**October 21, 2016 Minutes**

**Executive Council Meeting**

**Family Law Section**

Present: Jennifer Feingold, Laura Ammarell, Jamie Rutten, Meredith Cord, Bonnie Schriner, Helen Shreves, Beth Hensen, Rebecca Alexander, Terri Harrington, Kristi Wells, Elizabeth Bonanno, Diana Powell, Bill King, Brian Popp, Mike Dimanna, Peggy Walker, Ann Gushurst, Marie Moses, John Haas.

On phone: Todd Stahly; Trish Cooper.

Excused: Laura Page, Robin Beattie, David Littman, Joe Pickard, Kevin Sidel, Jennifer Rice, Deborah Anderson, Anne Gill, Martin Brown.

Unexcused: None

Minutes from September 16, 2016 were provided. Bill King was an excused absence – the only change requested. Bonnie Schriner moves to approve minutes; Rebecca Alexander seconded it; all approved, no opposition.

**Officer Reports:**

**Laura Page (Chair):**  No report.

**Jennifer Feingold (Chair-Elect):**

FLI 2017 update: Jennifer Feingold met with her committee; deadline for submissions last Friday; we have an amazing amount of proposals; more than we can fill; really thoughtful presentations and ideas; exciting for us; sending out a “save the date” notice in November; the conference will be a Friday/Saturday schedule (August 18 and 19, 2017) with optional Thursday afternoon mini-NITA track with a practical base; Vail; it will be held in Vail August 17-19; hotel rates will be available; information will be coming; the committee felt that people are interested in something new—and the committee appreciates council support; more info in January and Feb; will announce the dates at the luncheon today; why pushed so far back in August? Because of the size of the conference (400-500 ppl); and for pricing; Steamboat no longer doing conferences, limitations of locations; prices were much higher first weekend of August; so adjusted for cost increase and went with the weekend of the 18th.

**Robin Beattie (Secretary):** No report.

**Laura Ammarell (Treasurer):**

Budget provided with materials (page 9); correction to entry for FLI scholarships; should be $3,000 in all three columns; question: is that what the section does is keep $30K? Melissa says other sections have those amounts in theirs; bench book sales are coming; last year’s budget committee talked about what to do with the surplus, but no decisions made; it should go to the budget committee; numbers look lower for BB because last year we didn’t sell as much; motion to approve the budget with change; all approved.

Nearly all of the officers/judges lunches have been scheduled.

**Todd Stahly (Immediate Past-Chair):** Working on electronic voting; maybe at next meeting will have a prototype to use.

Also, as part of the education committee, reports the upcoming AAML program should be announced at the luncheon; we are on track for programs coming up this year; keep in mind that different events and luncheons; any time we run into people, we should talk up our programs.

Announcement: Collaborative Law Training is December 9th.

**Discussion: Retirement Party for Gary Abrams.** Diana Powell: Steve Epstein is in Japan but he has offered his place as a venue, which is great; we do not yet have an estimate for a caterer; need to get an estimate of how many people; their offices are gorgeous downtown; Equitable Building; date: December 1st; we have a pianist; initially Gary was reluctant, didn’t want anyone to make a fuss; but he is accepting it.

Meredith Cord: Budget Committee met this morning to discuss funds for party and we obviously have money; but the issue is how much is appropriate; recommendation is giving up to $750 for the party or a gift, whichever the party committee chooses. The Real Estate Section contributed $625; so we after having that meeting we are recommending $750 to use and spend however you want to; Bonnie Schriner made a motion to authorize up to $750 to contribute to Gary Abrams’ retirement party or gift, for the party committee to choose; Ann Gushurst seconded it with friendly amendment to add more later as they learn more details; Bonnie Schriner rejected the friendly amendment; Motion for counsel to approve up to $750 to Party Planning Committee for Gary’s retirement party/gift; All approved, no opposed. Diana is the person to talk to if you want to donate money for the party; private email to counsel list; will send it to Melissa to send out.

**Discussion: Comment to Rules of Professional Conduct 2.5.** Mike Dimanna reports the subcommittee has reviewed to see if sending it along to the Supreme Court; not a rule change, just a comment to the rule. 11/4/16 Colorado Supreme Court standing committee will accept discussion of proposed added comment.

