



BEST PRACTICES PLAYBOOK

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BEST PRACTICES IN NOMINATION & ELECTION PROCESSES

Checklist of Recommendations

1. Follow the timeline for the election process.
2. Section Chair must appoint a nominating committee by January 15th.
3. CBA will send call for nominations to the Section membership by February 15th.
4. Follow nominating criteria when choosing nominees.
5. Section must report final election results to Section Liaison by May 15th.

Best Practices

The following procedures are designed to help each CBA Section accomplish three principal goals: increase diversity on Section Councils; increase membership participation and engagement by providing a path to leadership; and streamline the process to free up CBA staff time.

Nominating Committee

The Section Chair shall appoint a Nominating Committee consisting of at least three members of the Section. These should include the Chair, Vice Chair or Past Chair, a young lawyer (age 37 or less, or less than 5 years in practice), if possible, and at least one person from outside the metro area, if possible. The committee shall be appointed by January 15th. The Section Liaison shall work with the Nominating Committee and the Section Chair to complete the election process.

Criteria for Council Nominees

When considering the composition of Section leadership, the Nominating Committee shall consider recognized diversity criteria, including ethnicity, age, gender, sexual orientation, area of practice, firm size, years in practice, and geographic location. The Nominating Committee should strive for a Council that is diverse in as many of these areas as possible, consistent with the size of the Council and its substantive objectives. Other factors to consider may include: the number of terms an individual may serve in order to open up positions on the Council, staggered terms to preserve institutional knowledge (see Best Practices on Council Composition), number of persons per law firm, and prior Section involvement.

We understand that requesting and collecting information from candidates regarding the diversity criteria outlined above can be sensitive and personal. Resources are available through your Section Liaison regarding how to educate your Section Council, including the Nominating Committee, on approaching the topic of diversity with sensitivity.

Procedure for Nominations

A call for nominations shall be sent to all Section members by Feb. 15th. The CBA will run a full-page ad in *The Colorado Lawyer* February issue calling for nominations for ALL Sections. The call for nominations shall also be sent to all diversity and specialty bars to encourage participation in the nominations process. A separate call for nominations to the Section Membership should describe the criteria for nominees for the open positions and should be administered through the Section communications such as the Section newsletter, listserv, and email.

Any nominations received shall be provided to the Section Nominating Committee no later than March 15th.

Elections

The Nominating Committee will select one nominee for each open position on the Council and each open office in the Section. Depending on the bylaws of the Section, the Nominating Committee's selections may be presumptively final, subject to approval or rejection by the members of the Section; may be subject to final approval by the Council of the Section; or may be subject to approval or rejection by the members of the Section. Once the selection is made, the nominees are to be voted on by the Section by either slate or ballot method. A slate form (described below) is preferred, but not mandatory, in order to minimize staff time devoted to elections. The slate must be emailed to the Section members no later than April 1st.

Explanation of Slate Method

The slate method requires that the Nominating Committee present a full list of the incoming officers and Council members to the Section for approval, with or without prior approval by the Council. The slate is deemed approved unless the Section Chair receives an alternate slate following the criteria below. The nominees with the most votes for each position make up the incoming officers and Council members.

If the Section adopts the slate method of election, the Nominating Committee will send its proposed slate to the Section membership. Section members will then have until the April Section Council meeting or April 15th, whichever is sooner to propose an alternate slate signed by at least the number of members specified in the Section's bylaws [which shall be not less than 10 members or more than 3% of the number of Section members as of the beginning of the current calendar year]. If a

valid, alternative slate is received by that deadline, the slates shall be voted on by the Section membership. The Section members shall have until May 10th or the May meeting to vote on the slates, and the results will be announced by the Section Chair no later than May 31st.

Explanation of Ballot Method

If the Section follows the ballot method of election, ballots shall be sent to the membership at large by April 15th. Section members shall have until May 10 or the May Council Meeting to complete and return their ballots, and the results will be announced by the Section Chair no later than May 31st. The ballot method requires all chosen nominees to be put on the ballot, emailed to the Section membership, and voted on by any Section members who choose to participate.

Bylaws

Each Section must ensure that its bylaws are up-to-date and are consistent with the actual Section practices, as modified to comply with the mandatory Best Practices. If they are not consistent and compliant, the bylaws should be updated, approved by the Section Council, and submitted to the CBA Council for final approval. The Section Liaison can help navigate this process.

BEST PRACTICES FOR COUNCIL COMPOSITION

Checklist of Recommendations

1. Each Section shall have a Chair, Secretary, Treasurer and Past Chair. Each Section must have a Board of Governors Representative. Each Section may have a Vice-Chair.
2. Each Section shall have a Communications Representative.
3. Any two offices may be held by the same individual.
4. Term limits are required, and shall be established so as not to allow any one person to retain any one position indefinitely.
5. Stagger terms to retain institutional knowledge.
6. Make officers aware of their respective position duties.
7. Involve the Past Chair(s) to retain Section institutional knowledge.
8. Attempt to ensure that at least one Council member is from outside the metro area.
9. Attempt to ensure that at least one young lawyer (37 years of age or younger, or less than 5 years in practice) is on Council.
10. Diversity criteria (see Criteria for Council Nominees) shall be considered in selection of officers including the Board the of Governor's Representative.

Best Practices

The Best Practices for Section Council composition are designed to increase diversity on Section Councils and increase membership participation and engagement by providing a path to leadership. The following are recommended positions which must be filled; however, it is within the discretion of the Council pursuant to the Section bylaws as to whether these are Council voting positions.

Officers

The Best Practice is for officer positions in each section to include:

Chair

Vice-Chair (optional)

Secretary
Treasurer
Past Chair

Additionally, each Section must have a Board of Governors Representative.

It is recommended that each Section Council have a Communications Representative

Any two offices may be held by the same individual. The bylaws will dictate which of the above position will be officer and/or Council voting positions.

Council Terms

Officer positions shall be limited to one-year [or two-year] terms and be successive (the officers move up the chain of command until they are Chair). Other Council positions shall have term limits in order to ensure a rotation of Section membership participation on the Council. The recommended Best Practice is that the Sections stagger at-large Council terms in order to keep some institutional knowledge at all times. In smaller Sections, or when, despite best efforts to expand or improve upon participation are not successful, the Section Liaison will assist the Section to incorporate maximum compliance with the Best Practices, under the circumstances.

Positions and Duties

Below are descriptions of officer duties which are encouraged to be followed and may be incorporated into Section bylaws provisions on officer roles and responsibilities.

Chair

The Chair is responsible for the overall governing of the Section and directing the Council as needed. The Chair sets the agenda, runs Council meetings, and appoints committees and subcommittees as needed. The Chair is also responsible for making sure that parliamentary rules are followed when voting, including electronic voting, on issues.

The Chair should make efforts to keep members who are attending by phone or video engaged in the meeting. The Chair is responsible for making sure that the nominating and election process is followed and completed within the timeframe allotted. If the Section does not have a Vice-Chair, then the Chair is responsible for planning any retreats or symposiums that fall during their term.

The Chair must stay current on all legislation affecting the Section and ensure that the Section's position is timely communicated to the CBA lobbyist. In smaller Sections, the Chair is also responsible for planning any CLE programs or events for

the Section members with the help of the Council and the Section Liaison. The Chair is responsible for creating meeting agendas and making sure that all of the necessary meeting materials have been gathered. In some Sections, the Chair may appoint the Secretary to be responsible for gathering materials.

The Chair is expected to delegate responsibilities to standing or ad hoc committees, task forces, ad hoc positions, or the Section Liaison to the extent contemplated or permitted by the Section's bylaws, and subject to the Chair's ongoing oversight and supervision.

Vice-Chair

Not all Sections have a Vice-Chair. For those that do, the Vice-Chair is responsible for covering for the Chair when the Chair is unavailable. The Vice-Chair can be responsible for planning the speakers and topics for any retreats or symposiums during their term. The Vice-Chair should also be current on all legislation affecting the Section. In some Sections, the Vice-Chair may be responsible for the planning of CLE programs and events for the Section membership with the help of the Section Liaison.

Secretary

The Secretary is responsible for taking, and keeping, minutes at all meetings. Secretaries may be appointed by the Chair to gather materials for the Council meetings. If there is no Vice-Chair, the Secretary is responsible for planning any retreats, symposiums, and other Section events.

Treasurer

This is now a REQUIRED Best Practice position for all Sections. This position may be combined with the Chair, Vice Chair or Secretary position if a Section's bylaws so provide. This position is responsible for creating an annual budget, ensuring the Section operates within its budget, and tracking how the Section spends its money on a monthly and annual basis. Please see the FIDUCIARY DUTIES Section for further details regarding budgeting and the CBA accounting process. There is a sample budget in the Appendices of this Playbook.

Board of Governor's Representative

The Board of Governors reached an overwhelming consensus at its October 2016 meeting to clarify the role of the Board of Governors. Based on that consensus, the primary role of the governors is to serve as an ambassador and conduit of communications for the Colorado Bar Association while retaining a governance role. Below is the description of the Board of Governors position which was approved at the May 2017 meeting of the CBA Board of Governors.

As a Governor serving on the Colorado Bar Association Board of Governors, you are:

- An AMBASSADOR who creates awareness about the Colorado Bar Association within the legal community and beyond;
- An accountable LEADER who represents the Colorado Bar Association as well as local constituents;
- A BRIDGE-BUILDER between the Colorado Bar Association and local constituents that promotes relationships and productive communication;
- An INNOVATOR who offers new insights or institutional knowledge for ongoing organizational development and decision-making.

(Expectations) of Governors:

- Attend all Board of Governors meetings;
- Prepare for all Board of Governors meetings;
- Actively participate in all Board of Governors meetings;
- Accept committee or project assignments;
- Stay informed;
- Evaluate individual and collective performance;
- Act in accordance with Fiduciary Duties (Care, Loyalty, Obedience);
- Review Council minutes;
- Be in touch with Vice President/ Council liaison;
- Regularly interact with constituents about Colorado Bar Association and Board of Governors matters, and solicit feedback.

(Expectations) of Colorado Bar Association

- Provide orientation on Colorado Bar Association and Governor role
- Inform governors of substantial CBA business and actions of the Executive Council
- Notify Governors of the meetings well in advance
- Solicit input for agendas
- Send Meeting materials in advance
- Provide a point of contact and/or liaison
- Provide leadership training and tools
- Provide opportunity to listen to governors at meeting and in advance
- Maintain Board of Governor portal with necessary information

Past Chair Involvement and/or Communications Representative

The recommended Best Practice is that the Section have at least one Past Chair as a voting or non-voting member of the Section Council in order to maintain

institutional knowledge while permitting new member participation at the officer level.

The recommended Best Practice is that the immediate past Chair becomes the Communications Representative. The duties of the Communications Representative include helping onboard new Section members. The Section Liaison shall coordinate with this person in order to provide the tools needed to accomplish the Communications Representative duties.

Sections are encouraged to develop the role of the Communications Representative and incorporate it based upon these Best Practices.

Responsibilities for the Communications Representative may include maintaining Section welcome letter templates, overseeing implementation of practices to identify new members at Section events, facilitating ambassador assignments, identifying new lawyer and law student members eager to engage with the Section, collecting information and suggestions for engaging with new and young lawyer members, and thanking new members on behalf of the Section Council for engaging in Section activities.

At-Large Members

In addition to the officer positions, each Section shall have at least four at-large Council members, including, if possible, at least one young lawyer and at least one member from outside of the Denver metro area.

Young Lawyer Liaison

If the Section does not have a specific position for a young lawyer on its Council, the Section shall have a liaison position for a young lawyer, which could be a non-voting position. This young lawyer position shall have a one-year term and be limited to that one term in order to open this position to new lawyers. Once the young lawyer's term is up, that person should be considered by the Nominating Committee for an at-large voting position.

