**April 15, 2016 Minutes**

**Executive Council Meeting**

**Family Law Section**

Present: Todd Stahly, Jerremy Ramp, John Eckelberry, Kristi Wells, Rebecca Alexander, Martin Brown, Bill King, Helen Shreves, Joan McWilliams, Anne Gill, Melissa Nicoletti, Ray Weaver, Michael DiManna, Bonnie Schriner, Trish Cooper, James Gartes, Laura Page, Diana Powell, Christopher Cross, Angie Arkin, Ann Gushurst.

On phone: Deb Anderson, Terri Harrington, Laura Ammarell, Jennifer Rice, Joe Pickard, Kevin Sidel, Meredith Cord

Excused: Jennifer Feingold, Peggy Walker, Robin Beattie, Steve Epstein

Unexcused: Marc Chapleau, John Haas, Jamie Rutten

Changes to March minutes: Correction to misspelling- laches, not latches. Kristi moves to approve the minutes with this change. Todd seconded. Minutes approved with changes.

Jerremy Ramp talked about legislative committee issues. First Issue: There is a current bill that wants to reduce interest rates on judgments. C.R.S. §5-12-101. Jim Bailey is talking to the bill sponsor today about bill and the legislative committee would like us to have a discussion with the bill sponsor that we would not want the child support and maintenance interest on arrearages to change from the current interest rates. Bonnie move to have discussion. John seconded. Motion passed.

Second issue on the same bill: If someone appeals family law property or attorney fees award, legislative committee believes that interest would accrue at 8%. This new bill would change the interest rate to a minimal amount. Bonnie makes a motion that we direct Jim Bailey to request that the interest stay at 8%. Kristi seconded the motion. Discussion was had, including that we should also add contempt (since outside of DR statute), policy issues, and concerns about effect on children and parties. Motion passed unanimously.

**Officer Reports**:

**Todd Stahly (Chair):** Todd reported on Boulder lunch. Judge Berkenkotter made a lot of changes in family law. They are slowing down the changes. They changed Division 14. They have about 85% pro se and they track it at Permanent Orders.

**Laura Page (Chair-Elect):** Address FLI. Brochure should be out soon. Looks like a great program and encouraged everyone to come to Breckenridge.

**Jennifer Feingold (Secretary**): Nothing reported.

**Robin Beattie (Treasurer):** Todd reported and nothing changed. The Section is doing good. Helen moved to approve the Treasurer’s Report, Todd seconded. Report was adopted.

**Trish Cooper (Immediate Past Chair):** Reported on Jeffco lunch with officers. The still use a diversified docket. They have a lot of differences between judges on how they like to handle issues. A positive take away was that they can allow 2-3 hours for a temporary orders hearing. They have an active internal committee to continue working on CMOs. We had the usual discussion about mentors, evidence, lawyers who are better at trial and maintaining professionalism.

Helen has completed the Directory of Experts. Over the years, she has never asked for money or reimbursement; however she would like to pay Julie $500 for all of Julie’s hard work and all of the hours she put into the project. Mike DiManna made a motion to pay Julie $500. John Eckelberry seconded. Unanimously approved.

Bonnie informed us that Ryann Peyton is taking over the CAMP program in June.

**Committee Reports:**

**Amicus**: Bonnie reported. Amicus brief is being worked on and extension of time is getting prepared. CBA approval will be needed. Another case is likely coming up.

**LLLT Committee**: Helen and Angie Arkin reported. The LLLT committee’s vote was not to do anything on it and wait and see what happens in CA and WA. Next week, they will discuss several options, including a navigator program out of New York, a Simplified Dissolution and Family Court, and another process like arbitration. Loren Brown wants feedback from the FLS. The Simplified Dissolution and Family Court program looks similar to small claims court. A low jurisdictional limit would likely be required, such as marital estate is worth less than $75,000. Discussion was had, including questions about how can 16.2 disclosures not apply, that people need legal advice, disclosures need to be done, the person “in charge” should have family law experience (i.e. at least 15 years experience) and can look at cases in more intensive manner. There was also concern about inability to appeal, taxpayer money into system, is it a pilot project, do both parties have to agree with the process. Discussion was had that the LLLT issue is not going to go away unless family law community can come up with something. We have several problems to think about, including the strain on system being balanced with the need to have some sort of judicial officer to address everything at end, or have certain attorneys with qualifications who can be deputized to resolve the cases. Helen requested that we look at the various ideas and have more discussion about them. She is willing to do work and put together committee to do something thoughtful. Helen would like to work with a committee (LLLT) and need experienced lawyers on committee. Rebecca Alexander volunteered to be on the committee. We will reach out to a court facilitator to see if they want to be on the committee. Helen will see if Melina in Denver wants to be on it. LLLT Committee will be expanded to include this issue, plus Rebecca, Helen, and Angie being added to the committee. Martin expressed some concerns that a lot of us do a lot of good work. Joe Pickard agreed. The Council agreed that we need to express that we are dedicated to helping the problem and figuring out solutions.

**Family Law Survey**: James Garts is on the Modest Means Committee and talked about a family law survey re: unbundled services. The survey should take less than 5 minutes and they have a link to Survey Monkey. He would like to get this out to the members of the FLS. Angie Arkin addressed that the ethics committee is meeting to discuss rules that will clarify unbundled legal services so that more people are interested in getting involved. Angie will send Ann something to put into the newsletter. Alexander moves to disseminate to FLS. Bill seconded. Motion unanimously carried.

**Mediator – letter to ODRAC**: Bill reported on his letter that he would like to have the section to send to ODRAC. He is concerned about no oversight on mediators participating in the unauthorized practice of law. Let public make choice and know who is out there for choices on mediators. There are issues with coding does come up at every meeting- Bill encourages us to come on May 9th as a guest with Bill. Discussion was had regarding changes to the letter. Needs to be clear that we do NOT support a CJD. Ann proposes that we add language if the court makes recommendations to mediators that they give parties a chance to leave reviews about mediators. There is no consumer protection. Maybe look at for CRS 14-10-122 to see if we can change statute to fix problems. Rule 60(b) doesn’t work- Akrin has been overturned on many times for that. While it is a separate issue, it is an outgrowth of the problem. Bill made a motion for everyone to provide him with comments and suggestions so that he can revised letter to get out to committee for approval (and then CBA approval). Ann seconded motion. Melissa will run this all by the executive committee to get CBA approval for what needs to be approved. Motion unanimously approved. The Board of Governors meeting is April 27th.

We will open up the discussion to the section and have a luncheon/forum to meet to discuss, like a Friday afternoon 3-5 and open to membership. Helen will work on setting up the meeting and getting it figured out (and coordinating with Melissa to get CLE credit for it). Ann will also help with getting the meeting set up.

Book Sales: Nothing new to add.

Budget committee: Nothing new to add.

By-Laws: Nothing to report.

Education/CLE/Lunches: Nothing new to add.

Expert directory: Already addressed.

FLI: Already addressed.

Grants: Nothing to report.

Judicial Liaison: Nothing to report.

Legislative Committee: Already addressed.

LLLT Committee: Already addressed.

Membership: Nothing new to report.

Mentoring: Nothing to report.

Newsletter: Nothing to add.

Nominating: Nothing to add.

Scholarships: Nothing to report.

Website: Nothing to report.

Young Lawyers: Nothing to report.

CJD Mediator Standards: Nothing to report.

Judicial Nomination Committee: Nothing to report.

Board of Governors Liaison: Nothing to report.

Colorado Lawyer Liaisons: Nothing to report.

AAML Liaisons: Nothing to report.

18th Judicial District: Nothing to report