



Seven Questions

BY MARIA E. BERKENKOTTER



Judge Vigil and family.

As I sit down to write this, I am struck by the rollercoaster of events that have occurred during this series' short existence. When the series first appeared in January, Omicron was on the rise, and courts were again grappling with how to keep cases moving while also keeping litigants, court staff, attorneys, witnesses, and judges safe. Since then, COVID numbers have plummeted in Colorado, most—if not all—courthouses have lifted mask mandates, and jury trials have resumed throughout the state. But, of course, no one knows what the future holds as COVID numbers once again begin to climb in the United States—this time due to new Omicron variants.

It is difficult to describe the extraordinary degree of flexibility and innovation by judges, staff, and attorneys that has been necessary over the past two years and that will continue to be necessary as everyone works hard to dig out of the large backlog of cases caused by various COVID-related restrictions. I am happy to be able to introduce you, ever so briefly, to another three of our “newish” Colorado judges who are doing that hard work: District Court

Being an active listener is a skill that is necessary for this job, and it is something that requires a deliberate level of conscious effort that can be hard to maintain over a busy eight-hour day. Thankfully, you get better with practice.

Judge Vincente G. Vigil, Court of Appeals Judge David Yun, and County Court Judge Melina Hernandez.

Vincente G. Vigil

The Honorable Vincente G. Vigil is a district court judge in the 19th Judicial District. Judge Vigil was formerly an attorney with the Law Office of Robert Ray, which he joined in 2014. Prior to 2014, he was a partner at Man & Vigil and a deputy state public defender in the Greeley Office. Judge Vigil earned his undergraduate degree from Colorado State University in 2005 and his JD from the University of Colorado Law School in 2008.

Best thing about the job:

I have lived in Weld County virtually all my life, and I feel tremendously lucky to serve in the community that has given me so much over the years.

Most challenging thing about the job:

I underestimated how mentally fatiguing the job can be. Being an active listener is a skill that is necessary for this job, and it is something that requires a deliberate level of conscious effort that can be hard to maintain over a busy eight-hour day. Thankfully, you get better with practice.

Advice to new judges you wish someone had told you:

You will dictate the environment in your courtroom. As an attorney, I have walked into courtrooms where it felt like I was walking into a prizefight, and I have walked into courtrooms where it felt like I was walking into a mediation. Whatever you envision you want your courtroom to look like, you can create it by clearly conveying to the parties your expectations regarding demeanor and standards of practice, and by exemplifying those expectations and standards in your own actions.

Advice to a lawyer who wants to become a judge:

You create your reputation as a practitioner and a person a little bit every single day. At some point during the judicial nominating process, all of those people that you have

interacted with professionally over the years will have the opportunity to give their opinion on you. Are you an honest person? Are you a reasonable person? Are you a compassionate person? They will look to how you have built your reputation, a little bit at a time, when answering those questions.

What do you think will change most within the judicial system in the next decade?

We have made great strides in increasing the diversity of our bench. It is so important to recognize that we have a long way to go. When the makeup of our bench mirrors the communities in which we serve, not only do the varied backgrounds and experiences of our colleagues that we can draw upon make us all better judicial officers, but also it also gives the public more confidence that our decisions are fair and just. We are the face of a third of our government. We must be a representative face. I have every confidence that we will continue to make those great strides toward that goal.

Favorite sport to watch:

I am a die-hard Broncos fan. Way too emotionally invested. Sometimes I have to listen to games on the radio because watching them on TV is too stressful! I think my wife is worried I am one bad day away from being a guy that paints himself blue and orange on Sundays. And, this is embarrassing, but sometimes I watch old games on YouTube—games where I know what happens at the end—and I still go through the same emotions and stress as watching a live game. I probably need some professional help, ha!

Person you'd most like to invite to dinner:

Justice Sotomayor! I love her book, and my kids love her kids' book. An absolute inspiration.

David Yun

The Honorable David Yun was appointed to the Colorado Court of Appeals on December 2, 2019, and was sworn in on March 2, 2020. Before joining the Court, Judge Yun was a partner at Messner Reeves from 2019 to 2020; a partner at Jaudon & Avery from 2001 to 2019; and an associate, and then a partner, at Long & Jaudon



Judge Yun.