Other Considerations

Sections should avoid having more than one person per law firm on a Section Council at one time, including at-large members, though lateral moves sometimes make this impossible to avoid.

Council Member Duties

Below is a Best Practices list of the recommended responsibilities of Council members:

Policy formation
Budget oversight
Committee and Subsection formation and leadership
Proposed legislation
Onboarding and engaging new Section members
Legislative review and approval
CLE and event planning
Newsletters
Minutes
Short-term and long-range planning

Subcommittee Oversight

It is the responsibility of the Section Council to oversee committees, subsections, and working groups of the Section (the “subcommittees”). The officers of the Section shall review each Section Subcommittee annually to determine whether the subcommittee chairs and/or co-chairs are following procedure and continuing to create/maximize Section benefits for their members. The Section Council should expect that the subcommittees will implement and follow the Best Practices on Nominations and Election, Onboarding New Members, and Engaging with Members to the fullest extent possible. It is the duty of the Section Chair to replace any subcommittee chair who is not performing to the standards of the Section.

The subcommittee chairs should be expected to provide a report at each Council meeting. Routine reports may be submitted via email and distributed with the meeting agenda. Section Chairs should consider replacing subcommittee leaders who fail to report at two or more consecutive meetings without valid reasons.

BEST PRACTICES FOR ON-BOARDING NEW MEMBERS

Checklist of Recommendations

1. Send a welcome letter to all new Section members.
2. Appoint ambassadors to help new members navigate the Section.
3. Keep a list of other Section Chairs available and maintain contact as needed.
4. Appoint a Communications Representative to help maintain a dialogue with the Section members.
5. Facilitate a path to leadership for those interested.
6. Create a recognizable way to identify new attendees at meetings or events.
7. Make an effort to engage new members and new attendees.
8. Attend at least one Young Lawyer and one Law School event each year.
9. Create smaller ways for members to be involved in the work of the Section.

Best Practices

These Best Practices are designed to grow Section Membership by engaging and retaining current members and attracting new members.

Ambassadors

Sections should develop the role of ambassador to guide new members through their Section, its benefits, potential leadership opportunities, and other avenues for engagement with the Section.

Ambassador Welcome Letter

The Section shall develop a welcome letter for ambassadors to send to new Section members introducing the Section, its leaders, and offering assistance for the first few months to introduce new Section members to other Section members and guide them through the processes and procedures of the Section. A sample welcome letter is provided in the Appendices to this Best Practices Playbook. The Section Liaison will provide a contact list of new members on a monthly basis.

Talking Points Checklist

The Section shall develop a checklist of talking points for ambassadors to cover with new members. It is the responsibility of the Communications Representative to coordinate distribution of the talking points to ambassadors and facilitate their use in advance of Section events.

Ambassador Events

It is a best practice for the Section Council to arrange events at Section retreats and symposia for new members to meet their ambassadors and the Section's leadership. These events may include a welcome reception for ambassadors and new members.

Monthly Section Chair and New Member Contact Lists

The CBA shall create, and the Section Liaison shall circulate to the Section officers, a monthly contact list of new members to the Section. The CBA Section Liaison shall administer sending a welcome letter prepared by the Section to all new members. It is the responsibility of the Section Chair to ensure that every new member of the Section is (1) contacted, (2) offered the opportunity to have an ambassador at Section events, and (3) invited to subscribe to Section communications including newsletters and listserv. Whether they do this themselves or delegate the responsibility to the Communications Representative, is up to the Chair.

Past Chair Involvement in Recruiting and Retaining New Members

The recommended Best Practice is that the immediate Past Chair shall become the Communications Representative. The duties of the Communications Representative would be to help onboard new Section members, including recruiting and retaining new and young members. The Section and Section Liaison shall provide the Communications Representative with the tools necessary to accomplish on-boarding of new Section members.

Leadership Development

The Best Practice of the Section shall be to identify members who become involved in the Section and facilitate their path to leadership within the Section. Paths to leadership shall be transparent and clearly communicated to members. It shall be the responsibility of the Section Council to ensure that leadership positions are open to all members, including diverse members.

By way of example, but not as a requirement, a clear path to leadership may include a young lawyer seat on Council which may then progress on the officer

track to Treasurer, Secretary, etc., or this person could also become Communications Representative to the new members to help involve other young lawyers in the Section.

Identifying First-Time Attendees at Section Events

Sections shall institute a process for identifying first-time attendees at events, continuing legal education (CLE seminars), symposia, and retreats. The Best Practices Committee recommends the use of name tags and an identifying feature on the name tag such as a sticker, colored dot, or other recognizable mark to identify first-time attendees. It is the responsibility of the Section officers to communicate to the membership the mechanism for identifying first-time attendees and encourage existing members to welcome these new members to Section activities. The Section Liaison and Communications Representative or other Chair appointee shall be responsible for ensuring that the identification process is carried out at all Section programs.

Tools for Improving Young Lawyer Engagement

In order to get young lawyers interested—we need to engage them at the law school level. The CBA offers a free student membership and a free year of full membership to those who have just passed the bar exam. The problem has been keeping them engaged once they have to pay dues on their own. As fewer firms are paying their associates dues, it is becoming harder to keep younger attorneys as members. Below are suggestions and recommendations from the Best Practices Committee for involving young lawyers in the Section.

Fast Track to Leadership: Law Student Liaisons

A Section may fast track a young lawyer's path to leadership by getting them involved at the Council or other Section committee level early in their careers. For example, the Young Lawyers Division includes voting Council member seats for four law school student members: two from each local law school. These people are tasked with running events and reaching out to students about various YLD events that would be of interest to law students. Section Council members should also make a point of attending at least one law school event and one YLD event each year.

Sections may consider law student liaisons in order to facilitate outreach to up and coming lawyers. The Young Lawyers Division and their law student liaisons may be resources for Sections to identify law students interested in engaging with Sections to a higher degree, including as law student liaisons to the Section. Law student liaisons may also be a resource for connecting a Section with the law school's student group most closely aligned with the Section's purpose (e.g., Student

Business Law Society, Animal Law Group, Natural Resources Student Group, etc.) to facilitate identifying future Section members and creating opportunities to host events with the law schools.

New Lawyer Authorship

A Section may involve new lawyers in writing articles for newsletters, *The Colorado Lawyer*, or *The Docket*. The opportunity provides a way for the new lawyer or law student to get involved and get that person's name and work product in front of the people who may impact the new lawyer or student's career. Sections are encouraged to provide authorship opportunities that are shorter in length for law students and new lawyers to assist in accommodating other constraints on their time. Additionally, Sections may facilitate co-authorship between Section members, including between members and law students.

Other opportunities for authorship may include assisting with Section communications, including running the listserv, website, and social media.

Ambassadors: Assistance Navigating Networking Events

Section events can be intimidating to a law student or brand new lawyer. If a new member is paired with an experienced Section member, that person can provide introductions and help navigate the event. Sections are encouraged to personalize invitations to events by connecting new attendees with Section ambassadors in advance of the event: if someone is expecting the new member to attend, that new member may be more likely to attend and meaningfully engage with Section members.

Sections are encouraged to research their potential members in order to better plan ways to increase their participation in networking. The Young Lawyers Division and law student liaisons may be resources for obtaining information and ideas related to potential Section members. It is the CBA's experience that networking at bars and restaurants central to the law school campuses and offering drink tickets result in better attendance by law students.

Focusing on Current Events & Issues

The CBA has seen an increased interest from law students and new lawyers in current legislation impacting their fields of interest so that they can be knowledgeable and have something to discuss with more experienced lawyers. Section ambassadors are encouraged to emphasize the availability of Bill Track 50 as another way to attract and keep young lawyer and law student interest and engagement in Sections, and to use current events, legislation, and hot topic issues to develop events for attracting new and young members.

BEST PRACTICES IN ON-GOING ENGAGEMENT & COMMUNICATIONS

Checklist of Recommendations

1. Use the CBA Social Media feeds to promote Section events.
2. The Section must promote and encourage involvement outside of the metro area.
3. Create a process to ensure those calling into a meeting are able to fully participate.
4. Create and distribute a brief monthly or quarterly newsletter.
5. Use the Section webpage to promote events and make it a landing place for members.
6. Communicate regularly with the entire Section membership.

Best Practices

These Best Practices are designed to ensure that all Section members are aware of Section activities, programs, events, and opportunities to engage.

Social Media

Social media is a challenge for all of our Sections. It is difficult to have 30 different accounts for each social media platform. The recommended Best Practice is to use the main CBA social media accounts (*Facebook, LinkedIn and Twitter*) to promote Section events. This gives each Section event a wider audience than just Section followers. If the Section Council has a Communications Representative, this would fall under that individual's responsibility. It may also be delegated to an officer to oversee.

The CBA shall do its best to make this as easy as possible. Forms to guide how to get something posted on social media or printed in *The Colorado Lawyer* (TCL) are available in the Best Practices Playbook. To make the posting process seamless, the form should be filled out for each posting, Section event, or article. These forms include deadlines that may be important.

Use of Section-specific or individual officer's social media accounts for Section-related business is discouraged. These are difficult to maintain over time as officers come and go from the Section Council. In addition, if they are not properly

moderated, or if access is not properly restricted to Section members, such accounts can create a risk that statements made in public may be misunderstood as offering legal advice to the general public or may otherwise subject the Section and the CBA to potential liability.

Involvement Outside of Denver Metro

To fulfill our Diversity and Inclusiveness goal, the CBA asks that each Section annually sponsor at least one out-of-metro area program to include its non-metro area members. Events outside of the metro area can be more expensive and time consuming than the traditional metro area programs. Use out-of-metro members to help plan and run these events to help defer costs and provide a boots-on-the-ground approach to event planning. They know the location and the market better than anyone, so use that knowledge.

CBA Master Event Calendar

There may also be an opportunity to join an existing event in the local judicial districts through the Local Bar Associations. Dates and locations of CBA events should be sent out on the Section Leadership Listserv. The CBA also keeps a master event calendar to avoid double booking dates.

It is the responsibility of Section Council members with access to the Section Leadership Listserv to determine which other Section events may be of interest to their members and help promote and publicize those events through Section communications.

It is the responsibility of the Section Communications Representative to ensure that event details are provided for posting on the master event calendar. If the Section is interested in attending, planning or having a table at an event—please let the Section Liaison know and the Liaison will handle all of the details.

Communication Opportunities

Newsletters

One of the best ways to get new members involved on a micro-volunteer basis is by writing articles for the Section newsletter. These are shorter articles than *The Colorado Lawyer* but still get the author's name out to those in their field. Usually when a Section announcement is made that newsletter content is needed, it does not get beyond the Section's Council. Use social media, sub-committees, email, etc. to ask for an article on a specific topic and give a word limit. Identifying current hot topics or topics of interest in the request for authors and articles may be helpful in identifying members who are willing to write for the newsletter.

To help with content and to keep from overwhelming members—keep newsletter articles to one page and include a synopsis of the last meeting, next meeting time

and date, one content article, announcements and events, and a message from the Section Chair.

It is a Section Best Practice requirement that if a Section does not currently have a newsletter, it must have some form of communication with the entire Section membership which communicates upcoming events and substantive information of interest to members (e.g. articles) on at least a quarterly basis.

Section Webpage

The Best Practice for each Section is to use that Section's webpage as a bulletin board. When a member logs onto the Section webpage—it should show any articles, events, listserv topics, etc. relating to that Section. This shall eventually happen automatically through new technology—but until that time—this falls under the Council duties and may be delegated to the Communications Representative to oversee.

BEST PRACTICES IN GUIDING THE LEGISLATIVE PROCESS

Checklist of Recommendations

1. Appoint a legislative point person/representative.
2. The legislative point person must attend the CBA's mandatory legislative training.
3. The legislative point person assigns bills as needed to Section Council members/committees to follow and updates the Section Council on bill progress.
3. Respond to every bill sent to your Section.
4. Return each bill matrix filled out.
5. Follow timelines and deadlines for any bill of interest.

