

COLORADO BAR ASSOCIATION

SOLO AND SMALL FIRM SECTION

Minutes of April 27 2011 meeting

Members present:

James Duve, Chair; Martha Karnopp, Past Chair; Joe Lusk, Chair Elect; Eric Nesbit, Treasurer; Christopher Hayes, Secretary; Dave Spreccace; Andy Friedman; Sheri Roswell; Martha Karnopp; Mark Larson

By Phone: Phil Shuey

Absent: Barbara Hahn (excused)

Joe Bernstein (unexcused)

YLD Representative: Jennifer McGinn

CBA/CLEC Staff present: Reba Nance

Ali Gerkman

Lauren Eisenbach

The meeting was called to order at 12:15 after a quorum was determined.

I. Minutes of January 26, 2011 Meeting

The minutes of the council meeting of January 26, 2011 were approved unanimously following a motion made and seconded.

II. Treasurer's Report

Eric Nesbitt presented the Treasurer's report for the period ending 3/31/2011. The balance of the Section's account has increased by \$1,808.91, to \$15,242.04. The Section's membership apparently has increased by the fact that CLE attendees at our Section CLE programs opt to join the section to take advantage of the members' discount on tuition.

The Treasurer's report was approved unanimously following the making and seconding of a motion.

III. CBA news affecting the Solo and Small Firm Section

a. The ABA Solo-Small Firm Section will hold its annual meeting at the Westin in Denver, October 20-22. Section Council members discussed a number of potential benefits of the event.

b. Ali Gerkman reported on a number of CBA programs of interest to our Section

i. The program on credit card fee payment has been postponed

ii. The program on buying and selling a law practice was set for May 2011

iii. The program on social media was set for May 17

- iv. The program on ethics and social media was set for May 31
 - v. The Lawyer as Employer program in January had 18 attendees
 - vi. Online Marketing had 46 attendees
 - vii. The program on Adobe had 71 total attendees
 - viii. The program on fee arrangements had 42 attendees
 - c. Ali Gerkman informed us that the Hanging Your Shingle/Tech Camp program is scheduled for August 18-20, with Carolyn Elefant tentatively booked.
 - d. Reba Nance announced that the Supreme Court will take over the e-filing function at the end of 2012. CBA is holding a focus group concerning rejection reasons on May 4. The Supreme Court wants to make the service easier to use generally. After discussion, it was agreed that Section Council members should share their experiences of the service with Reba.
 - e. Ali Gerkman asked whether the Section has put together an informational pamphlet explaining the benefits of Section membership; Jennifer proposed that such materials should be made available at events where Solo and Small Firm members and YLD members gather.
- IV. Legislative Liaison Report
 - a. Joe Lusk reported on HB 1206, legislation aimed at regulating debt management services. The bill has been revised to exclude attorneys from its definition of regulated businesses.
 - b. Comments on the pending civil union bill were solicited; no Section Council members had any to offer.
 - c. The potential for legislation imposing sales tax on professional services was Discussed – it appears that the legislature will not take up the issue this session.
- V. Old Business
 - a. Ali reported that the blog is up and running (Soloincolo.com). She urges Section council members to submit blog posts on relevant issues (400-700 words, not in a formal style).
 - b. The Solo-Small Firm and YLD mixer at DAC on January 28 had a somewhat disappointing attendance at what was deemed to be a high cost.
 - c. Reba reported that proposed changes to Rules 1.15 and 1.16a concerning the practitioner's responsibility to retain certain client files has been promulgated in final form.
 - d. Dave Spreace submitted a set of notes reporting on the Board of Governors planning meeting. Issues of special interest are:
 - i. Medical insurance issues for practitioners
 - ii. Malpractice and Malpractice Insurance issues
 - iii. The use of mentoring and the ethics hotline as sources of counsel on ethical and malpractice issues, in the context of an observation by Jennifer

that young lawyers need additional education on the best practices to prevent ethical and malpractice issues.

- e. Reba is working with ALA to put together a forms library resource, and reminds us that CBA lending library materials are available, with contents listed on the CBA website.
- f. Casemaker Casemaker training was to have been offered on May 17; Casemaker Elite is in beta.

VI. New Business

- a. The members discussed the current Section dues structure, and proposed to set next year's dues at \$15/yr. A motion was made, seconded and approved.
- b. Newsletter: The council discussed the question of whether it is necessary to maintain both a newsletter and a blog. It was proposed that the Section improve the links to ABA Law Practice Management resources, and designate the Solo-Small Firm Section blog as our newsletter.
- c. Meeting Schedule: the next meeting is scheduled for August 24, 2011; meetings will generally continue to be held quarterly on the 4th Wednesday of the month (except July 2011). The next year's schedule thus is: 8/24/11; 10/26/11;1/25/12; 4/25/12.
- d. Hanging Your Shingle: Chairman Duve asked for a motion to have the Solo-Small Firm Section contribute to sponsorship of a reception at the upcoming "Hanging Your Shingle" CLE event. Andy Friedman proposed a motion to authorize \$1500, plus an additional \$300 at the discretion of the Section Chair if \$1500 is not enough. The motion was seconded, discussed briefly, and approved. Joe Lusk moved that the Section co-sponsor the HYS event itself; the motion was seconded, discussed briefly, and approved.
- e. Facebook: Joe Lusk pointed out that YLD and CBA both have presences on Facebook, and suggested that the Solo – Small Firm Section look into the idea of creating a similar presence for our section. Chairman Duve proposed that Joe look into the issue further and report back to the Section.
- f. Privacy Task force (this item was placed on the New Business portion of the minutes post 4-27): The Real Estate Section of the CBA is participating in a privacy task force. designed to study the impact on public records of certain types of legislation which remove or redact personal information from public records (including records made available on the Internet). The privacy task force is requesting input from other Sections of the CBA concerning the types of public records which are encountered by Colorado lawyers which could be adversely impacted by redaction, protection of personal information or other removal of personal information, such as a person's name, address, social security number, birth date and credit card information (or a combination thereof) from the

public records. For example, if a protected person's name and address are removed from public documents, such as the records of the Secretary of State or from public court documents, will that cause an adverse affect to the litigation attorneys, family law attorneys or the business attorneys who have to deal with these records on a day-to-day basis?

Members are asked to reply to Dana Collier Smith

(dcolliersmith@cobar.org) with the types of potentially impacted records or other concerns your Section may have with respect to this type of legislation.

This item will be added to the agenda for the 8/27 meeting.

- g. Law Schools outreach: This item was added post meeting. Chairman Lusk and Secretary Hayes met and discussed potential outreach projects. It is suggested that a program for third year students at CU and DU law schools may provide value to those students who are graduating without offers in hand, or who have decided to go solo right out of law school. The CBA did such a program for students in 2008, and it is worth discussing whether to do another in the coming year.

This item will be added to the agenda for the 8/27 meeting.

- VII. At the close of the meeting, the Council thanked Jim Duve for his service as Chair in the preceding year, and welcomed new Chair Joe Lusk into his term.

VIII. Adjournment

The meeting was adjourned by motion at 1:45

/s/ Christopher Hayes

Christopher Hayes, Secretary
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