**NOVEMBER 18, 2016 Minutes**

**Executive Council Meeting**

**Family Law Section**

Present: Joan McWilliams, Jamie Cage (Rutten), Cyndy Ciancio, Joe Pickard, Martin Brown, Steve Epstein, Bill King, Rebecca Alexander, Steve McBride, Michael DiManna, Jerremy Ramp, Laura Page, Jen Feingold, Brian Popp, John Haas, Robin Beattie, Diana Powell, Helen Shreves, Kristi Wells, David Littman

On phone: Beth Henson, Kevin Sidel, Deb Anderson, Laura A., Bonnie Schriner, Meredith Cord, Brenda Storey, Anne Gill, Terrie Harrington, Ann Gushurst, Peggy Walker

Excused: Todd Stahly

Unexcused: Jennifer Rice

October 2016 minutes --Bonnie did report on bill for rule change to Section 121, and Joan and Jerremy were excused. Minutes approved with those changes.

**Officer Reports**:

Laura Page: no report

Jennifer: no report

Robin: reported on Denver lunch. Will be filing the minutes.

Steve McBride asked why the AG’s office is not pursuing people for the unauthorized practice of law. Bill King offered to talk to him about all the problems with this.

Discussed Judge Laff’s problems with JDF forms – Rebecca pointed out that before we start addressing this on the listserve we should determine if this is something we want to address. We are going to ask on the listserve about interest in revising forms.

Laura A: Treasurer report by Amy – nothing out of the ordinary – we are close to breaking even on meals. Printing costs for Bench Bar book have not come out yet. Dues are still trickling in.

Cindy Ciancio wants to find a publisher for the next round of the bench bar book – she does not want to track down 40 authors and thinks we should look for Bradford or another company to coordinate it and disseminate updates. Laura P. says that this is an idea that was broached by Gary at FLI, but now Dawn and Gary are leaving the CBA. Lisa Travis-Fischer will be taking Dawn’s place – Laura P. will contact her.

Todd Stahly: no report

Retirement Party: Gary – does not want us to set a party before the end of the year. Maybe January 20. Steve Epstein will touch base with Gary after January 1.

Comment to RPC 2.5 –Joan McWilliams – had a meeting with the Colorado Supreme Court Committee on Rules of Professional Conduct – Mike DiManna, Angie, Sue Waters, Joan met with the Standing Committee – the rule passed 20 to 3. This will be referred to Supreme Court. In a matter involving the allocation of the Parental rights and responsibilities, the attorney shall consider advising the parties that parental conflict can have a significant adverse effect upon minor children.

1. Amicus – does the council need to discuss not pursuing an amicus brief? The answer is yes. Laura P. explains that the committee passed on a small issue that had been discussed.
2. Book Sales – they are done – there are 100 at the CBA office. Cindy wants to get the orders filled for the judges first and asked that we start taking them to the courthouses. Books can be sent by zip drives. Books cost $170 for members, $200 for non-members, $100 for drives for members, $130 for non-members - you can get a Word version with 50 extra sample orders written by Judge Arkin. We make a lot of money from the sale of this book.

Suggestion that we sell the Word version with the orders for $300.00 – Motion made by Cindy – Motion carried without discussion. Motion that we give free copies to the authors. Motion passes without discussion.

1. Budget – approved. See above. Nothing from Budget committee
2. Bylaws – no report
3. Education – Todd is not available. Brenda has no information.
   1. CLE
   2. Monthly lunches
   3. Young Lawyers – Jamie - scheduled for January 12 – Judges Round Table – lots of Judges have agreed to present
   4. Mentoring – refer attorneys who need assistance to Diana
4. Expert Directory – no report. Helen suggests we update in even years.
5. FLI – No Report.
6. Grants - No Report.
7. Judicial Liaison
   1. 18th JD – Case Management Orders – there is a subcommittee of the standing committee to address the CMOs. Lesleigh Monahan headed up the drafting of a model CMO and section joined in the approval of that. This was disseminated statewide. In Arapahoe County, their Best Practices committee has been very receptive to looking at the CMO – if you have issues with forms and practices in Arapahoe, let Steve know, they are willing to consider comments and questions. The attendance at Best Practices in Arapahoe is outstanding. Mag. White is the chair. 75% attendance of judges, 80% of magistrates and Sherlocks.