Best Practices

CBA Section membership input into the legislative process is critical for our state, both for the practice of law as well as for Colorado's citizens, government, and businesses.

The Process

The legislative process is fast-paced and changes by the minute. This process requires extreme attention to detail and adherence to strict deadlines. Timely communication of a Section's position on a bill is a figurative matter of life and death for the bill's potential to become law. Once a bill is passed or killed, there is no going back. These decisions must be made early, quickly, and be routed correctly.

There is typically a 24 to 48-hour turnaround time in reacting to something at the State Capitol. Sections take different approaches to the legislative process based on how important legislation is to their area of law and the size of the Section. Early in the life of a bill—the process runs smoothly with the legislation following the chain of command and decisions being made at meetings or by email. As the legislative session progresses, however, the process becomes too fast-paced to make meetings or emails a reasonable response to any and all legislation coming through the Section.

Point Person

The Best Practice requirement is that the Section Council appoints a legislative point person. The CBA's Director of Legislative Relations (CBA lobbyist) will route pending bills to the point person. The point person shall assign bills to the Council/Section members based on their areas of expertise. The point person should use a tracking system, either the CBA's bill tracking program or a simple Excel spreadsheet. This creates accountability for the Council members who have been assigned a bill. The Chair acts as a back-up to the point person to ensure nothing falls through the cracks. If the Section is large enough and involved in enough legislation, it should have a committee chaired by the point person. If the Section is extremely involved in legislation, the committee may want to have a weekly conference call to be sure all deadlines are met and the correct information is getting back to the CBA lobbyist and the CBA Legislative Policy Committee.

Appointing a point person gives the Section Council the ability to make better decisions much more quickly. The Section Council must create an action plan for when decisions are needed immediately. The Section Council must determine whether the point person has the discretion to act on behalf of the Section, or whether an email vote is required. If an email vote is to be required, the Section Council must determine what constitutes a quorum and how many votes are needed to take action. The Section Council should also ensure that the process the Section Council follows is the same process outlined in the Section bylaws. If the processes differ, the Section Council may need to update the Section bylaws.

Testifying

It is the responsibility of the point person or other members of the Section Council to testify at the Capitol or assist in identifying members willing and able to testify, if needed. The CBA lobbyist has a list of members who have regularly testified; however, on occasion, they may need someone with specific expertise.

Important note: No one can testify or lobby a bill on behalf of the CBA without the knowledge and approval of the Section Council and the CBA lobbyists. As noted below, this also requires approval of the CBA Legislative Policy Committee or its executive leadership. If you are testifying on a bill as a general citizen, or on behalf of a client, you may not use the CBA or Section name at any time.

Information needed by the CBA lobbyist

On any particular bill, the Section Council must determine how to proceed. When a Section has an interest in a bill, the CBA's lobbyist needs to know the Section's position. Below are the recommended Best Practices options for the Section's position on a bill:

Watch

Amend

Support

Oppose

No Position (this is when a Section does not take a supporting or opposing position)

Testify

The Section must provide an answer to the lobbyist by the deadline given for every bill forwarded to it, even if the response is "no position".

The CBA lobbyist needs to know the Section's position on every bill. NOT ANSWERING IS NOT A RESPONSE AND IS NOT AN OPTION.

Bill Tracking

The CBA uses Bill Track 50 to follow legislation electronically. This allows for easy dissemination to the Section Council and Section as a whole through the Section webpage. There will be a training on the legislative process as well as how to best utilize this software in September of each year. Additional training can be scheduled as necessary throughout the year. Every Section's point person is required to attend the training on legislative process annually or schedule additional training with the Section liaison or CBA lobbyist.

Legislative Policy Committee

The LPC is the governing body that determines the position that the CBA as an organization will take a position on a particular bill and, if so, what the position of the CBA will be. All legislatively related items MUST go through this committee before being taken to the Capitol. This is an appointed committee and if the Section has a matter that comes before the LPC, the Section leaders will be invited to participate. Any CBA member can receive emails from the LPC as a way to remain in the loop even if the member is not an LPC representative.

The Legislative Policy Committee (LPC) and the CBA lobbyist meet at the CBA offices every Friday morning at 7:30 a.m. during the legislative session.

BEST PRACTICES FOR FIDUCIARY OBLIGATIONS & FINANCES

Checklist of Recommendations

1. Each Section must have a Treasurer.
2. Each Section must have a written budget.
3. Each Section must have a process for approving budgetary requests.
4. Each Section must be transparent with its financials.
5. Each Section must consider setting a reserve within its budget.

Best Practices

These Best Practices are designed to ensure that Sections are tracking their use of member funds responsibly and are accountable to their members and the CBA for use of those funds.

Financial Guidelines

Although Sections have their own funds from their Section dues, Sections are not separate entities from the CBA. Each Section is part of the CBA and must follow certain guidelines when it comes to how Section funds are spent. The CBA gives the Sections as much autonomy as possible but has overall fiscal authority and may intervene in an extreme situation.

The Section should spend its funds on programming, events and other items of interest which provide a benefit to its members. This should be a transparent process. The financial records of each Section are available to any member who may wish to see them. Be sure that, as a leader of the Section, you are comfortable with your members seeing how their money is spent.

Treasurer

Each Section Council must have a Treasurer. The Treasurer is responsible for creating a budget (this could be done by a committee chaired by the Treasurer), and making sure that the Section finances remain within that budget. Sections may choose to combine the Treasurer position with another officer position on the Section Council.

The CBA will provide Treasurer training at the start of each fiscal year regarding general guidelines as well as the abilities and limitations of the CBA accounting system software. The Treasurer of each Section is required to attend the treasurer training or arrange additional training with the Section Liaison.

Sections should develop a process for submitting receipts to both the Treasurer and the Section Liaison. Request for funds shall be submitted to the Treasurer prior to the Section Council meeting. This way, the Treasurer can be prepared to make an educated decision and recommendation to the Section Council.

Any committees or subsections of the Section Council should present their budgetary needs to the Treasurer before the annual budget is finalized. Once the budget is approved, funds may be moved into that subsection general ledger account and can be spent without further Section Council approval.

Budget Creation

To create a budget, the Section Council should start by considering revenue and expenses of prior years. Section budgets will vary based on Section dues and the size of the Section membership. Issues with respect to the budget should be brought to the Section Council's attention by the Treasurer.

The CBA accounting reports are set up around General Ledger (GL) accounts which may be further divided among Section committees, subcommittees or projects and events.

The CBA does not use accrual based accounting. Income and expenses are credited and debited on a cash basis when they are received or paid. If a Section pays for a CLE program a month before it happens, that payment shows up in the current month's report rather than the month that the program takes place.

Dues

If a Section Council finds that it is spending all of its Section's money each year on member benefits, it may be time to consider raising the Section dues. Each year, the CBA sends a list of all Section dues to Section leadership with a letter asking if a Section would like to change its dues. It is the responsibility of the Section Council to periodically consider the amount of its dues and whether a dues increase is warranted. Typically, dues are raised in \$5 increments. A Section should be mindful about how often it raises its dues in order to minimize the impact an increase in dues may have on membership.

Administrative Fee

The CBA charges an administration fee for each member, each year which is calculated by taking the number of members in the Section on July 1 and multiplying it by an amount determined by the CBA Taskforce. The total administrative fee for the Section is taken out of the Section account on a monthly basis.

The Administrative Fee covers overhead, Section Liaison time, as well as incidentals like copies and other meeting needs. This amount is set by a CBA task force and shall occasionally be raised to help cover some of the costs associated with running the Sections. Notice and explanation of changes in administrative fees will be provided to the Sections before the change occurs on Section financial documents.

Reserves

A Section is not required to keep a reserve of funds in its account. Many Sections choose to set a reserve amount. The reserve amount is Section-specific and depends on the size of the Section and the Section's budget. If the Section does decide to keep a reserve, 25-30% of the Section's annual budget is sufficient. Sections do not see a large fluctuation in membership from year to year which may generally give cause for having a large reserve amount, but the Sections may choose to keep reserve amounts in order to assist in periodic efforts by the CBA to fight legislation or help other legal service organizations in times of need.

Overall, maintaining large reserves is not helpful to the Section membership and Section Councils should be mindful to weigh the costs and benefits to its membership of having or not having a reserve fund before setting the reserve amount.

BEST PRACTICES IN MICRO VOLUNTEERING

Checklist of Recommendations

1. Look for smaller ways for members to volunteer their time.
2. Provide notice of micro volunteering opportunities to the Section members at-large, not just the Section Council.
3. Make micro volunteering engagements entertaining or personally/professionally rewarding for members.
4. Follow up with your micro volunteers after their volunteer opportunity as a thank you, in order to obtain feedback and to keep them engaged.

Best Practices

Micro volunteerism creates engagement paths which are bite-sized, on-demand, no commitment actions that benefit a worthy cause. Micro volunteerism is sometimes referred to as “accessible volunteerism.”

Micro volunteerism tasks are:

- Often not time-sensitive;
- Can be virtual or take place where the volunteer is or is going;
- Accessible volunteering with opportunities available when I’m available;
- Discreet or small tasks; and
- Can be short-term, limited time commitment, or episodic.

People today are busy, especially young lawyers. They are having to meet billable hours as well as raise families, accommodate debt obligations, and/or work towards higher career goals. It is not that they do not want to volunteer, but rather that the time commitment can be daunting. The key is to make the commitment less overwhelming while still having some benefit for the volunteer. Something that would take a few hours and allow them to get their name out there with a newsletter article or make a good contact through monitoring the listserv for a week. Posting to the webpage is another good way to get out there while filling a need. For other ideas on ways to micro-engage volunteers, refer to the Ongoing Engagement Best Practice.

As your Section generates micro volunteers, please share opportunities and successes your Section has had in engaging those volunteers through the Section Leadership Listserv, through highlighting member engagement in Section

newsletters, or through submission to the Around the Bar Section of The Colorado Lawyer.

BEST PRACTICES FOR MEETING PROTOCOL

Checklist of Recommendations

1. Prepare for Section Council meetings in advance.
2. Incorporate virtual attendees into the meeting by encouraging them to participate.
3. Ensure the Section bylaws allow for electronic voting.

Best Practices

This Best Practice acknowledges that regular Section Council meetings can be improved upon by being cognizant of Section members attending in person, as well as those on the phone, and that everyone's time is valuable. A Section should optimize interaction with Section Council meeting attendees.

Meeting Planning

The key to running a successful meeting is planning.

- Send out plenty of reminders for meetings.
- Get materials out to the attendees in advance of the meeting.
- Always have an agenda.
- Keep the meeting on topic and assign a timeline for the agenda.
- Be familiar with all issues being discussed to keep the meeting moving.
- Follow-up with anything immediately after the meeting.
- Make sure to include those attending the meeting virtually.

Virtual Attendance

The CBA is always looking for better ways to involve non-metro area members. It is understood that calling into a meeting is not ideal. The CBA is working on new ways to allow members to participate via technology. The best technology of the time shall be tested and implemented for as many meetings as possible. This may be by phone, computer, MP3 or webcast depending on the type of meeting, location and number of attendees.

It is the responsibility of the Section Chair to ensure that remote attendees are involved in the meeting to the extent possible. This may be as simple as checking-in with those on the phone every few minutes to be sure that they are heard. Designating someone in the meeting to receive text messages or emails from those on the phone regarding who would like to speak can also be helpful and: t remote

attendees can be invited by name to speak. This prevents everyone on the phone from talking at once and allows those in the room to hear what others have to say.

