**November 20, 2015 Minutes**

**Executive Council Meeting**

**Family Law Section**

Present: Todd Stahly, Laura Page, Anne Gill, Michael DiManna, Laura Ammarell; Joan McWilliams, Jerremy Ramp, Ray Weaver, Mary Jane Cox, Bill King, Peggy Walker, Bonnie Shriner, Sue Carperelli, Ellen Squires, Terri Harrington, Steve Epstein, Joe Pickard, Martin Brown, Ann Gushurst, Helen Shreves, John Haas, Robin Beattie, David Littman, Jamie Rutten, Cyndi Ciancio, Rebecca Alexander, Kevin Sidel

On phone: Brenda Storey, Trish Cooper, Mark Chapleau, Jennifer Rice, Marie Moses

Excused: Jennifer Feingold,

Unexcused: Deb Anderson (?), Meredith Cord (?), Kristi Wells (?)

October minutes – Two corrections: Katie should Ahles (pg 2) and Judge Pleue (pg. 6) misspelled. With those corrections, Helen moved to approve. Michael seconded. Minutes were approved.

**Officer Reports**:

**Sue Carperelli- Director Center for Out of Court divorce**: Updated us on the new center. It is built a service model. Ellen Squires is the attorney mediator. Program has been successful. It is now 501(c)(3) nonprofit organization and is located at Yale and Colorado. Community Board of Directors leads and governs the program. Joan McWilliams is on the board. They are having tremendous success. Open house on December 10th 4-6; hope we all come.

Ellen Squires explained what happens at the center. They require both parties desire to participate. The Center helps with the process, documents, counseling, finances, assist parties with figuring out best way to move forward, etc. They will have multiple mediation sessions, including with a mental health professional sit in also. Several packages ranging in cost. Retired Judge Bob Hyatt handles the non-contested hearing. It is a great process for the people who use it. If parties have attorneys, they can still use the process. The Center is encouraging the parties to use unbundled services. Income only comes into play when parties ask for reduced fees- some scholarships are available. Ellen drafts the documents on agreed issues (MOU). Bill raised the question of whether they are giving legal advice by drafting the documents.

**Todd Stahly (Chair):** Judge Arkin retirement party: Discussion was had, including concerns that Judge Arkin was the main reason we got a table to CJI, that it doesn’t advance our cause, many disagreed and supported donation. Discussion was had that no other judge had done as much as any other judge for family law. She has raised the bar, the thoughts of attorneys. She has been on the bench 16 years. Concern that we have never done it before in the past for any other judge. Look at our By-Laws for our mandate.Don’t know if the laws at large would be kosher with us doing this and we need to worry about precedence for the future. Angie is still a fellow of the Academy- they are a private group. Trish and Cyndi can bring to the Academy. Maybe something different, card/letter or something from EC would be meaningful. Joan- we could a plaque. Mary Jane pointed out that we donated money when Judge Steinhardt retired and had a huge retirement party, Arapahoe Bar sponsored did and would be surprised if we didn’t give any money.

Helen moves that we donate $1,000. Cyndi seconded motion. Helen accepted a friendly amendment to $750. Vote was had: Support -13/Opposed- 11. The motion carried.

LLLT Issue: A letter as written and is included in package (pages 7-10). Meeting was October 30th. Interesting meeting. Several people were there, including Loren Brown, Steve Lass. Several young lawyers, Mike DiManna, Helen Shreves, Todd Stahly were there. Jim Coyle seems to be in favor of some limited licensing (like Realtors) and that we need something similar in family law to help with the pro se. Committee decided to expand it to a broader approach- if not a LLLT, when what can we do to solve the problem. Discussion was had in meeting as to who are the best people on the committee. They set the next meeting in January. Before then, they are looking at other alternatives to LLLT.

