

**Colorado Bar Association, Environmental Law Section**

**Minutes of the Annual Meeting**

**May 25, 2010**

The meeting was called to order at 1:30 p.m.

Report on Environmental Law Section Continuing Legal Education Seminars.

Chair Michelle Marcu provided an overview of the Section's Continuing Legal Education Seminars (CLEs) during the 2009-2010 fiscal year.

The Section held 10 CLEs, continuing and building on the Section's well-established topical luncheon series. This year we added a full day seminar, co-sponsored with the American Bar Association, as well as a half-day seminar, sponsored with the CBA Real Estate and Construction Law Sections. The seminars featured distinguished speakers on a variety of engaging topics, including: Updates of laws, policy and regulation at CDPHE, EPA and the Department of Interior; the Endangered Species Act; Scarce Western Water issues; Environmental Bankruptcy Cases; Environmental Justice Issues; International environmental law; Energy Efficiency and Green Building; and Regulation of Coalbed Methane Produced Water. Based on reviews submitted by attendees, the seminars were well received. Several of the Section's seminars were co-sponsored with other CBA Sections this year, including the Natural Resources and Energy Law, International Law, Construction Law, and Real Estate Law Sections, as well as the ABA Section of Environment, Energy and Resources. Chair Marcu noted she believes co-sponsoring these events has significant benefits, including increasing attendance and providing networking opportunities. Chair Marcu expressed her thanks to: the CBA ELS Officers and Advisory Council; the outstanding speakers who presented on a variety of timely topics of interest to the Section's members; the other CBA Sections and the ABA for co-sponsoring the seminars; and Davis Graham & Stubbs, Holme Roberts & Owen, the United States Environmental Protection Agency Region 8, and the Colorado Bar Association for hosting the seminars. Chair Marcu noted the CBA-ELS website contains the presentation materials from the seminars:

<http://www.cobar.org/index.cfm/ID/1940/ENVIRO/Topical-CLE-Luncheon-Materials/>

Third Annual Joint Networking Event: CBA-ELS and CBA Natural Resources & Energy Law Sections.

The Environmental Law Section and the Natural Resources Law Section held their third-annual networking event in January, 2010. Chair Marcu observed the event was well attended by both Sections and is an excellent networking opportunity. She believes continuing to hold this event annually will serve the Section well.

### Steamboat CLE Conference.

Dean Miller updated the Section on the status of the Steamboat CLE Conference the Section has co-sponsored with Colorado Bar Association CLE and the Water Law, Natural Resources & Energy Law, and Agriculture Sections of the CBA for the past several years. Based on a significant drop in attendance at the Conference last year and the continuing challenging economic environment the CBA CLE did not want to go forward with the Conference this year. Dean noted one-third of last year's Conference attendees were speakers who did not pay tuition. In addition, private law firms have cut back on travel for elective activities such as CLEs. Dean reported interest in the Conference is high and the programming historically has received high marks. He recommends we re-visit resuming the Conference as part of our program planning meeting in August.

### Budget Report.

Secretary-Treasurer Matt Lepore reported the Section's account balance was \$7,101.26 as of April 30, 2010. Year-to-date, the account has increased \$945.47. We are recouping a higher percentage of our meal expenses by ordering fewer meals in anticipation of walk-ins at CLE luncheons and by charging no-shows to the luncheons. Year-to-date meal expenses have exceeded income by \$862.35. However, the Section incurred a \$1305.95 expense related to the Joint ELS-NR Section Networking Event, which is included in meal expenses. Other significant expense included Administration Fees, \$1858.30 total (\$185.83 per month) to the Colorado Bar Association to cover staff time, copies, AV equipment and other resources. "Other expenses" of \$1660.00 includes reimbursement of CBA fees for members of the Section's Advisory Council who are government lawyers pursuant to approved Section policy, and charges levied by the Supreme Court for processing affidavits from the CLE programs. Andrea Mueller, CBA staff liaison, noted that there will be an influx of membership dues in the next couple of months. There will not be an expense for the Steamboat Conference for 2010 (although the expense for a 2011 Conference, if held, could still be recorded in fiscal 2010). Overall, the budget is sound.

### CBA Board of Governors Approval of CBA-ELS Motion requesting CBA-ELS representation on the Board of Governors.

Past-Chair Joe Dischinger reported the Colorado Bar Association Board of Governors approved the Section's Motion Requesting Representation on the Board of Governors on May 8, 2010. Joe reported the Motion was uncontroversial and the Section was welcomed with open arms. The Section will select a representative for the Board of Governors; making that selection will be on the agenda for the August planning meeting. The representative's term is for two years unless the Section sets a different term. Joe, who is currently Vice President of the CBA, reported the Board of Governors is the policy setting board for the

Colorado Bar Association, and meets two times per year, with one of these usually outside of Denver. The Board currently has 140 members. Section Representatives promote their Section's interests in overall CBA policy. Typically the Section Representatives meet in advance of the general meeting to talk about issues and an agenda. The vast majority of issues are non-controversial. Joe believes the Section Representative position is a good networking opportunity and is one of the best jobs in the CBA.

Recognition of CBA-ELS Officers and Advisory Council Members with expiring terms; recognition of CBA Staff.

Chair Michelle Marcu commended the excellent work of CBA-ELS Officers and Advisory Council members with terms that expire June 30, 2010.

Officers with expiring terms:

Michelle Marcu, Chair  
Joe Dischinger, Immediate Past Chair  
Lauren Buehler, Vice-Chair  
Matt Lepore, Secretary-Treasurer

Advisory Council Members with expiring terms:

Jackie Berardini, Office of the City Attorney, City and County of Denver  
Scott Clark, Burns, Figa & Will, P.C.  
Maki Iatrides, Berg hill Greenleaf & Ruscitti, LLP  
Howard Kenison, Lindquist & Vennum, LLP

Chair Marcu expressed her gratitude to all for their service to the Section.