Electronic Voting

Sections are encouraged to incorporate the ability to electronically vote into their bylaws. Electronic voting can be helpful for voting matters that arise between Council meetings and which may require a quick response. Voting, including the sending and/or return of ballots, voting information and any other writing or action required within any voting process may occur in electronic or other written or perceivable form and may be delivered by hand or via U.S. Mail or by electronic mail or other medium which is retrievable and perceivable in electronic form and capable of retention by the recipient at the time of receipt. Pursuant to the Americans with Disabilities Act, any person requiring a paper ballot as an accommodation shall notify the Council Chair and shall be provided a paper ballot.

BEST PRACTICES IN SECTION COORDINATION

Checklist of Recommendations

1. Use the Section Leadership Listserv as a forum to share ideas.
2. Ensure all Section leadership attends the Section Summit.
3. Organize questions your Section would like to include in the annual Section Survey.
4. Seek our resources for your Section Council on the Best Practices Resource Page.

Best Practices

The CBA is working diligently to create resources to help Section leaders coordinate and stay in touch with other Section leaders. Some of these are already in use and others are being built.

Section Summits

The first Section Summit that was held in November of 2016, and the second in May of 2017. There was great response and participation from all of the Sections. The ideas generated at the Summits helped launch the creation of this Best Practices Playbook. It is the recommendation of the Sections Best Practices Committee that a Section Summit be held at least annually, going forward.

A further recommendation is that the annual Section Summit be held in the Spring of each year in order to get feedback from all of the Sections regarding the work being done and what the Sections need to assist and support their improved practices. The timing is deliberate to facilitate Section leadership “hand-off” and the current and incoming leadership will participate. This event will require mandatory participation from all of the Section leadership in order to be successful.

Section Leadership Listserv

The Section Leadership Listserv was the first idea to come out of that first Section Summit and it has been in use for about 6 months as of the publication of the Best Practices Playbook. The feedback on this resource has been good and it has generated some great discussion and helped Sections obtain input from others regarding current issues of importance to the Sections. The CBA would like to see

this feature used to cross-promote events between Sections, share ideas on implementation of the Best Practices, and share successes in implementing micro volunteering opportunities.

Section Surveys

In January 2016, the CBA sent out a membership survey to the entire CBA membership. This survey covered Section diversity, participation, and satisfaction. The Best Practice going forward will be to send a brief survey out to each Section's membership with the same 4-5 general questions that will enable us to track Section satisfaction. Additionally, Section leadership may submit questions they have developed and want to add to the survey to obtain feedback, for example, developing programming and events.

Best Practices Resource Webpage

There will also be a Best Practices webpage where Section leaders can find the Best Practices Playbook and its appendices, sample documents, leadership contact information as well as anything else deemed useful to the Section leadership. This page shall be maintained by the liaison for the Best Practices Committee and will be regularly updated. If there is anything that a Section feels should be on this page as a helpful resource to all Sections, please contact Amy Sreenen at asreenen@cobar.org and she will get it posted or created.

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Introduction: This is intended as an overview for preparing one- to two-hour practical CLE. The format is informal and smaller in size (limit to 25-50 participants).

Pre-Event Checklist:

- ☐ Topic, presenter(s), location, date & time are set
- ☐ CBA has marketed the event and applied for CLE credit
- ☐ Pre-event meeting scheduled with the speaker(s) to discuss general outline
- ☐ Micro-volunteers engaged
- ☐ Food is pre-ordered and there is a plan for delivery or pickup; case of water
- ☐ New member sign-up sheets and promotional materials (shwag) for the event
- ☐ CLE accreditation sheets for the event

Steps:

1. **Choose a topic** – one generally applicable to all Section members.
2. **Select a speaker** - meet with the presenter for lunch or coffee in advance to discuss the format and an outline of the topic the speaker will cover; describe the expected audience.
3. **Location** – preferably where the speaker is located, i.e., the judge/speaker's courtroom.
4. **Scheduling:** Try to schedule the event at least a month in advance to allow sufficient time to promote the event and obtain CLE accreditation. Scheduling the event over a lunch hour seems to work well, e.g., 11:00 – 1:00. An early breakfast CLE is another option. End of the day is not as popular.
5. **Stakeholder(s):** One of the section goals is to increase diversity and work with other groups. Is this an event that can partner with a local or specialty bar? A YLD group? Partnering not only decreases costs, but it helps reach a wider audience of potential section members.
6. **Pricing & Funding:** \$15 - \$30 for CBA Section members; enough to cover the cost of food and beverages depending upon where the event is being held.
7. **Food and beverages:** Check with the host location/presenter for what is allowed. E.g., will the judge allow outside food in his/her courtroom? Can you get past security? An easy way to do this is preorder lunch boxes from Panera or a similar chain. CBA staff can arrange this for you and make the payment. Don't forget drinks – bottles of water are the simplest.
8. **Marketing & CLE Credit:** Once you have all the details of the event, including a descriptive title and a bullet point list of topics, CBA staff can prepare the marketing materials, start promoting, and apply for CLE accreditation.
9. **Introduction and a plug for the Litigation Section:** The Section Council member(s) organizing the CLE should introduce the speaker and topic, and also briefly describe the Section, its goal to improve that practice area, and encourage membership.

Secondary Considerations:

1. **Micro-engagement opportunities:** Do you need help setting up the event, picking up food, greeting attendees? These CLEs are a great opportunity to engage our members with micro-volunteerism. Think about small tasks that we can ask of members/attendees to get them involved. These can be as small as joining our social media sites or writing a small review of the CLE for our newsletter.
2. **Signing up new members:** Bring signup sheets and promotional materials to the CLE. Talk to the attendees and make them feel welcome; invite them to join the Section.
3. **Documenting the event:** Take a few photographs that to use in a newsletter or on social media to promote the section. Get the names of who is in the photos.
4. **Feedback:** Ask members if they liked the event. Ask for feedback from the presenters. Find out ways that we can improve for the next time and share them with the section. Update this document to include what works and what doesn't work.

Social Media Guidelines for the Colorado Bar Association

Introduction

Social media is an umbrella term that defines the various activities online that integrate technology, social interaction, and the construction of words, pictures, videos, and audio. The ability for the audience to respond to or interact with the content is what sets social media apart from other mediums. For further details, visit [Wikipedia](#), a social media project, and read the entry on social media.

The purpose of these guidelines is to ensure that entities of the Colorado Bar Association are speaking with one voice. The CBA is a long-established, regarded organization, and it is important that the image and brand of the CBA and its members remains consistent as one that is committed to quality legal practice, supporting and improving the justice system, and supporting the community at large.

Using social media

The Colorado Bar Association supports the use of these Internet tools to increase member engagement, improve member loyalty, build community, improve access to information, and promote the CBA, its events, and its members good works, resulting in greater value to our members and the public. It also recognizes that these social media tools are rapidly becoming a key outlet for information sharing with a variety of audiences.

The following guidelines apply to CBA volunteers, sections, committees, boards, divisions, panels, related programs or groups, and staff wishing to use the CBA's name and/or graphic identity (e.g., logo) in conjunction with the creation or maintenance of a social media presence – including but not limited to blogs, micro-blogs (such as Twitter), social and professional networking sites (such as Facebook and LinkedIn), photo sharing sites (such as Flickr), and video sharing sites (such as YouTube and Vimeo) – that identifies the entity as being sponsored by, administered by, or affiliated with the CBA.

Objectives

Entities considering social media should be committed to long-term goals and dedicating time to administer social media pages or accounts. Before selecting one or more social media platforms that the entity will have a presence on, consider the goals you seek to achieve with social media participation. How will you, or how can you, measure the success of your social media activity?

Administering the social media site

Each CBA entity desiring a social media presence will work with the entity's staff liaison and a member of the CBA's communications department to determine the entity's objectives and the proper social media venues for the entity.

A member of the CBA's communications department will establish the page or account for the entity and will remain listed as an administrator. However, **the entity will be responsible for**

providing content and updates to the account or page and should designate a volunteer (or volunteers) to serve as an administrator of the account or page. The CBA reserves the right to monitor and remove any content deemed inappropriate or not in keeping with the guidelines below. Entities are responsible for complying with these guidelines. Should your account be inactive for six months, members of the section or committee will meet with staff and evaluate whether continued use of the social media account is necessary or if another option is more appropriate.

Guidelines for social networking

Represent the CBA and our profession well. Exercise good judgment. Entities and individuals who fail to do so or who fail to comply with these guidelines may forfeit the right to participate in social networking activities sponsored by the CBA.

In some circumstances, inappropriate use of social media may subject you to discipline for failing to adhere to applicable Rules of Professional Conduct (RPC), as well as civil or criminal liability and penalties, as warranted.

1. Be responsible. You are personally responsible for the material you post. Unlike an errant comment at a cocktail party, a post online can live online indefinitely. All statements must be true and not misleading. Keep the posts relevant to the CBA's mission to improve the quality of its members' legal practice, to support and improve the justice system, and to support the community through voluntary and educational endeavors. Comply with all legal restrictions and obligations governing professional conduct, particularly those regulating communication and advertising.

2. Use common sense and follow the rules. Do not discuss or misuse proprietary or confidential information, and follow all professional and ethical rules governing the disclosure of information shared with you by clients. Adhere to all statutory prescriptions and Rules of Professional Conduct governing the privacy of individuals and confidential information of your clients. When in doubt, leave it out.

3. Identify yourself. In the about or informational section of the page or account, note the names of the administrators. Show your audience that there are real people behind the entity.

4. Be civil and respectful. It's alright to disagree with others, but do not use defamatory, libelous, damaging, abusive, threatening, offensive, obscene, explicit, or racist language.

5. Accept alternative viewpoints and build a constructive dialogue. If you do experience any negative commenting on your page or account, use it as an opportunity to have a real discussion with your audience. Deleting comments, unless clearly spam, is highly cautioned. The benefit of social media is that it allows for a transparent conversation and community building, not a one-sided conversation with censorship of unpopular beliefs.

6. Be quick to correct an error. If you make a mistake, admit it. Quickly provide the correct information. If appropriate, modify an earlier post to make it clear that you have corrected an error.

7. Add value. We all know that people have endless options when online; give them a reason to interact with your entity. Post items that offer practical tips and tools, contribute to the legal community's knowledge or skills, improve the legal system or public understanding of the legal system, or build a sense of community.

8. Avoid politics. Consider whether advocacy in this context fits with the goals of your social media presence. The CBA does not endorse candidates or persons seeking a bench appointment, and its entities should follow suit. However, if your entity votes to endorse or support a specific political measure, that may be noted but it should be emphasized that this is only the opinion of the entity and not the CBA as a whole.

9. Follow copyright and fair use laws. Always give people proper credit for their work. Make sure you have the right to use material with attribution before publishing. It is a good practice to link to others' work rather than reproducing it on your site.

10. Do not violate antitrust laws. Antitrust laws prohibit postings that encourage or facilitate agreements between CBA members of different firms concerning the following, as they pertain to legal services: prices, discounts, or terms or conditions of sale; salaries; profits, profit margins, or cost data; market shares, sales territories, or markets; allocation of customers or suppliers; or any other term or condition related to competition.

11. Abide by the social network's rules. By joining a particular social network, you agree to abide by that community's terms of use, so review those terms carefully.

Real Estate Listserv Guidelines

Welcome to the High Altitude Discussion List, the Internet home for Colorado real estate legal professionals. High Altitude is the forum for subscriber posts about Colorado real estate law. If you have a question, concern, observation or comment about Colorado dirt, this is the place for you!

