**May 19, 2017 – MEETING MINUTES**

Present: Jamie Cage, Mike DiManna, Rebecca Alexander, Martin Brown, Kristi Wells, Joan McWilliams, Brian Popp, Jennifer Feingold, Laura Page, Robin Beattie, David Littman

Phone: Deb Anderson, Joe Pickard, Meredith Cord, John Haas, Peggy Walker, Beth Henson, Anne Gill, Terri Harrington, Bill King, Trish Cooper, Ann Gushurst, Marie Moses

Excused: Steve Epstein, Jennifer Rice, Laura Ammarell, Kevin Sidel, Todd Stahly, Jerremy Ramp

Minutes from April approved.

Laura P:

* Did the budget for Laura A. Budget approved.

Jennifer:

* FLI brochure has been drafted. She will go to AFCC conference in June and will report back.

Robin: Talked about Douglas lunch. Judge Chase is back and protocol is the same. Judges handle cases if there are attorneys on board, otherwise it is Mag. Moss or Judge Speer. Judges Chase and Kramer are setting up a Brown Bag to hear what is working and what is not. Judge Kramer does not like motions to reconsider. Mag. Dummler is getting rotated out and going to Arapahoe. Mag. Apostoli will take her place.

Laura A. No report.

Todd Stahly: No report.

1. Amicus – no report.
2. Book Sales – no report
3. Budget – no report
4. Bylaws – no report
5. Education –
   1. CLE
   2. Monthly lunches – Jen Feingold asked for ideas.
   3. Young Lawyers - date for next Breakfast CLE for young lawyers is June 13. It will be Marie presenting regarding modification standards.
   4. Mentoring
6. Expert Directory – no report.
7. FLI
8. Grants – no report
9. Judicial Liaison – no report
10. Legislative – Marie – there were 5 bills  
    SB 191 – Re changes to judgment interest statute – that bill died.

HB 1320 – re: reducing age of consent for therapy – that bill died.

Dual bills HB 1110 and 1111 – saying that you can allocate PR in D&N cases and enter protection orders – have passed, resulting in expansion of jurisdiction in juvenile court.

Bill re: doctor does not have to report if victim of DV asks not to –this passed and is sitting on governor’s desk.

Bill re: if DV happened in rental unit, victim is allowed to break lease – this passed.

1. Membership –no report
2. Newsletter – in production. Next deadline is end of June.
3. Nominating – no report.
4. Scholarship – no report.
5. Judicial Nomination Committee – no report.
6. Board of Governors – no report.
7. Colorado Lawyer –no report.
8. AAML – They are working on a case re: what to do with embryos in a divorce.
9. ICON –No report.
10. Alternative Solutions – see below on mediation from Bill King.

Simplified Family Court – they stopped doing it because office of state court administrator is working on pilot project in Jeffco, Douglas and Summit.

**David Littman: GAL:** Committee met probably 25 times. David wrote an article called “Update on Client Competency Issues” – summary of where we are with respect to clients with clients with competency issues.

They want each of the sections to respond to the proposed changes to Rule 17 and committee will review and discuss each of the proposed changes.

Sorenson stands for the proposition that it is error to fail to conduct a hearing if someone raises a question based on 4 conditions; this is known as a Sorenson hearing. Courts are not uniform in the way they handle a Sorenson hearing.

If someone meets the criteria, Sorenson says a GAL must be appointed, but rules and case law are unclear as to what the GAL is supposed to do. Case law suggests that GAL should act in fiduciary capacity for client’s best interests. Proposed Rule 17 would define GAL’s responsibilities and would provide that a GAL could not sign documents on behalf of the client – GAL would not be a fiduciary. You would need a special conservator.

If you have an adult in need of protection, you need a special conservator or guardian appointed under the probate code, not a GAL.

How do we deal with the needs we have for someone to act in the stead of a client whose competency is questioned? Who should this person be?

David wants feedback on the proposed statute from this section. We should send him our thoughts by June 30, 2017.

**Kristi Wells** **and Kevin Sidel** got together to talk about child support calculations and new statute. They looked at statute and report of child support commission. They talked to Marie, and they are past the deadline to recommend clarity to the legislature – that is their ultimate goal.

**Laura P**. – Solo & Small firm section sent out a letter that they want to send to Jim Coyle. They do not want their malpractice carriers disclosed by the CBA. When we renew our attorney registration, we give the names of our malpractice carriers. When people call and ask if a particular attorney has malpractice insurance, CBA has to answer. The concern is disclosing the name of the carrier. Laura wonders if this issue is something the Family Law Section should weigh in on. Mike DiManna thinks it is important to our members. Robin Beattie agrees that this is important – clients should not know who our insurance carriers are and be able to call our insurance carriers directly. We need to protect our members. Jennifer Feingold says that most sections have come back to support the letter – business, real estate. Brian Popp and Rebecca Alexander believe that the question of whether you have insurance is legitimate. Lawyers who lie should be addressed in another manner. Mike DiManna moved to support the letter, and many people seconded. It was passed unanimously.

Uniformity in SFS and CS worksheets – an ongoing issue. Laura will report next year.

**David Littman**: Randy Arp is open to having lunch to discuss uniformity of case management orders within each district. Rebecca Alexander discusses the fact that it would be difficult to have statewide uniformity.

**Joan McWilliams**: She has obtained 10,000 of the brochures and will be giving them to judges, sherlocks and family law facilitators at Best Practices conference. Will bring some to FLI and AFCC

**Bill King**: There is a name that is duplicated on the ballot – just his son is running, but his name is in 2 different places.

Ballots will go out today or Monday and you have to vote by June 2.

They are working to draft a proposal for ADR committee. Part of the group wants to adopt the Michigan proposal. There could be an evaluative mediator who could make suggestions to the parties and practice law in mediation – this is a concept Justice Rice has previously rejected. They are working on a best practices mediation bench bar book.