Prior to the formal Annual Meeting, Immediate Past Chair Joe Dischinger presented Chair Marcu with a plaque and gift certificate in recognition of and appreciation for the excellent work she has done for and on behalf of the Section during the past year.

Chair Marcu also recognized Andrea Mueller, the CBA/DBA Sections and Committees Program Coordinator, who has provided excellent support to the Section and to the Advisory Council through the year. Chair Marcu presented Andrea with a glass award in recognition of her prompt, professional assistance and guidance. Chair Marcu also recognized Amy Sreenen, who also frequently assists the Section.

October 2011 Special Issue of *The Colorado Lawyer*.

*The Colorado Lawyer* is seeking proposals from CBA Sections for a Special Issue to be published in October 2011. Since 1997, *The Colorado Lawyer* has devoted one issue per

year to a single law-related topic. To date, the Environmental Law Section has not published one of these issues. Typically, a Special Issue includes five substantive articles on the chosen topic. Two Coordinating Editors are required for the Special Issue. Coordinating Editors solicit articles for the issue; review and edit articles; and write an article for the Special Issue. A couple of CBA-ELS Advisory Council members have expressed an interest in writing articles for the Special Issue, but additional authors and Coordinating Editors would be needed if the Section is to submit a proposal to *The Colorado Lawyer*. The deadline to submit a Letter of Interest for the Special Issue is July 15, 2010. The Advisory Council agreed to send an email to Section members to determine if there is interest in submitting a proposal for the Special Issue, and for authors and Coordinating Editors for same.

#### Discussion of CBA-ELS Patron Membership.

Article 3.6 of the CBA Bylaws provides that non-lawyers who provide ancillary goods or services to lawyers and who apply to the Executive Director may be recognized as a patron of the CBA. The ELS occasionally receives applications from Patron Members to become members of the Section. At the discretion of the sitting chairperson, a Patron may be appointed to serve on the Section. Patrons may not vote or hold office in the Section. The ELS Bylaws do not address Patron Membership. Section membership for Patrons is intended for informational purposes only, and Patron Members are not allowed to solicit goods or services. Chair Marcu sought input from the members present regarding whether the Section should allow for appointment of Patron Members.

Matt Lepore noted that Patron Members could bring a different, non-lawyer perspective to the Section, and generally would support allowing appointment of Patron Members.

Amy Swanson noted that there are many interested professionals in the environmental field who might provide valuable input. She favors allowing appointment.

Charlotte Neitzel noted that law students can become members of the Section, so thought it appropriate for Patron Members as well.

Dean Miller moved to allow Patron Members to join the Section on a trial basis; second by Charlotte Neitzel. Passed unanimously.

#### Nomination and election of CBA-ELS Officers for the 2010-2011 term and CBA-ELS Advisory Council Members for 2010-2013 term.

Pursuant to the Section's Bylaws (Article IV, Sections A. and B), the nomination and election of 2010-2011 CBA-ELS Officers and 2010-2013 Advisory Council members will be conducted by oral vote at the Annual Meeting, May 25, 2010.

**The CBA-ELS Advisory Council's slate of nominees for the 2010-2011 Officers is as follows:**

Chair: Lauren Buehler, Assistant General Counsel, Xcel Energy.

Vice-Chair: Matt Lepore, Assistant Attorney General, Natural Resources & Environment Section, Colorado Department of Law.

Secretary-Treasurer: Charlotte Neitzel, Partner, Holme Roberts & Owen, LLP.

**The CBA-ELS Advisory Council's slate of nominees for the 2010-2013 Advisory Council is as follows:**

Dennis Arfmann, Hogan Lovells

Scott Clark, Burns, Figa & Will, PC (nominated to serve remaining one year of Charlotte Neitzel's term)

Ann Rhodes, Berg Hill, Greenleaf & Ruscitti, LLP

Linda Rockwood, Faegre & Benson

Shaun Sullivan, Municipal Operations Section, Denver City Attorney's Office.

Chair Marcu called for nominations for Officers or Advisory Council members from the floor. There were no nominations for additional candidates or an alternate slate from the floor.

Dean Miller moved the Advisory Council's slate of Officers and Advisory Council Members be accepted. Second by Joe Dischinger. Passed unanimously.

Upcoming CBA-ELS Topical Luncheon.

The next CBA-ELS topical CLE luncheon is tentatively scheduled for September 28, 2010 at Davis Graham & Stubbs; alternatively, a program may be held September 15, 2010 at EPA Region 8. The topic is to be determined.

CBA-ELS Officer and Advisory Council Planning Meeting.

A planning meeting is typically held in August of each year to plan the CLEs for the year and discuss other matters of interest or concern to the Section. Incoming Chair Lauren Buehler will schedule this meeting.

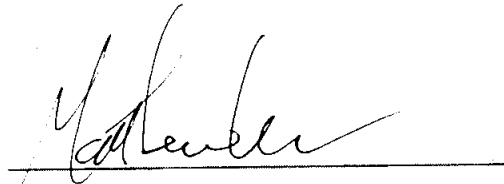
Other Business.

No other business was raised for discussion.

Adjournment.

Chair Marcu adjourned the Annual Meeting at 2:10.

Respectfully submitted this 9<sup>th</sup> day of July, 2010.

A handwritten signature in cursive script, appearing to read "Matthew Lepore", written over a horizontal line.

Matthew Lepore, Secretary-Treasurer

Approved by the Advisory Council this 10<sup>th</sup> day of July, 2010.

A handwritten signature in cursive script, appearing to read "Michelle Marcu", written over a horizontal line.

Michelle Marcu, Chair