High Altitude is a discussion list where subscribers receive all internet messages posted by other subscribers. These messages will focus on matters of concern to real estate legal professionals. Other High Altitude Discussion List subscribers are encouraged to respond or provide other interesting information about these periodic posts. If you are a High Altitude subscriber, you can expect messages every weekday on a variety of topics.[1]

Only members of the Real Estate Law Section may be High Altitude Discussion List subscribers. If you are not a member of the CBA's Real Estate Law Section but wish to join, fill out a [section membership application](#). If you are a list member and need technical assistance with the list, you can contact ITDepartment@cobar.org. High Altitude has a number of rules intended to protect the integrity of posts and encourage the free exchange of ideas and subscriber viewpoints on Colorado real estate law. Please review and observe these rules to maximize the benefits and enjoyment of High Altitude for all subscribers: [2]

1. Tailor your message to the issue being addressed or up for discussion, since that will tend to produce the best and most prompt responses from your colleagues. Don't disclose confidential or sensitive information; nothing is privileged.
2. Please keep your messages as short and to the point as is consistent with conveying the substance of your thoughts. While direct posts to the discussion list are permitted, the High Altitude moderator reserves the right to edit messages for clarity, brevity and to eliminate redundant or inappropriate content. Profanity and obscenities are strictly prohibited. Following a warning, repeat violators will be permanently removed from the Discussion List by the moderator.
3. Please sign your message with your full name and at least your e-mail address. Among other things, this gives your colleagues the opportunity to consult directly with you on questions or issues that may have come up in discussion.
4. Subscribers who post messages on the discussion list understand that they are neither seeking nor giving legal advice. The discussion list provides a forum where participants can raise issues and receive timely and informal responses that reflect the reactions and experiences of others. No one should expect that any exchange will account for all relevant factors or reflect the kind of deliberation that underpins the giving of legal advice. No lawyer-client

relationship is formed by posting of messages.

5. Posting a subject line that reflects your message's content affords your colleagues the ability to prioritize their reading. This is a significant consideration particularly when the list of subscribers is large and there is a high volume of transmissions.

6. While undeniably useful, attachments can cause a number of unintended problems such as incompatible software, viruses and other bad things. Therefore, attachments to messages are not permitted at this time. If subscribers wish to share attachments, please arrange to do that outside of the High Altitude Discussion List through their personal electronic mailboxes.

7. It is important to remember that all messages or replies are sent to the entire list, unless otherwise directed. Consequently, if you wish to transmit something of a more personal or private nature, please make sure that it is sent to the specific recipient intended. When at all possible, be sure to avoid replies that include prior correspondence, since this tends to slow down the discussion process. When you "reply" to a message, your message will be addressed to the e-mail address established for the High Altitude Discussion List, thus posting your response to all subscribers.

8. With the nature of electronic mail lists being high-speed, high-volume interchanges among a large number of individuals, auto-replies can cause unnecessary posts to the entire list (and can also create additional work for the list moderator). If you create an "out of office" or similar automatic reply, please ensure that the subject line of your autoreply message contains one of the following phrases: "Out of Office" or "Auto Reply". This will avoid unnecessary posts to the entire list.

9. A short message using simple formatting is your best bet to ensure that all the intended recipients can view your transmission without any difficulty.

10. Advertising and solicitations for business are strictly prohibited. If another subscriber posts a request for a referral and you wish to respond to it, please do that "offline," i.e., by sending a new message directly to the other subscriber, not by replying to the posted message.

11. To post a message to the High Altitude Discussion List send an email message to colorado_bar_association_real_estate_section@lists.cobar.org. Please be sure to include your name and your e-mail address, at a minimum.

[1] High Altitude receives support from the Real Estate Law Section of the Colorado Bar Association and the University of Colorado Law School but is independent of either organization in terms of editorial content. Views expressed on High Altitude are solely those of their authors. Messages posted on High Altitude do not constitute legal advice and should not be relied upon in making legal decisions. Decisions concerning legal matters should be made only with the assistance of

qualified independent legal counsel.

[2] Credit goes to the American Bar Association for providing many of the rules outlined.

Solo Small Firm Listserv Guidelines

The purpose of this listserv is to foster the community of attorney members of the Solo Small Firm Section members. In this regard, the listserv gives participants the ability to exchange information, develop relationships and participate in our solo small firm community in meaningful ways. **This list is not moderated. Any views expressed are solely those of the posting attorney and not those of the Colorado Bar Association ("CBA").**

The Rules

- 1) Maintain civility at all times. The discussions on the list are meant to stimulate conversation, not to create contention. Let others have their say, just as you may. Differences of opinion are acceptable and expected; do not let those differences cross the line into personal attack.
- 2) This listserv is not private or confidential. Do not post anything on the listserv you would not want the world to see or that you would not want everyone to know came from you.
- 3) Do not post anonymously. Make sure everyone on the list knows who is sending the message. Your full name, email, name of your firm, and geographic location should be visible.
- 4) Do not forward or share list strings of this listserv outside of this group without the consent of those who posted on the string. At the same time, post on the assumption that whatever you put on the list will be seen far and wide. All exchanges are public domain.
- 5) Advertising and solicitations for business (other than client referrals) are strictly prohibited.
- 6) Please note carefully all items listed in the disclaimer and The Legal Stuff below.
- 7) Only attorney section members are permitted on the listserv.
- 8) Do not post messages asking about (or volunteering information on) the amount charged for hourly billing rates, flat fees, charges for copies, faxes, bonuses, profits, salaries for staff, or related topics. Discussions of this nature could be construed as collusion, which is an antitrust violation.
- 9) Respect your colleagues' time. Before posting a question, do your own research first. In your posting, mention what you've already done to answer your own question.

10) Participation in the listserv community is voluntary and is based on the mutual exchange of information, so no one is obligated to provide particular information or documents in response to a request. People do this out of the goodness of their hearts and you shouldn't make them feel bad about not responding.

Listserv Posting

- 1) State concisely and clearly the topic of your posting in the subject line. This allows members to respond more appropriately. If you are starting a new topic, don't reply to an old message thread. Start a new message with a new subject line. This makes it easier for everyone to locate messages.
- 2) Send a message to the entire list only when it contains information from which everyone can benefit. If you are looking for particular information that may not be appropriate to share, invite an offline contact or consult.
- 3) Use caution when discussing people, products or services. Information posted on the list is available for all to see, and comments are subject to libel, slander, and antitrust laws. Specifically, Rule 1.6 of the Colorado Rules of Professional Conduct requires that attorneys maintain client confidentiality.
- 4) Attachments may contain viruses. If you attach a document to your post, make sure it is appropriately named, it does not contain confidential client information, and it has been checked for viruses.
- 5) If you feel you're getting too many individual posts, remember there is a digest version available. Signing up for the digest means you will receive just one email per day that contains all the posts from that day. If you're interested, email ITDepartment@cobar.org and let him know you want to sign up for the digest version of the Solo-Small Firm Listserv.
- 6) Messages such as "Thanks for the information" or "Me, too" should be sent to individuals—not the entire list.
- 7) Understand "reply to" a post will be sent to the entire list (all subscribers will receive a copy of the reply). If you want to reply only to a single individual, "forward" the message then manually insert the email address of the individual you want to reply to.
- 8) When creating your "out of office" automatic reply, be sure the subject line of your auto-reply email contains one of the following phrases: "Out of Office" or "Auto Reply."
- 9) Do not send administrative messages, such as "remove me" through the list. Instead, follow the instructions at the bottom of each message generated by the list, or send an email to unsubscribe-ssf-listserv@lists.cobar.org.

10) Add ssf-listserv@lists.cobar.org to your Safe Senders list in your email program. Otherwise, you run the risk of being automatically removed from the listserv because of too many "bounce backs."

The Legal Stuff

This discussion list is provided as a service of the CBA. The CBA is not responsible for the opinions and information posted on this site by others. The CBA disclaims all warranties with regard to information posted on this site, whether posted by CBA or any third party; this disclaimer includes all implied warranties of merchantability and fitness. In no event shall the CBA or any individual list member be liable for any special, indirect, or consequential damages or any damages whatsoever resulting from loss of use, data, or profits, arising out of or in connection with the use or performance of any information posted on this list.

Listserv rules and/or disclaimers make no claims to privacy or confidentiality even if the list is "closed." Do not post any defamatory, abusive, profane, threatening, offensive, or illegal materials or use profane or unprofessional language. Do not post any information or other material protected by copyright without the permission of the copyright owner. By posting material, the posting party warrants and represents that he or she owns the copyright with respect to such material or has received permission from the copyright owner.

The CBA does not actively monitor the list for inappropriate postings and does not on its own undertake editorial control of postings. However, in the event that any inappropriate posting is brought to the CBA's attention, the CBA will take all appropriate action. The CBA reserves the right to terminate access by any user who does not abide by these guidelines.

The CBA is committed to compliance with all federal and state antitrust laws. In keeping with that commitment, attorneys are reminded that certain topics are not proper subjects for discussion and consideration by and between competing attorneys. Any action taken to eliminate, restrict, or govern competition among members may constitute violation of the antitrust laws. If there is any discussion relating to significant factors of competition, an inference may be made that such a discussion is for the purpose of agreeing upon a common course of business conduct. Among the subjects which should never be discussed are fees, prices; costs; delinquency charges or fees; conditions, terms and prices of service; allocating or sharing customers; or refusing to deal with a particular supplier or class of suppliers. Agreements among competitors relating to any of these subjects may be per se violations of the antitrust laws and can lead to criminal and civil penalties.

SOCIAL MEDIA POSTING FORM

1. TYPE of POST

- ☐ General post
- ☐ Event
- ☐ Other

2. WHERE to POST TO

- ☐ Twitter
- ☐ LinkedIn
- ☐ Facebook

3. DATES to POST

Start: _____

End: _____

4. CONTENT

a. Headline _____

b. Text (2-3 sentences

c. Link _____

5. Photo/images

YLD Example of New Lawyer Welcome Email

Dear _____,

Congratulations on becoming a member of the Colorado Bar! As Chair of the Young Lawyers Division of the Colorado Bar Association, I am proud to welcome you to our profession.

As a new attorney, I strongly encourage you to become a member of the Colorado Bar Association, Colorado's statewide, voluntary bar association. Being an active bar member is a great way to connect with other practitioners, areas of practice you are interested in, and volunteer. The YLD is home to all lawyers 37 years of age or younger, OR in the first five years of practice. We send a monthly newsletter of social events, networking and educational opportunities, so watch your email inbox closely for updates. You also can stay connected with us by following our [website](#) and [Facebook](#) page.

Please do not hesitate to contact me with questions on how best to get involved with the bar association: Nicole Marie Black, Nicole.Black@lewisbrisbois.com.

Again, welcome!

Nicole Marie Black

Chair, Colorado Bar Association Young Lawyers Division

Handout 4: YLD Example of New Member Outreach Response Email

Thank you for contacting the Colorado Bar Association Young Lawyers Division (CBA-YLD) and thank you for wanting to get involved!

The YLD is always seeking members to assist in organizing, planning, and attending various events and opportunities we put together for our members. We have a number of active Committees I recommend as a great first step. They include: Social Events Committee, Wellness Committee, Law School Outreach Committee, Public Service Committee, and the Professional Development Committee.

To learn more about our Committees, what they are currently working on putting together, and opportunities to get involved, I encourage you to attend our next CBA-YLD meeting on:

Wednesday, February 3, 2016

6:00 -7:10 PM

CBA Offices

1900 Grant Street, 9th Floor

If you have a particular practice area of interest and would like help getting connected to Section Leadership, please let me know your area of interest and the extent you'd like to be involved (e.g., attending a Section Meeting, meeting with a Section Council member, helping plan an event or CLE, getting involved in legislative policy work).

If you have additional follow up questions or are unable to attend this month's meeting, I'm happy to discuss by email as well. Thanks and I hope to see you at a meeting soon!

Nicole Marie Black

2015-16 Chair, CBA-YLD

Voting members of the Real Estate Section Council:

This is a request for an e-mail vote pursuant to Section 11.6(a) of the Bylaws of the CBA Real Estate Section. More background is given below, but the resolution to be voted on is this:

RESOLVED, that the Real Estate Section recommends that the Legislative Policy Committee of the Colorado Bar Association express the Bar's support of an amendment to SB17-215 to incorporate a definition of "standard forms" in substantially the same form as the draft attached hereto (including the hand-written changes).

