**September 18, 2015 Minutes**

**Executive Council Meeting**

**Family Law Section**

Present: Jen Feingold, Trish Cooper, John Eckelberry, Kristi Wells, Rebecca Alexander, Jerremy Ramp, Bonnie Schriner, Katie Wilmoth, Melissa Nicoletti, Kevin Sidel, Peggy Walker, Jennifer Rice, Terri Harrington, Bill King, Diana Powell, Joan McWilliams, Martin Brown, Zachary Roeling, Laura Ammarell, Jamie Rutten, Marie Moses, Laura Page, Todd Stahly, Robin Beattie, Marc Chapleau

On phone: Russell Murray, Deb Anderson, Brenda Storey,

Excused: Steve Epstein, Meredith Cord, Ann Gushurst, Anne Gill

Unexcused:

May Minutes - Amended to include Bonnie Schriner. Robin moved to approve minutes with amendments; Bonnie Schriner seconded. Approved unanimously.

**Officer Reports**:

**Todd Stahly (Chair):** Thank you to Trish for a great year as Chair! The 2015 FLI had record attendance with 456 attendees, great feedback. Handout of committee assignments.

Joan McWilliams attended the AFCC conference on behalf of the section. Joan reports the conference was great with forward thinking strategies, nothing too controversial. She notes that modest means issues are being discussed around the country. The 2016 AFCC conference will be in Seattle from June 1 – 4; Modern Family, News Challenges, New Solutions – now accepting proposals for presentation.

CJI Dinner – October 20th. Judge Arkin is being honored. Last May council decided not to get a table this year. The section is now being asked to sponsor to table. Discussion whether or not to have a table and/or honor Judge Arkin another way. Discussion of CJI no longer funding judges at FLI. Diana is working with CJI to address this in the future. Issues with filling the table in the past but maybe not this year. Strong feelings that section should support dinner this year because honoring Judge Arkin. Discussion about whether people should contribute to attend to the table.

Bonnie – moved for the section to get a table for $3000, Laura seconded – approved unanimously. Melissa will contact CJI. Section should encourage all members to attend.

LLLT – Meeting held on August 28th. Marie Moses represented the section and reports discussion took place regarding what other forms of non-lawyer representation exists (state by state presentation, i.e. paralegal support, “form filler outers,” court navigators, etc.). What other ideas/models are there? Helen Shreves presented an idea – small claims court for family law with possible support from Beth McCann. ISLES presentation was made indicating the average lawyer charges $450/hour. Straw poll conducted and the committee is not ready to move forward with the LLLT model but enthusiasm for LLLT’s from folks outside of the section remains strong.

Loren Brown would like an official position on behalf of CBA. By the October meeting, there will need to be consensus by this section. Todd and Dick Rotole putting together subcommittee to address this issue.

Discussion regarding whether the LLLT concept is a replacement for lawyers or paralegals? What are the unattended consequences? How does this affect law school programs? Is there liability insurance for LLLTs? One potential underwriter in Montana, but not enough data yet.

Anyone new to the council wanting more information on the LLLT history, please email Todd for materials.

The next LLLT meeting will be October 30th.

Todd reports for the 2015-2016 year the agendas will be streamlined going forward. Every committee chair must email committee reports to Todd one week in advance so it is included in the packet. If you need time also to present at the meeting, just ask.

**Laura Page (Chair-Elect):** Had first FLI 2016 committee meeting. 2016 FLI will be in Breck – August 5 – 7. Requests for proposals until October 15th. A lot of interest so far.

**Jennifer Feingold (Secretary**): Email absences to jennifer@feingoldhorton.com.

**Robin Beattie (Treasurer):** Updated budget review.

Did we actually pay MVL last year? Melissa to check.

Discussion of adjusting luncheon costs? 2014-2015 was within $500 of budget.

Laura – motion to approve budget; Martin seconded. Approved unanimously.

**Trish Cooper (Immediate Past Chair):** Judicial DR Training occurred in June 2015 sponsored by SCAO/chaired by Kara Martin. Attendance was large. Very good feedback on family law presentations.

ICON Award (Melissa) – ballots to go out next week. Discussion about whether we should do it every year. Rebecca – motion to send out nominations for a vote and once the winner is identified give them a choice to receive award at January luncheon or 2016 FLI. Laura seconds.

1 opposed; motion carries.

**Committee Reports:**

**Amicus:** No report.

**Bench Book:** Cyndy to be getting assignments out within the next month or two.

**Legislative:** Marie – looking at uniform acts. Recognition of Canadian protection orders. Uniform Arbitration Act – Mike Dimanna is taking the lead on. Substitute DM Act – abilities/ POA – Jeremy looking at. Marie – meeting monthly on trust decanting act. They will include enactment of this statute but will not impact whether a trust can be considered an asset for dissolution purposes. If decanting takes place and intent is to get money out of the marital estate, what are they remedies?