There is no one particular career path to becoming a judge. It's more important to develop the skills and attributes that would make you a good judge.

from 1993 to 2001. He focused his law practice primarily on civil appeals, health care law, and medical malpractice law. He regularly argued cases before the Colorado Supreme Court, the Colorado Court of Appeals, and the US Court of Appeals for the Tenth Circuit and was part of a team that successfully appealed a case to the US Supreme Court. He is a fellow of the Litigation Counsel of America as well as a member of the Colorado Civil Jury Instructions Committee and the CBA Ethics Committee.

Best thing about the job:

Serving on the Court of Appeals is truly a privilege and honor. I feel lucky to have the opportunity to work on cases that have meaning and that impact people's lives. The cases we work on are fascinating and multifaceted. I enjoy the variety of cases we handle and the problem-solving involved in appeals. I love trying to explain complex legal issues clearly and writing succinct opinions. Also, I enjoy reading and learning about the law, which is one of the primary reasons that I wanted to become an appellate judge.

Most surprising thing about the job:

The collegiality on the court has been a pleasant surprise for me. I've been very impressed by my fellow judges' dedication, thoughtfulness, intelligence, and sense of humor. We discuss our opinions with great care: exchanging ideas, providing suggestions, and modifying our opinions to address each other's concerns. We try to reach a consensus when we can, and most of the time we do, but sometimes we disagree. While disagreements have the potential to become personal, that has not been my experience. We have all been very supportive of each other's viewpoints even when we strongly disagree. I very much enjoy working with my colleagues.

Thing or things you'd like to see attorneys do more often:

Be nice to each other, don't be afraid to make concessions, and write concisely.

Advice to a lawyer who wants to become a judge:

There is no one particular career path to becoming a judge. It's more important to develop the skills and attributes that would make you a good judge. Talk to judges about their jobs—what they like or don't like and what they do on a day-to-day basis. Evaluate what you can do to improve your skill set and get feedback and advice.

What do you think will change most within the judicial system in the next decade?

I think that developments in technology will impact the judicial system the most in the next



Judge Hernandez.

An experienced clerk is much better at this than you are. Trust them and buy them things.

occur in the way we work, practice law, and conduct court proceedings.

If you had a walk-up song, what would it be?

Before entering the courtroom, I would play "Welcome to the Jungle" by Guns N' Roses.

Yes or no: I yell at the TV when I watch the Broncos/Nuggets/Rockies at home even if no one else is there.

Yes.

decade. Since the pandemic, our courts have invested significant resources in technology so that we can work from home and conduct hearings by WebEx. It has made a significant difference in the way we operate. With the advent of new technology, I expect more changes will

Melina Hernandez

The Honorable Melina Hernandez was appointed to the Arapahoe County Court in 2021. She previously served as a magistrate in the Denver Juvenile Court, a family court facilitator in the Denver District Court, a law clerk, and a legal extern. She has served in the judicial branch for over 10 years. Judge Hernandez is bilingual and is dedicated to expanding access to justice in the judiciary. Additionally, she is committed to improving equity, inclusion, and diversity in the legal field. She has served on the board of the Colorado Women's Bar Association since 2018. Judge Hernandez is a graduate of the University of Colorado at Boulder and the University of Denver Sturm College of Law.

Advice to new judges you wish someone had told you:

An experienced clerk is much better at this than you are. Trust them and buy them things.

If you had a walk-up song, what would it be?

"Electric Avenue" by Eddy Grant.

Book that changed your life:

1984 by George Orwell.

Favorite sport to watch in person:

Hockey.

Most beautiful city you have ever seen:

Edinburgh.

What do you wish you had as a superpower and why?

To be able to speak every language.

If I wasn't a judge, I would . . .

Run a B&B in Sardinia.

The Honorable Maria E. Berkenkotter is an associate justice of the Colorado Supreme Court. She conceived this Seven Question series to acquaint practitioners with some of the newest members of the bench. It will run periodically throughout 2022.

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