Members of the Real Estate Section Council are entitled to vote FOR or AGAINST this resolution. Responses must be received by the Secretary (i.e., me) by **6:15 p.m. on Monday, April 17, 2017**. A total of NINE affirmative votes must be received for the resolution to be adopted.

Background

The RESC's Real Estate Broker Sunset Review Bill Task Force has been working with the Colorado Association of Realtors on this "standard forms" language for the amendment to SB17-215. This has been in process for several weeks now. The attached draft is the version that CAR's legislative policy committee approved last Friday. CAR intends to propose this amendment at a hearing on the bill tomorrow afternoon.

As discussed in our last RESC meeting, while we, as real estate lawyers, would probably like to include more detail in this definition (and some other modifications), we have generally concluded that we are not going to get much more from CAR, and without CAR's support, we won't get anything from the legislature. This would leave us with the current status quo – no definition of standard forms. The Task Force agrees that some form of acceptable definition is better than no definition.

As mentioned, this bill is scheduled for committee hearing tomorrow, so the CBA triumvirate needs to act on this today or tomorrow morning – hence the rush to get votes by e-mail. Please review this message and the proposed standard forms definition as soon as you can, and respond today, if possible.

Thank you!

Link	RESC Reviewer	Bill Number	Sponsor(s)	Name	Summary	RESC Reviewer's Comments	Recommended RESC Position	Bill Progress	Action Date	Last Action
https://www.billtrack50.com/BillDetail/773464	Dunn	HB1049	Daniel Thurlow (R)*	Eliminate Property Tax Abatement Refund Interest	If property taxes are levied erroneously or illegally and a taxpayer has not protested the valuation within the time permitted by law, then the taxpayer has 2 years from the start of the property tax year to file a petition for abatement or refund. The board of county commissioners is required to abate the taxes, and the taxpayer is entitled to a refund for the incorrect amount and, in some circumstances, refund interest equal to 1% per month. The bill eliminates the refund interest related to a property tax abatement.	I assume this will be of some interest to our section members' clients if it passes.	Monitor	Crossed Over	3/31/2017	House Considered Senate Amendments - Result was to Concur - Repass
https://www.billtrack50.com/BillDetail/786751	Leff	HB1091	James Wilson, Roger Wilson	Tax Credit Employer-assisted Housing Projects	For income tax years commencing on or after January 1, 2017, but prior to January 1, 2021, the bill allows a taxpayer making a donation to an employer-assisted housing project located in a rural area a credit against the taxpayer's state income tax obligations. The bill defines "donation" to mean cash, securities, or real or personal property that is donated to a not-for-profit sponsor that is used solely for costs associated with an employer-assisted housing project located within the state. The bill defines "employer-assisted housing project" to mean down payment assistance, reduced-interest mortgages, mortgage guarantee programs, rental subsidies, or individual development account savings plans that are: Provided by an employer to employees to assist them in securing affordable housing near the workplace; Restricted to housing in geographic areas that are near such workplaces; Restricted to employees in households whose adjusted income is less than 120% of the median income of the geographic area of the household's employer-assisted housing project; and Restricted to housing that is located in a rural area of the state. The bill specifies procedures by which a not-for-profit entity that is a sponsor of an employer-assisted housing project (sponsor) applies to either the Colorado housing and finance authority or a municipality or county finance authority for an award of a tax credit allowed under the bill. The bill also specifies procedures governing an agency's review of the application and the process by which the agency, if it approves the application, reserves tax		No Action	In Committee	3/1/2017	House Committee on Finance Refer Amended to Appropriations
https://www.billtrack50.com/BillDetail/786701	Alderman	HB1095	Jovan Melton (D)*	Service Of Process To Secured Dwellings	The bill sets forth several means by which a process server may serve process on another person when the process server is denied access to the other person's residential community by one or more security officers or security devices. Service of process by any of these alternative means constitutes valid service of process.	Due Process issue; not a real estate issue.	No Action	In Committee	2/23/2017	Judiciary Hearing (13:30 2/23/2017 Room 0112)

Link	RESC Reviewer	Bill Number	Sponsor(s)	Name	Summary	RESC Reviewer's Comments	Recommended RESC Position	Bill Progress	Action Date	Last Action
https://www.billtrack50.com/BillDetail/812972/3388	Calvin	HB1157	Tracy Kraft-Tharp (D)*, Dan Nordberg (R)*, Kevin Priola (R)*	Bank And Credit Union Reliance On A Certificate Of Trust	Concerning reliance by a financial institution on a certificate of trust.		Monitor/Amend	Signed	3/23/2017	Governor Signed
https://www.billtrack50.com/BillDetail/812909/3388	Arnold/Leff	HB1169	Jack Tate (R)*	Construction Defect Litigation Builder's Right To Repair	Concerning a construction professional's statutory right to repair under the 'Construction Defect Action Reform Act'.		Monitor/Amend	Dead/Failed/Vetoed	3/1/2017	House Committee on State, Veterans, & Military Affairs Postpone Indefinitely
https://www.billtrack50.com/BillDetail/834427/3388	Stodden	HB1199	John Cooke III (R)*, Paul Rosenthal (D)*	Foreclosure Sale Processes	The bill excludes information relating to violations of the requirement for a single point of contact or dual tracking from the published notice that precedes a foreclosure sale. The bill also clarifies: That the deadline for a public trustee or sheriff (officer) conducting a foreclosure to continue a foreclosure sale is the scheduled date and time of the sale; and What happens if a foreclosure sale violates an automatic stay under the federal bankruptcy code, depending on whether full payment of the successful bid amount is received by the officer. The procedures that apply if a foreclosure sale is set aside by court order are established to mirror the procedures that follow a rescission of a public trustee sale. In addition, a person rescinding a foreclosure sale is no longer required to send envelopes along with their rescission paperwork.			Dead/Failed/Vetoed	3/8/2017	House Committee on Local Government Postpone Indefinitely

Link	RESC Reviewer	Bill Number	Sponsor(s)	Name	Summary	RESC Reviewer's Comments	Recommended RESC Position	Bill Progress	Action Date	Last Action
https://www.billtrack50.com/BillDetail/858956	Decker	HB1273	Hugh McKean (R)*	Real Estate Development Demonstrate Water Conservation	Current law's definition of a water supply that is "adequate" for purposes of a local government's approval of a real estate development permit merely allows the inclusion of reasonable conservation measures and water demand management measures to account for hydrologic variability. The bill amends the definition to include reasonable conservation measures and water demand management measures to reduce water needs and account for hydrologic variability (section 2 of the bill) and prohibits the local government from approving the permit application unless the applicant demonstrates that appropriate water conservation and demand management measures have been included in the water supply plan (section 3). Current law also requires an applicant for a real estate development permit to demonstrate to the local government issuing the permit: The water conservation measures, if any, that may be implemented within the development; and ! The water demand management measures, if any, that may be implemented to account for hydrologic variability. Section 4 requires the applicant to demonstrate: The water conservation measures that will be implemented within the development to reduce indoor and outdoor demand; and The water demand management measures that will be implemented to account for hydrologic variability.		Monitor	In Committee	3/17/2017	Agriculture, Livestock & Natural Resources Hearing (13:30 4/3/2017 Room 0112)

Link	RESC Reviewer	Bill Number	Sponsor(s)	Name	Summary	RESC Reviewer's Comments	Recommended RESC Position	Bill Progress	Action Date	Last Action
https://www.billtrack50.com/BillDetail/867028		HB1309	Don Coram (R)*, Lucia Guzman (D)*, Dominique Jackson (D)*, Faith Winter (D)*	Documentary Fee To Fund Affordable Housing	Currently, when the total consideration paid by the purchaser in a real property transaction exceeds \$500, the county clerk and recorder collects a one cent documentary fee for each \$100 of such consideration for the recording of real estate deeds or other instruments in writing. Section 1 of the bill raises the fee to 2 cents commencing January 1, 2018. Section 2 specifies that 50% of the moneys generated from the imposition of the total fee must be deposited with the county treasurer at least once each month and credited by him or her in the manner prescribed by law and the remaining 50% of the moneys generated from the imposition of the fee must be transmitted by the county treasurer to the Colorado housing and finance authority (authority) at least once each month to be credited to the statewide affordable housing investment fund (fund). Section 3 creates the fund in the authority. The bill specifies the source of moneys to be deposited into the fund and that the authority is to administer the fund. All moneys in the fund must be expended for the purpose of supporting new or existing programs that: Facilitate the construction or rehabilitation of housing containing residential units designated as affordable housing; and Provide financial assistance to any nonprofit entity and political subdivision that makes loans to households to enable the financing, purchase, or rehabilitation of residential units. The bill defines "affordable housing" to mean housing that is designed to be affordable for households with an income that is: ! Up to 80% of the area median income for rental occupancy; and ! Up to 110% of			In Committee	3/31/2017	Introduced In House - Assigned to Local Government
https://www.billtrack50.com/BillDetail/867014		HB1310	Steve Fenberg (D)*, Dominique Jackson (D)*, Chris Kennedy (D)*	Residential Landlord Application Screening Fee	With respect to an application screening fee that a landlord may charge a prospective tenant, the bill: Limits the fee to cover the landlord's actual costs for a personal reference check or for obtaining a consumer credit report or tenant screening report; Requires the landlord to provide any person who has paid the fee with a receipt that itemizes the landlord's actual expenses incurred. The landlord may provide the person with an electronic receipt, unless the person requests a paper receipt. Requires the landlord to return any amount of the fee that is not used as authorized by law; and Establishes a penalty for a landlord that does not comply with the requirements related to the fee.			In Committee	3/31/2017	Introduced In House - Assigned to Finance

Link	RESC Reviewer	Bill Number	Sponsor(s)	Name	Summary	RESC Reviewer's Comments	Recommended RESC Position	Bill Progress	Action Date	Last Action
https://billtrack50.com/BillDetail/866526		HB1311	Dafna Michaelson Jenet (D)*	Seller's Disclosure Estimated Future Property Tax	For sales of a newly constructed residence, the bill requires a seller to disclose an estimate of future property taxes. The estimate is based on the following factors: The purchase price is the actual value of the real property, including the newly constructed residence; ! The ratio of valuation for assessment is the same as the residential real property set forth for the current property tax year; and The mill levies are the same as those levied by all local governments for the current property tax year that are applicable to the property; except that, if the seller has actual knowledge that the total mill levies will change in the next year, the seller shall use this new amount for the calculation.			In Committee	3/31/2017	Introduced In House - Assigned to Local Government
https://www.billtrack50.com/BillDetail/866513		HB1312	Adrienne Benavidez (D)*, Tony Exum Sr. (D)*	Residential Lease Copy And Rent Receipt	The bill requires a residential landlord to provide each tenant with a copy of a written rental agreement signed by the parties and to give a tenant a receipt for a payment made with cash or a money order. The landlord may provide the tenant with an electronic copy of the agreement or the receipt, unless the tenant requests a paper copy.			In Committee	3/31/2017	Introduced In House - Assigned to Local Government
https://www.billtrack50.com/BillDetail/773291	Arnold	SB009	Larry Crowder (R)*	Business Personal Property Tax Exemption	There is an exemption from property tax for business personal property that would otherwise be listed on a single personal property schedule that is equal to \$7,300 for the current property tax year cycle. The bill triples the exemption to \$21,900 for the next 2 property tax years and adjusts it for inflation for subsequent property tax cycles.	Colorado's business personal property exemption is low. See text of bill and status as of 1.27.17. The creditor-debtor section may want to review.	No Action	In Committee	2/2/2017	Senate Committee on Finance Refer Amended to Appropriations
https://www.billtrack50.com/BillDetail/773465	Arnold/Leff	SB045	Crisanta Duran (D)*, Kevin Grantham (R)*, Angela Williams (D)*, Cole Wist (R)*	Construction Defect Claim Allocation Of Defense Costs	In a construction defect action in which more than one insurer has a duty to defend a party, the bill requires the court to apportion the costs of defense, including reasonable attorney fees, among all insurers with a duty to defend. An initial order apportioning costs must be made within 90 days after an insurer files its claim for contribution, and the court must make a final apportionment of costs after entry of a final judgment resolving all of the underlying claims against the insured. An insurer seeking contribution may also make a claim against an insured or additional insured who chose not to procure liability insurance for a period of time relevant to the underlying action. A claim for contribution may be assigned and does not affect any insurer's duty to defend.		Monitor/Amend	In Committee	2/8/2017	Senate Committee on Business, Labor & Technology Refer Amended to Appropriations