**Budget committee:** 6 FLI scholarships in 2015; budget committee recommends we keep scholarships at 6 for 2016. Motion to approve made by Robin; seconded by Trish; approved unanimously. Denise Cook stayed on scholarship last year. Given level of current reserve, the budget committee will discuss long-term planning options to report to council.

**Bylaws:** No report. Trish raises issue of need for clarification in by-laws with respect to voting ties for council election and clarify definition of ‘non-metro.’

**Education/CLE/Lunches:** Brenda – lunches all done:

October: John Tatlock – C.R.C.P. Rule Changes

November: Kevin Sidel – Extraordinary Expenses & Child Support

January: Case Law Update

February - April: Personality Disorders, Spoliation, Malpractice tips

May: Legislative Update

Fall Update on October 30, 2015 Co-Chaired by Rebecca Alexander and Kristi Wells

Basic Skills – February 2016

**Expert directory:** No report.

**FLI:** See above.

**Grants:** No report.

**Judicial Liaison:** Rebecca – every council member will be assigned a judicial district to act as a liaison and get information so FLS website is up to date. Rebecca will be preparing a memo and getting out assignments.

This year council will be evaluating whether or not the judicial liaison program is worth continuing. People are not updating website so is it really useful? Should we have it up if the information is not current? Can we get data about how much the website is being use? Melissa to check.

Expectation is not to micro manage but reports are expected from all council liaisons at least twice per year.

**Legislative Committee:** See above.

**Membership:** No Report.

**Mentoring**: John hopes to get a survey out evaluating the current system. Currently the section has everyone matched.

**Newsletter:** Terri has a couple of articles for the newsletter. Requests for Trish and Todd to write letters. Always need articles. 35 day deadline for publication.

**Nominating:** No report.

**Scholarships**: No report.

**Website:** No report.

**Young Lawyers:** Jamie – June event had really good attendance with judges from varying districts and really good feedback received. Next event will be in January 2016 – roundtable on financial issues. Zach and Katie – from DBA YLD – want to involve young lawyers more with CBA/FLS.

**CJD Mediator Standards**: Bill King – update: CJD resurrected; working on an updated draft not released yet. Expected to look similar but will include/address issues raised such as a best practices training course and a 2-hour shadowing requirement in a domestic courtroom.

Training to start in April 2016.

As to UPL concern – 2007 Board of Governors approval of ADR suggestion of UPL by non-lawyers. Concern not being heard. Trish wrote an excellent letter to Justice Rice in June 2015 but not sent – perhaps update on UPL issue and send out now.

Jim Coyle has asked if there is an interest in preparing an updated 2007 Board of Governor’s opinion statement to better define what is UPL in family law cases. Crossover with LLLT discussion. Magistrate Lococo now chair of the committee. Family law concerns being overlooked. Will the new standards clearly define what the UPL is? Task force not even sure if there should be a minority position/dissent to be included. If not, council should send letter to Justice Rice to discuss concerns.

Original position – standards are not necessary. But if you are going to adopt standards, then this the model to adopt.

The section does not have time for CBA approval to change position. FLS can ask for clarification as to what boundaries will there be to prevent UPL. Debate about scope of FLS authority in terms of addressing the 2007 Bd of Gov/CBA paper.

Discussion regarding whether ADR is overtaking the practice of family law? Mediator credentialing versus UPL – is there a difference? Now that training component being added, does that address the concerns?

Discussion for actions as follows: 1.) Does the section want to take a look at the Board of Governors position? 2.) Should the section raise this with Justice Rice? 3.) Should there be a family law task force be created to oversee this issue if approved?

Expected to vote in October.

Bill to send updated draft as soon as it is receives. Can Helen prepare a minority report? Need Helen to weigh in on best way to proceed.

Trish to update letter to Justice Rice to be prepared to send, will likely need a vote online and then must be approved by CBA before sending out.

Motion made by Trish that she be authorized to coordinate with Helen to make revisions to her memo and Trish’s cover letter upon receipt of the revised CJD mediator standards and that such revisions be submitted to council for online vote for further action. Bill - seconded. Passed unanimously. Jennifer Rice to talk to Magistrate Lococo about timing.

**Judicial Nomination Committee:** There will be a DR 18th Judicial District opening.

**Board of Governors Liaison:** Exec council will meet on October 7th.

**Colorado Lawyer Liaisons:** Trish – institutional staff changes; editor in chief for 10 years recently left; should not affect process. Need articles – please let Trish know.

**AAML Liaisons:** Considering presenting to judicial committee about the white paper re CMO.

**18th Judicial District:** Joan and Diana met with Judge McLean about concerns regarding instant Orders, level of judicial education on procedural issues,

Trying hard to learn but a steep slope. Unsure if more domestic judges are being added to the 18th. Very receptive; follow up meeting in December. More positive feedback and addressing wrinkles.

Thank you from Katie Wilmoth for FLI scholarship.

Adjourn.