are putting watermelon, pina colada, fruity tutti, and all those flavors, in cigarettes. Federal regulators have now told them, no, you're not going to do that anymore."

"OK. Thank you very, very much."

President David thanked Stephanie for speaking at our meeting and presented her with our certificate that we're contributing to Rotary projects in her behalf.

DAVID'S THOUGHT FOR THE DAY

My thought for the day comes to us from Steven Wright:

I'd kill for a Nobel Peace Prize