Link	RESC Reviewer	Bill Number	Sponsor(s)	Name	Summary	RESC Reviewer's Comments	Recommended RESC Position	Bill Progress	Action Date	Last Action
https://www.billtrack50.com/BillDetail/777992	Lubinski	SB078	Jovan Melton (D)*, Kevin Van Winkle (R)*	Residential Storage Condo Unit Property Taxation	The bill establishes that a residential storage condominium unit is a residential improvement. This allows the unit to be assessed as residential real property, which currently has an assessment ratio of 7.96%, instead of as nonresidential property, which has an assessment ratio of 29%. A residential storage condominium unit is defined to mean a building that is: A unit under the "Colorado Common Interest Ownership Act"; Used by its owner to store items from or related to the owner's Colorado residence; and ! Not used for storage related to a business. For a property to qualify as a residential storage condominium unit, the owner of the building unit must submit an affidavit of intended use. The property tax administrator is required to establish the form of the affidavit and to prepare and publish standards for assessors to determine whether a property qualifies as a residential storage condominium unit. The bill establishes penalties for a person that knowingly provides false information on the affidavit.	This would allow assessors to tax storage condominium units as residential property rather than commercial property if the owner submits the required affidavit of residential use. A substantially similar bill was introduced in 2016 but was Pl'd in committee (see HB16-1132)	No Action	Crossed Over	3/21/2017	Finance Hearing (13:30 4/10/2017 Room LSB-A)
https://www.billtrack50.com/BillDetail/783719	Pasquini	SB083	Mike Foote (D)*, Daniel Kagan (D)*	Rule Review Bill	Committee on Legal Services. Based on the findings and recommendations of the committee on legal services, the bill extends all state agency rules and regulations that were adopted or amended on or after November 1, 2015, and before November 1, 2016, with the exception of the rules and regulations specifically listed in the bill. Those specified rules and regulations will expire as scheduled in the "State Administrative Procedure Act" on May 15, 2017, on the grounds that the rules and regulations either conflict with statute or lack or exceed statutory authority.	Most identified rules/regulations not extended are outside of the scope of real estate. RESC should monitor to ensure no real estate specific rules are added to the list of rules not being extended. More suited to the Environmental Law Section, there are some very technical rules and regulations regarding the following that will not be extended: (i) oil and gas rules regarding definitions and standards for storage tanks, including UST's; and (ii) water quality rules regarding discharge permits.	Monitor	Crossed Over	2/14/2017	Joint Committee Legal Services Hearing (12:00 4/7/2017 Room 0112)

Link	RESC Reviewer	Bill Number	Sponsor(s)	Name	Summary	RESC Reviewer's Comments	Recommended RESC Position	Bill Progress	Action Date	Last Action
https://www.billtrack50.com/BillDetail/800926/3388	Calvin	SB097	James Coleman (D)*, Beth Martinez Humenik (R)*	Vacated Alleys Presume Included In All Deeds	Under current law, a conveyance by warranty deed carries the presumption that the grantor's interest in an adjoining vacated street, alley, or other right-of-way is included with the property whose legal description is contained in the deed. However, this presumption does not apply to other types of deeds or to a lease, mortgage, or other conveyance or encumbrance. The bill removes the language containing the presumption from the warranty deed statute and relocates it, with amendments, so as to broaden the application of the presumption of conveyance of an adjoining vacated right-of-way to include not only warranty deeds but also all forms of deeds, leases, and mortgages and other liens.		Support	Crossed Over	3/28/2017	House Third Reading Passed - No Amendments
https://www.billtrack50.com/BillDetail/800821/3388	Payne	SB124	Beth Martinez Humenik (R)*, Dominick Moreno (D)*, Dan Nordberg (R)*	Colorado Uniform Trust Decanting Act	Statutory Revision Committee. Section 15-16-919 (2)(j)(I) of the "Colorado Uniform Trust Decanting Act" refers to a second trust when discussing the decanting power of an authorized fiduciary. This conflicts with the uniform law commission's corrected version of the "Colorado Uniform Trust Decanting Act". The bill changes one reference to the second trust to the first trust.	It would appear that this bill has been introduced to, more or less, correct a typo in CRS 15-16-919. The stated purpose is to allow Colorado's statute to comport with the corrected Uniform Trust Decanting Act, but after spending 30 minutes searching for such a corrected act, I cannot locate it on the Uniform Law Commissioners' website or elsewhere. So, I'm not entirely sure as to whether this bill and the purpose behind it are necessary. In any event, this bill would appear to have a de minimis effect on real estate practices in Colorado.	No Action	Signed	3/30/2017	Governor Signed
https://www.billtrack50.com/BillDetail/800905/3388	Sweetser	SB127	Dan Pabon (D)*, Jack Tate (R)*	Originator Exemption Mortgages To Family Members	Current law defines a mortgage loan originator as an individual who offers or negotiates terms of a residential mortgage loan, including to any family member, but there is an exemption for a parent who acts as a loan originator in providing loan financing to his or her child. The bill expands the exemption to include up to 3 loans per year without compensation, other than interest, between family members, and directs the board of mortgage loan originators to define "family member" by rule.	This is the RESC's bill so we will continue to work it through the process. The initial committee vote indicates that the bill will not be controversial.	Support	Signed	3/16/2017	Governor Signed

Link	RESC Reviewer	Bill Number	Sponsor(s)	Name	Summary	RESC Reviewer's Comments	Recommended RESC Position	Bill Progress	Action Date	Last Action
https://www.billtrack50.com/BillDetail/804614	Pasquini	SB129	Jeni Arndt (D)*, Jon Becker (R)*, Jerry Sonnenberg (R)*	Clerk And Recorder Preserve Plats Electronically	The bill permits a county clerk and recorder to preserve an original plat in an electronic format, with the plat scanned at a minimum resolution of 300 dots per inch.	RESC should discuss whether to support and if so, whether an amendment should be proposed for size and legibility of electronically preserved plats.	Monitor	Crossed Over	2/22/2017	Local Government Hearing (13:30 4/19/2017 Room 0107)
https://www.billtrack50.com/BillDetail/804713/3388	Dunn	SB132	Cole Wist (R)*	Revised Uniform Law On Notarial Acts	Concerning enactment of the 'Revised Uniform Law on Notarial Acts' as amended.	Some technical cleanup would be desirable.	Monitor	Crossed Over	3/31/2017	Introduced In House - Assigned to State, Veterans & Military Affairs
https://www.billtrack50.com/BillDetail/804704/3388	Nies	SB140	Jeni Arndt (D)*, Jon Becker (R)*, Jerry Sonnenberg (R)*	Torrens Title Registration System	Beginning January 1, 2018, the bill closes the Torrens title registration system to new applications to register land title in this state.		Monitor	Crossed Over	2/22/2017	Local Government Hearing (13:30 4/19/2017 Room 0107)
https://www.billtrack50.com/BillDetail/804681/3388	Clark	SB154	Cole Wist (R)*	Uniform Unsworn Declarations Act Include Domestic	Colorado Commission on Uniform State Laws. Colorado has adopted the "Uniform Unsworn Foreign Declarations Act", which allows the use of foreign unsworn declarations in a wide variety of situations. The bill expands the uniform law to include domestic unsworn declarations as contemplated by the "Uniform Unsworn Declarations Act".		No Action	Crossed Over	3/22/2017	Senate Considered House Amendments - Result was to Concur - Repass
https://www.billtrack50.com/BillDetail/809005	Arnold/Leff	SB155	Lori Saine (R)*, Jack Tate (R)*	Statutory Definition Of Construction Defect	The bill separately defines and clarifies the term "construction defect" in the "Construction Defect Action Reform Act".		Monitor/Amend	In Committee	2/27/2017	Senate Business, Labor & Technology Committee Hearing (13:30 2/27/2017 Room LSB-A)

Link	RESC Reviewer	Bill Number	Sponsor(s)	Name	Summary	RESC Reviewer's Comments	Recommended RESC Position	Bill Progress	Action Date	Last Action
https://www.billtrack50.com/BillDetail/806564	Arnold/Leff	SB156	Owen Hill (R)*, Lori Saine (R)*, Cole Wist (R)*	Homeowners' Association Construction Defect Lawsuit Approval Timelines	The bill states that when the governing documents of a common interest community require mediation or arbitration of a construction defect claim and the requirement is later amended or removed, mediation or arbitration is still required for a construction defect claim. These provisions are in section 3 of the bill. Section 3 also specifies that the mediation or arbitration must take place in the judicial district in which the community is located and that the arbitrator must: Be a neutral third party; Make certain disclosures before being selected; and Be selected as specified in the common interest community's governing documents or, if not so specified, in accordance with applicable state or federal laws governing mediation or arbitration. Section 1 of the bill specifies that, in the arbitration of a construction defect action, the arbitrator is required to follow the substantive law of Colorado with regard to any applicable claim or defense and any remedy granted, and a failure to do so is grounds for a district court to vacate or refuse to confirm the arbitrator's award. Section 4 of the bill requires that, before a construction defect claim is filed on behalf of the association: The parties must submit the matter to mediation before a neutral third party; and The board must give advance notice to all unit owners, together with a disclosure of the projected costs, duration, and financial impact of the construction defect claim, and must obtain the written consent of the owners of units to which at least a majority of the votes in the association are allocated. Section 5 of the bill adds to the disclosures required prior to the purchase and		Monitor/Amend	Crossed Over	3/14/2017	State, Veterans & Military Affairs Hearing (13:30 4/19/2017 Room LSB-A)
https://www.billtrack50.com/BillDetail/831288	Arnold/Leff/Lubinski	SB157	Jovan Melton (D)*, Angela Williams (D)*	Construction Defect Actions Notice Vote Approval	The bill requires that, before the executive board of a unit owners' association (HOA) in a common interest community brings suit against a developer or builder on behalf of unit owners, the board must: Notify all unit owners; and Except when the HOA contracted with the developer or builder for the work complained of or the amount in controversy is less than \$100,000, obtain the approval of a majority of the unit owners after giving them detailed disclosures about the lawsuit and its potential costs and benefits. The bill also limits the amount and type of contact that a developer or builder that is potentially subject to a lawsuit may have with individual unit owners while the HOA is seeking their approval for the lawsuit.		Monitor	Dead/Failed/Vetoed	3/13/2017	Senate Committee on Business, Labor, & Technology Postpone Indefinitely