**COMMITTEE REPORTS**

1. **Amicus.** Report from Bonnie Schriner that Supreme Court did rule in the case we submitted a brief for; accepted our suggestion of extra criteria, but rejected it as the law. The final brief was quite the final product.
2. **Bench Book**. No report.
3. **Budget.**  No report to add to Laura Ammarell’s treasurer’s report.
4. **By-Laws.** No report.
5. **Education Committee**.

* Brown Bags (Trish Cooper reports for education committee): We are going to start a monthly or every other month low key inexpensive brown bag lunch/snack for happy hour; it will happen at the CLE PLACE and have hour-long presentations; topics of interest for young lawyers or new lawyers; discreet topics; first one is summary exhibits; then demonstrative exhibits; we will keep the breadth of the presentation limited in scope and specifically address some practical matters related to family law cases; or substantive topics like subject matter jurisdiction; but limited to get a lot of value out of it. Helen: If we had food provided, would it be more attractive? Trish Cooper agrees. Bonnie Schriner: let us know and we can discuss it in our next budget committee; YLD involvement is key to the bar association development; Trish agrees. Wants the first one in January. Todd Stahly: we will have more details before the YLD event in December where there can be an announcement for the first one.

1. **Expert Director**y. No report.
2. **FLI 2017**. Report given by Jennifer Feingold as Chair-Elect Report (above).
3. **Grants.** No report.
4. **Judicial Liaison.** Rebecca Alexander reports Melissa has two stacks of documents: judicial liaison assignments; the other are the instructions for those liaisons; so anyone who is new to the committee; make sure that the information on the CBA website is up to date and correct for the district you are assigned; you can get those judges, etc. access to the website through Melissa; make sure they have the bench bar book (hopefully available very soon). She is going to create some accountability: everyone get back to her by 12/31 with progress. If there are materials that need to go on the website forward to Rebecca and Robin Beattie. Will send reminders, etc.
5. **Legislative.** Marie Moses report. Preparing a sneak attack with the Family Law Arbitration Act. If it gets introduced, we will come and seek permission to oppose it.
6. **Membership**.

* **Family Law Listserve.** Bonnie Schriner talked to a CBA rep; met with a gentlemen who is doing his own private “Family Law Board” Talked about how much work it is and what it is all about; determined at that meeting because of managing the Listserve for vendors, inappropriate comments, etc., he looks at every post before it goes up; an attorney who is working at all is not going to do that; we will need a professional moderator, so talking to CBA to see how they can help; Send out to all members of the FLS, and then opportunity to opt out. Once work out these details with the CBA we will have proposed rules of engagement for participation in the list and see what the launch date will be.

1. **Newsletter and Website**: Ann Gushurst reports they had a meeting and decided 4 newsletters per year; we are in dire need of material! March 1, June 1, September 1, December 1 deadlines. Divided up talks; Rebecca case law update; meet a new judge? Meet a new magistrate? Always can use more input.
2. **Nominating**. No report.
3. **Scholarships.** No report.
4. **Judicial Nomination Committee**. Melissa and Helen will send out electronically the summary of districts and commission info provided last year.
5. **Board of Governors Liaison**. Bonnie: Section 1.27; met, studied it; table it, talk about it at the next meeting; Vote was not to accept rule change; CBA not supporting it. Board of Governors: Bonnie: tomorrow in Colo Springs; refocus 20-20; making the best use of talents of BOG members; attendance is way down! Wonder if constituents know how poorly attended it is? What is the best use of the talent that’s available. This is a serious effort by the CBA to become a value to the membership.
6. **Colorado Lawyer**. Colorado Lawyers: Trish: There was an abomination of an article that someone submitted that we’ve been dealing with for some time; articles of workers compensation; then article on young lawyers; a lot of people committed but nothing seen just yet; someone should do something on the case about the frozen embryos.
7. **AAML**. will announce 12/2; Marie: Amicus brief on attorney’s fees issue; should garnish maintenance awards to recover fees?
8. **ICON.** No update.
9. **Alternative Solutions**:

**CJI Mediator Standards Committee**: Bill King reports update on proposed CJD on non-lawyer mediators; task force sent a proposal to Justice Rice with expected approval and turn around in September; the council itself had a vote 12/4 against; sent that info to Justice Rice; Justice Gabriel recently told them “We have made no decisions as of yet.”

