

LAW WEEK COLORADO

UP & COMING LAWYERS 2018

BY DOUG CHARTIER
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Before Kyle McFarlane began her legal career, soccer was her life. She played on the University of Denver's NCAA Division I team, and she was good. But she was "scrappy," as she described herself, and not necessarily the best player on the pitch in a given match. Then she competed in DU's National Trial Team, and law would become her life. Her parents had come to watch her in a mock trial tournament, and after seeing her performance, they suggested to her what her true calling was.

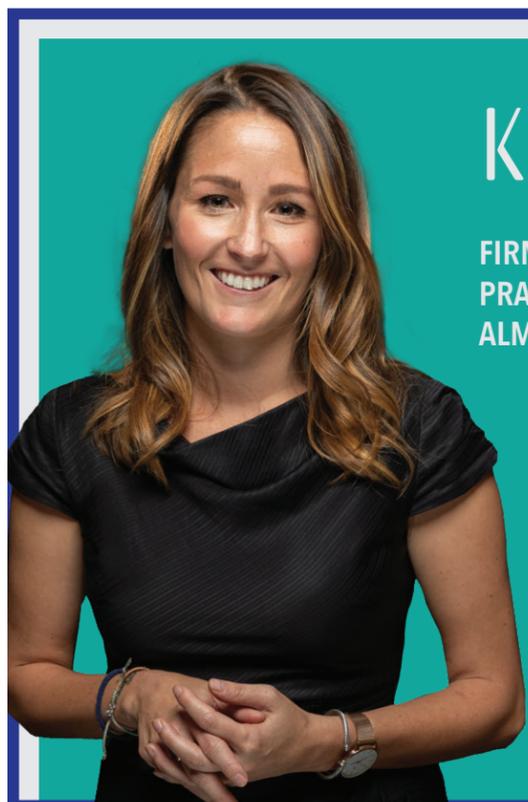
"My dad said ... 'You're better at this than I've ever seen you at soccer. And this just fits your personality so well,'" McFarlane said.

Today, as a family law attorney at Broxterman Alicks McFarlane, she enjoys the courtroom's adrenaline rush and demand for quick thinking that she previously only got through sports.

In fact, one of the main reasons she chose family law for her practice area was so she could spend a significant amount of time in court leveraging her trial skills.

McFarlane, a 2017 and 2018 Super Lawyers Rising Star, focuses mostly on cases involving divorce, child custody and spousal maintenance disputes. This year she assumed the role of BAM's chief operating officer and also became its co-managing partner with Heather Broxterman. They split the management role that Margot Alicks held since the three attorneys, all alumnae of Gutterman Griffiths, founded the firm in 2015.

McFarlane and her BAM colleagues pride themselves on not only their "Millennial-style" flexibility in firm structure and duties but also the distinctly different personalities they each offer to clients. While her colleagues have more of a civil litigation background, McFarlane has significant experience in criminal law, having worked on both sides of the v. Family cases so often involve criminal proceedings such as domestic abuse



KYLE MCFARLANE

FIRM: Broxterman Alicks McFarlane
PRACTICE AREA: Family Law
ALMA MATER: University of Denver Sturm College of Law

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cases or criminal protection orders, and her familiarity with those proceedings helps her navigate the family-criminal overlap.

Taking a no-frills approach to cases and clients, McFarlane said she is willing to fight virtually whatever battles her divorce clients ask her to — and win them — even if it's over a piano or a \$2,000 difference in a retirement account.

But she makes sure the client believes those battles are worth the legal costs. "I'm always asking my clients, what's the cost-benefit analysis here?"

Admittedly "not the most touchy-feely of attorneys," McFarlane said her counsel takes the form of tough love. She gives clients the straight story of their case — what their strong and weak positions are, and how they should proceed so the client will be most happy with the outcome.

As if helping to run a firm and managing her caseload weren't enough to occupy McFarlane, she's also an adjunct law professor at DU Sturm College of Law where she coaches

students on the same National Trial Team she once competed on. "It's my favorite thing to do," she said. Training them on the trial rules and procedure and skills such as improvisation, the National Trial Team program prepares students to be better litigators than 99 percent of the lawyers out there practicing, McFarlane believes. It's rewarding for her to teach the students trial skills and watch them grow as lawyers. "The students we put out are truly, I think, the best trial attorneys in Colorado, and I couldn't imagine not being a part of that."

The two associates at BAM, Steven Visioli and Madeleine Sheahan, are former trial team members, she noted.

Coaching and mentoring law students also helps keep her on point in her own work.

"It's good to be involved in that every day," McFarlane said. "It's like when I was playing soccer, I would also coach, because the way you get better is by having to show someone how to do something. So I think it keeps me on my toes. And I can still recite the

rules of evidence. ... If I weren't coaching, I'm not sure I'd be so up to speed."

At the same time she's staying sharp in her trial skills, McFarlane is always thinking of ways to help grow her firm and maintain its convention-defying culture. All of BAM's shareholders bill at the same rate. The firm supports remote work and flex scheduling.

And even the marketing strategy, which McFarlane led until recently, tends to deviate from law firm tradition. Instead of sending people and firms the usual gift baskets that lawyers give out during the holidays, BAM made donations to homeless shelters and domestic violence victims in their name.

BAM seeks to carve out its identity as a unique firm with good lawyers.

"I want us to continue the reputation of being tough, the firm that's reputable," McFarlane said. "I want us to be the go-to family law firm in Colorado. I think we're on our way, but I'm obviously biased." •

— Doug Chartier, DChartier@circuitmedia.com