Link	RESC Reviewer	Bill Number	Sponsor(s)	Name	Summary	RESC Reviewer's Comments	Recommended RESC Position	Bill Progress	Action Date	Last Action
https://www.billtrack50.com/BillDetail/858662	Sweetser	SB245	Dan Pabon (D)*, Kevin Priola (R)*	Tenancies One Month To One Year Notice	Currently, a tenancy of one month or more but less than 6 months may be terminated by either party with 7 days' notice. The bill extends the notice to 21 days. The bill also requires 21 days' notice for a landlord to increase rent in tenancies of one month or longer but less than one year.		Monitor	Crossed Over	3/30/2017	Local Government Hearing (13:30 4/12/2017 Room 0107)
https://billtrack50.com/BillDetail/867084		SB279	Susan Beckman (R)*, Matt Gray (D)*, Beth Martinez Humenik (R)*, Rachel Zenzinger (D)*	Applicability Recent Urban Renewal Legislation	The bill clarifies the applicability provisions of legislation enacted in 2015 and 2016 to promote an equitable financial contribution among affected public bodies in connection with urban redevelopment projects allocating tax revenues in the following respects: The bill clarifies that a substantial modification of an urban renewal plan (plan) is a proposed modification that substantially changes provisions of the plan regarding land area, land use, authorization to collect incremental tax revenue, the extent of the use of tax increment financing, the scope or nature of the urban renewal project, the scope of method of financing, design, building requirements, timing, or procedure, as previously approved, or where the modification will substantially clarify a plan that, when approved, was lacking in specificity as to the urban renewal project or financing. If the modification is substantial, the modification is subject to pertinent requirements of the urban renewal law addressing modifications. For plans to which a pledge of the revenues deposited into the special fund was made by an indenture or other legally binding document that is separate from the plan itself prior to January 1, 2016, a pledge to secure the payment of refunding bonds is not a substantial modification and is not subject to the modification requirements of the urban renewal law. Not less than 30 days prior to approving any modification of a plan, the bill requires the governing body or an urban renewal authority (authority) to provide a detailed written description of the proposed modification to each taxing entity that levies taxes on			In Committee	3/31/2017	Senate Local Government Committee Hearing (08:00 4/6/2017 Room SCR 357)

Colorado Bar Association

Section Funds Request

1. Please complete and attach to any narrative portion of the application.
2. Name of organization making application
3. Person Submitting application:
4. Address:
5. Telephone Number:
6. Chief Executive Officer (if any):
7. Board Chair: (if any):
8. This proposal meets the following Colorado Bar Association and/or Section Goals:
9. Amount requested: \$
10. Describe the organization, the date organized, its history and its purpose:
11. Describe the project/program to be funded. Please explain how this project relates to the goals of the CBA Family Law Section (see #7 above):
12. Submit the budget for the project/program:
13. Describe the geographic area to be served, and the projected number of people to be assisted:
14. Identify other organizations within the geographic area that provide the same or similar services. Describe any cooperative work:
15. In what ways, if any, does your organization plan to make use of volunteers, or obtain donated goods or matching funds?
16. Describe how the organization will measure the effectiveness of this program/project.
17. Describe the potential service impact if Section funds are not made available.
18. If your organization should receive funds, how will the program/project continue at the cessation of these funds?

19. Please state if your organization plans to submit an application for funding this year to other organizations. If so – please list.



Funding Request

What_____

Why:	How:
Who:	When:

Action Planning Sheet

This is what we are going to do:

This is why we are going to do it:

This is how we will measure our success:

This is what we hope to accomplish:

These are the steps that we will take:

These are the people or entities that we need to communicate with:

These are the opportunities for collaboration:

These are our milestone dates:

This is how we will celebrate success:



Funding Request

Activity or Program	
Goal	Strategy
Purpose	
Expected Outcome-Measure of Success	
Constituency (members, students, etc)	
Collaboration and Partnership Opportunities	
Do we need Board approval? ___ Yes ___ No ___ Don't know	
Resources:	
Volunteers	Financial
Staff	Time
Budget	Are funds budgeted ___ Yes ___ No
What do we need to do in order to be successful?	
Tasks	
Milestones	
Start Date:	Finish Date:
Revenues:	Expenses:

Debriefing Assessment:

Did we meet our objective?
What went particularly well?
What could we do better or differently?
What surprised us?
Did anyone really stand out because of their leadership skills?
Should we do this again? Why or why not?

	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
	08-09	09-10	09-10	10-11	10-11	11-12	11-12	12-13	12-13	13-14	13-14	14-15	14-15	15-16
Expense Items														
Awards	0	300	132	300	0	200	0	0	0	0	220	0	0	0
Travel	1,982	3,000	2,916	3,200	2,444	3,000	690	2,500	3,565	3,800	858	3,000	4,831	5,000
Special promotion	0	0	0	0	0	0	250	0	0	0	0	0	0	0
Postage & handling	0	100	8	0	8	0	7	0	6	0	0	0	0	0
Prof services/	0	0	0	0	0	0	3,079	2,000	734	2,000	3,987	0	0	0
Meals	2,680	4,000	3,372	3,500	1,702	2,500	1,323	2,000	2,438	2,700	2,821	3,000	2,402	3,000
Printing	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Grants	12,000	15,000	21,320	17,000	22,000	18,000	19,500	22,000	17,000	20,000	18,500	20,000	17,000	17,000
Public Relations	0	10,000	0	0	0	0	0	0	0	0	0	0	0	0
Special Projects	0	500	0	0	0	0	0	0	0	0	0	0	0	0
Telephone	167	300	259	300	163	300	141	200	284	300	196	300	187	300
Administration	8,125	8,500	8,130	8,200	7,830	7,800	7,675	7,675	7,640	7,700	7,770	7,800	7,810	7,800
Misc.	11	1,000	45	1,000	20	1,000	25	500	50	500	0	0	0	0
Total Expenses	24,965	42,700	36,182	33,500	34,167	32,800	32,690	36,875	31,717	37,000	34,352	34,100	32,230	33,100
Total Income	32,020	30,540	31,765	29,500	30,380	28,000	29,325	29,325	30,325	28,114	29,349	29,000	29,415	35,000
number of members	1,625		1,626		1,566		1,535		1,516	1,405	1,467	1,450	1,471	1,400
Balance for the year	7,055	-12,160	-4,417	-4,000	-3,787	-4,800	-3,365	-7,550	-1,392	-8,886	-5,003	-5,100	-2,815	1,900
Amount carried forward	53,986	61,041	61,041	56,624	56,624	52,624	52,837	52,837	49,472	49,472	48,081	43,078	43,078	40,263
Year end Balance	61,041	48,881	56,624	52,624	52,837	47,824	49,472	45,287	48,080	40,586	43,078	37,978	40,263	42,163

CBA FLS 2016-1017 BUDGET	Projected '16-'17	Through April 2017	Through March 2017	Through February 2017	Through January 2017	Through December 2016	Through November 2016	Through October 2016	Through September 2016	Through August 2016
	based on '15-'16 actual or as noted									
Beginning Balance	\$35,034.00	\$39,564.21	\$39,564.21	\$39,564.21	\$39,564.21	\$39,564.21	\$39,564.21	\$39,564.21	\$39,564.21	\$39,564.21
Income										
Bench Book	\$6,000.00	\$3,925.07	\$3,790.41	\$3,790.41	\$2,862.32	\$2,862.32	\$1,862.32	\$1,862.32	\$1,862.32	\$1,862.32
Dues	\$30,502.50	\$30,390.00	\$30,390.00	\$30,255.00	\$30,180.00	\$30,120.00	\$30,000.00	\$29,550.00	\$28,560.00	\$26,850.00
Luncheons	\$23,400.00	\$22,600.00	\$20,385.00	\$17,260.00	\$14,795.00	\$10,055.00	\$9,790.00	\$5,075.00	\$1,735.00	\$0.00
Mentoring	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Young Lawyers	\$455.00	\$705.00	\$705.00	\$705.00	\$705.00	\$200.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Income and beginning balance	\$95,391.50	\$97,184.28	\$94,834.62	\$91,574.62	\$88,106.53	\$82,801.53	\$81,216.53	\$76,051.53	\$71,721.53	\$68,276.53
Expenses										
AFCC Travel (2 @ \$1,500.00 each)	(\$3,000.00)	\$222.57	\$222.57	\$222.57	\$222.57	\$222.57	\$222.57	\$222.57	\$475.00	\$475.00
Awards	(\$200.00)	(\$396.80)	(\$396.80)	(\$396.80)	(\$396.80)	(\$396.80)	(\$396.80)	(\$396.80)	(\$344.31)	
Administrative Fee	(\$5,535.00)	(\$4,733.90)	(\$4,259.97)	(\$3,786.64)	(\$3,313.31)	(\$2,839.98)	(\$2,366.65)	(\$1,893.32)	\$ (1,419.99)	\$ (946.66)
Bench Book										
Printed	(\$5,000.00)	(\$10,037.22)	(\$10,037.22)	(\$10,037.22)	(\$10,037.22)	(\$10,037.22)	(\$10,037.22)	(\$10,037.22)		
Flash Drives	(\$1,000.00)	(\$5,230.10)	(\$5,230.10)							
Grants/Donations										
Family Law Institute	(\$10,000.00)	(\$10,400.00)	(\$10,400.00)	(\$10,400.00)	(\$10,400.00)	(\$10,400.00)	(\$400.00)	(\$400.00)	(\$400.00)	(\$400.00)
CJI Dinner Table Donation	(\$3,000.00)	(\$3,000.00)	(\$3,000.00)	(\$3,000.00)	(\$3,000.00)	(\$3,000.00)	(\$3,000.00)	(\$3,000.00)	(\$3,000.00)	
MVL	(\$3,000.00)	(\$3,250.00)	(\$3,250.00)	(\$3,250.00)	(\$3,250.00)					
Judicial Brown Bag Lunches	(\$1,890.00)	(\$1,633.77)	(\$1,413.21)	(\$836.33)	(\$836.88)	(\$836.88)	(\$836.88)	(\$836.88)	\$ (836.88)	
Luncheons/Executive Council Meeting	(\$23,000.00)	(\$19,429.16)	(\$19,429.16)	(\$16,148.66)	(\$5,228.56)	(\$5,228.56)	(\$4,828.56)	(\$4,828.56)		
Mentoring	\$0.00	\$0.00	\$0.00							
Other Expenses	(\$650.00)	(\$550.00)	(\$400.00)	(\$200.00)	(\$200.00)	(\$200.00)	(\$200.00)	(\$100.00)	(\$100.00)	(\$100.00)
Office Supplies	(\$100.00)	(\$244.21)	(\$244.21)	(\$244.21)	(\$244.21)	(\$244.21)	(\$244.21)	(\$244.21)	\$ (244.21)	
Postage	(\$500.00)	(\$132.68)	(\$112.68)	(\$68.23)	(\$51.21)	(\$23.15)	(\$16.18)	(\$16.18)	(\$16.18)	(\$7.35)
Scholarships										
Family Law Institute (6 @ \$500.00)	(\$3,000.00)			(\$3,000.00)	(\$3,000.00)	(\$3,000.00)	(\$3,000.00)	(\$3,000.00)	(\$3,000.00)	(\$3,000.00)
Basic Skills CLE (2 @ \$339.00 ea)	(\$678.00)	(\$678.00)	(\$678.00)	(\$400.00)						
Special Events	\$0.00	\$0.00	\$0.00							
Teleconferencing	(\$500.00)	(\$323.02)	(\$272.96)	(\$224.45)	(\$160.34)	(\$160.34)	(\$71.80)	(\$34.83)		
Young Lawyers	(\$2,000.00)	(\$548.58)	(\$548.58)	(\$548.58)						
Total Expenses:	(\$63,053.00)	(\$60,364.87)	(\$59,450.32)	(\$52,318.55)	(\$36,645.96)	(\$36,144.57)	(\$25,175.73)	(\$14,528.21)	-\$8,886.57	-\$3,979.01
Income - Expenses:										
Total Income	\$95,391.50	\$97,184.28	\$94,834.62	\$91,574.62	\$88,106.53	\$82,801.53	\$81,263.53	\$76,051.53	\$71,721.53	\$68,276.53
Total Expenses	(\$63,053.00)	(\$60,364.87)	(\$59,450.32)	(\$52,318.55)	(\$36,645.96)	(\$36,144.57)	(\$25,475.73)	(\$14,528.21)	-\$8,886.57	-\$3,979.01
Projected ending balance	\$32,338.50	\$36,819.41	\$35,384.30	\$39,256.07	\$51,460.57	\$46,656.96	\$55,787.80	\$61,523.32	\$62,834.96	\$64,297.52