The “navigator” program from New York as discussed and they are looking for feedback on that program or any other ideas. Discussed Family Law Court week- got started years ago. You enter and withdraw that same day. Metro Lawyers and Legal Aid vet the participants. Discussion was had about getting more people to sign up for this program in each district- we could probably do a lot of good and eliminate some of the *pro se* clog up. Denver has the firefighters program started by Justice Hood when he was in Denver- it is like a mediator. Helen discussed another process- limited jurisdiction family law court, combination of arbitration and no attorneys, like the model of small claims court, and no children houses, pensions, but still need to be litigated. Thought would be that it could help 75% of the cases. Create forms similar to bankruptcy with check in box. Kathleen \_\_\_\_\_\_ wants to set up a committee with Helen and Cyndi. Beth McCain might be willing to carry a bill on something like this concept. Need to have someone knowledgeable on family law. Another concept to help people who are not even modest means. Discussion was had as to how State Court comes up with their figures and percentages. Understand that data is usually measured at the beginning of the case so case started as pro se, it will stay as that data even if someone enters later. Bill discussed ODRAC committee discussions on coding and whether clerks can do coding for actions, such as mediations. We need to figure out how to research the issue of reviewing pro se cases – maybe hire young lawyers for two weeks to do the research so we can have accurate figures. Some of the studies relied on are really out of state reports/figures. Discussion was had to figure out what it would cost to do the research project. Then we could focus our services, solutions. Need to know how many cases stay pro se and how many are really indigent. If we have more realistic data, we can get better focus on how to solve the problems.

Helen and Mary Jane will look into the cost of this research project using 2014 cases and get it together for January meeting.

Cyndi reported that multiple people have taken the LLLT exam in Washington –only 1 person is actually doing it in a law firm charging $125/hour. Bill read in the ABA magazine that the entire board quit.

**Laura Page (Chair-Elect**): Requested funds for Anajli Nandi $400 to present on Vicarious Trauma. Terri moved to give the funds. Cyndi and Ann seconded. Motion passed.

**Jennifer Feingold (Secretary):** Nothing to report.

**Robin Beattie (Treasurer):** The $750 for Akrin’s party and $400 for FLI are not on the budget, but we are on track.

Reported on Larimer Officer’s Lunch- Judge Shapanski needs people, PRE/CFI to discuss how to improve practice of family law in Larimer County they do it. Talked about LLLT, trust decanting legislation, need for uniform legislation re: competency,

**Trish Cooper (Immediate Past Chair):** Nothing to report.

**Committee Reports:**

Amicus: Nothing to report.

Legislative: Nothing to report.

**Book Sales:** Cyndi reported. They are working on the updates. Asking for more volunteers so that one firm does not have more than 1 or 2 sections. She will re-work sections. Discussion was had to add same-sex couple issues. Thank you to Cyndi for her hard work.

Budget committee: Nothing additional to report.

**Bylaws**: Bonnie reported on changes to the bylaws- proposed changes when we have the tie. Proposed that the chair should abstain and then vote if there is a tie. Also proposed changes in “out of Metro area” definitions. Discussion was had. Should out of metro definition include residency or just primary practice?

Mike removes to adopt section B, with struck of legal in second line and law in paragraph #1 of Section III. Kevin seconded. Motion carries.

Bonnie moves to approve the changes re: chair voting in paragraph 2 of III. David moves to clarify that the vote would be to break the tie of those who are tied. Mike accepts that change. Terri seconded. Motion carries.

Education/CLE/Lunches: Nothing to report.

Expert directory: Nothing to report.

FLI: Nothing to add.

Grants: Nothing to report.

Judicial Liaison: Nothing to report.

**Legislative Committee**: Uniform bill concerning registration Canadian protection orders. The committee generally supports it. They have some recommended changes to submit. Don’t believe need to vote on whether we support a bill that has been introduced. Discussion was had about Committee proposing their recommended changes. Rebecca moves to go in that direction. Ann and Joe seconded. Marie will move forward.

Civil union/marriages: We should start looking at the issue of how Colorado is going to look at flowing civil union property into marital property. We can work with Stedman to start working out legislation. Should legislative committee work on this? Discussion was had.

Uniform Trust Decanting Statute: Had a meeting about a week ago with Sam Canton w/Trust and Estates Section. Discussed compromised language to address that decanting law does not overrule Balanson and that people are not going to use the decanting law to eliminate marital property by adding equitable remedies. Worked out language on it and presented to the decanting subcommittee. They approved Balanson language and rejected equitable remedies. Reached a stalemate. Marie doesn’t know where to go with this and is very concerned. Discussion was had. Ann- motion to support them continuing to try to work for it. Michael –seconds. Motion carried.

Membership: Nothing to report.

Newsletter: Ann needs articles. Anne case law update. Laura- something on FLI.

Nominating: Nothing to report.

Scholarships: Nothing to report.

Website: Nothing to report.

Young Lawyers: Nothing to report.

CJD Mediator Standards: Nothing to report.

Past EC Chair Reunification Committee: Nothing to report.

Judicial Nomination Committee: Nothing to report.

Board of Governors Liaison: Nothing to report.

Colorado Lawyer Liaisons: Nothing to report.

AAML Liaisons: Nothing to report.

18th Judicial District: Nothing to report.