**Simplified Family Court Committee.**

* Helen Shreves explained that the LLLT folks wanted family law to spin off and do their own thing; so we have this committee and it is just a proposal to do something along the lines of small claims court; in the bill, it talks about joint income of $80K or less and assets of $100 or less, so jurisdictional limits; no attorneys allowed, but nothing prohibiting seeking counsel (i.e. unbundled services); the pleadings would be very simplified; if you read the report on what Justice Kourlis did: a long term study; people found forms were difficult to understand, intimidated by the court process; so the intent is to simplify in procedure and forms; definition of disclosures; like in small claims court, the clerk would be knowledgeable; there would be an ISC, say 15 days; decree entered in 45 days; child support would be handled, but nothing else regarding custody; Beth Mccann last summer liked the idea very much and agreed to sponsor it, but she is term limited, no problem finding a sponsor if she is not around; not effective until 2018, it will take some time to get it set up; navigator program in New York: “navigators”; you have to opt in; the hearing officer would have to have 15 years experience in family law; it would be in some ways a med/arb, but someone who has a significant amount of experience; our committee didn’t want to do anything until talking to the section, haven’t done anything to move it forward; one of the hearing officers in small claims said a lot of people come there for post-decree money issues.
* Bill King said almost universal excitement about this at a meeting in August I attended;
* Beth Hensen questioned ability to opt in, but not opt out? Helen Shreves: When a person is served, they can opt out if they want.
* Ann Gushurst commended the committee for starting this, change is coming whether we like it or not; one thing cases would be heard by a person who knows what they are doing; how come they get that and we don’t! No other body in the state that knows the impact on families than this section; we have a tremendous amount of responsibility because of that; but being locked into something without a lawyer, that scares me; why would this not applied to anyone? Creates impression that some laws apply to the rich and some to the poor; Jennifer Feingold commented that it overwrites rules of evidence; rule 16.2; how do parties know these answers at the time of filing and service?
* Helen Shreves reported that the stats come from state judicial: 70% filing without lawyers; but we don’t know when the lawyers come in. Those of us that mediate know that there are many people that have money that want a simplified procedure. The concept here though is: as family law lawyers/counsel, do we want to do something that helps people who don’t have money?
* Marie Moses talked about points from the Legislative Committee framework; we cannot support something that shortens timelines because there have been bills in the past that try to shorten the 90 day period and we’ve opposed, so we cannot support that; the other issue is a question of whether this should be in a bill format (meaning legislative process) or take this to SCAO, judiciary, supreme Court; to create a pilot project; in the judicial branch rather than the legislature; if in judicial branch do we control more of the process; you have to realize that something of this nature would be politicized.
* Rebecca Alexander commented that we need to do something; there is a tremendous need for help; these issues can be worked through, so as long as we are all on the same page that this is a starting point; if it gives people less comfort if see in a bill format; maybe a different format to use to work through the nuts and bolts;
* Peggy Walker points out that collaborative cases have an opt out at any point
* Helen Shreves reports that it has been an involved process, but she is not going to do it unless she has the backing of the section; we can tackle the problems, but we need to move forward with something. If we do not, the LLLT or other program will!
* Jennifer Feingold thanked Helen Shreves for working so hard on it and asked if there was a motion for this committee to continue working on this proposal along with the Legislative Committee and with the collaboration of other committees; Helen Shreves asked for members who are willing to be part of the committee: Marie Moses, Jennifer Feingold, Ann Gushurst, Diana Powell, Peggy Walker, Laura Ammarell volunteer. Rebecca Alexander makes the motion. All approve except Terri Harrington opposes. On the phone: all approved. Meredith Cord abstains.

**OLD BUSINESS.** None.

Bonnie Schriner makes motion to adjourn. Ann Gushurst seconds. Meeting adjourned by Jennifer Feingold.

*Minutes taken by Laura Ammarell.*