Laura Shapiro is having some issues with the judges and wants to contact Bonnie McLean directly. That cannot be prevented. Laura is not interested in going through established channels. Best Practices should be aware that she is suggesting radical changes to CMO and has serious complaints against some judicial officers.

* 1. Best Practice. On the listserve there were some posts about people who had complaints about some judicial officers – Rebecca encouraged them to reach out to the best practices committee or the judicial liaison. In this case, the person did not want to move forward. We have something to offer practitioners in this regard and should be encouraging this.
  2. General. Please make contact with your districts by the end of the year. Send Robin any information that needs to be posted on the website. Send Rebecca confirmation that the contact has been made.

1. Legislative – Uniform Family Law Arbitration Act. Jerremy and Marie do not like it and do not think it is necessary – Marie is meeting with committee today. Act seems to raise more questions than answers about such things as evidence, it may conflict with Uniform Arbitration Act, etc. It may provide for appeals from arbitration, but is not clear as to who the appeal will be made to. Marie will have more information after today.
2. Membership – update on research for listserve. Bonnie and Peggy have a meeting with bar association on December 5 to see what is being suggested.
3. Newsletter- Ann/Terri – movement on Newsletter. Deadline of 12/1 for content for 1st newsletter.
4. Nominating – No Report
5. Scholarship – No Report.
6. Judicial Nomination Committee – Helen – they handed out a notebook last year. They had the names of everyone assigned to each judicial district. She wants the judicial liaisons to contact Helen when an opening comes up, then we can ask who they recommend.

Martin asks how we would identify who lives in each district. Ann says why w would target because there are people who move to a district to be judges.

1. Board of Governors – Section – EC voted against the change.
2. Colorado Lawyer – Meredith – if people have things they want to write, just do it. They hear from a lot of people who say they want to write, but then do not get articles. Rebecca suggests that we recycle materials from CLE and write articles.
3. AAML – Doubletree hotel 12/2 – will be a great program.
4. ICON – He is looking for the criteria when seeking nominations.
5. Alternative Solutions
   1. PALS (formerly LLLT) – the committee kicked Mike and Helen off – we can remove this from the agenda.
   2. CJD Mediator – Bill – no news
   3. Simplified family court – Helen – 3:00 today they will have their first meeting

Martin wondered how this helps family law practitioners to be setting up courts that take cases away from lawyers. Helen explained that there are limits to the jurisdiction of the courts – it would be for cases with assets under a certain amount. King observed that cases are proceeding faster than ever before. Rebecca pointed out that there are many people who are worried about necessities such as housing and food, who cannot navigate the legal system. Is this docket control or something else? Rebecca says let’s investigate and see if we can find a solution

* 1. Unbundled Services/Modest means

**Old Business**

Research – what is the real nature of the pro se problem? Todd sent a letter to Steve Visciano at State Judicial this summer – Helen called him to follow up about two weeks ago – we do not have a no or a yes yet.

Paul Danborn – flaw in maintenance statute – Beth Henson asked about the worksheets – David Littman – when you calculate non joint children it reduces income on which maintenance is calculated. The party seeking maintenance gets penalized if you add non-joint children. Martin suggests that it might be Redak’s software – Kevin talked to Redak and he thinks has followed the statute – that the statute says non-joint children add money. This is part of the definition of income in the statute. Michael and Helen had a discussion about passage of the statute; Jerremy mediated.

There is a motion to have the legislative committee to look at this. Do we use State worksheet or Redak’s? This needs to be addressed. Is this an issue? What do we do about it?

**New Business**

Jerremy – discussed the fact that earlier this week someone from their office went into ICCESS on a case – they were not attorney of record but were able to access serve-only documents. Their firm reached out to ICCESS to address this. Diana suggests that this information should be put on the listserve; Rebecca thinks that this would lead to people obtaining information they should not have access to.

No meeting in January.