

MAY MINUTES

CBA Real Estate Law Section Council Date: Tuesday, May 19th, 2020 – 3:00 p.m.

Colorado Bar Association – Remote Meeting

1290 Broadway, Ste. 1700
Denver, Colorado 80203

- 1. **Call to Order 3:02 p.m.**..... Suzanne Leff
- 2. **Approval of April Minutes** Suzanne Leff
- 3. **Financial Report** (\$86,704.45 as of April 30, 2020) Melinda Pasquini
- 4. **Chair’s Report/Action Items**..... Suzanne Leff

- a. Updates

- i. Symposium

Ms. Leff reported that there will not be an in-person Symposium this year due to COVID-19. Instead, the Symposium will be a virtual Symposium. There will be some virtual programming on Friday, July 17th and additional virtual programming on September 2nd and 3rd. Ms. Arnold reported that the keynotes will be live on July 17th. No virtual sessions will be longer than 3 hours. Since the theme is wellness, the platform will include some combination of virtual yoga, meditation and Zumba as well as a live golf outing. The Friday golf outing in September may include families and will be a fundraiser for legal services this year. The Symposium will have the speakers. Some sessions will be pre-recorded, and some will be live. The Legislative update will be live and include Executive Orders. The plan is to also have some musical performances and Saturday Night Live type video clips.

- ii. CLE’s

Ms. Leff reported on Ms. Brimah’s efforts to provide timely CLE virtual programming during the pandemic, which has been well received. There were 160 attendees for the Remote Notary presentation that Chris Payne coordinated. There were 220 participants for the remote and free title and survey presentation. Ms. Brimah reported on the free CLE for COVID-19 leasing issues scheduled for May 20th. There are 130 people signed up at this time. Another free virtual CLE is scheduled for June 4th on online meetings for home owners associations and nonprofit organizations. Ms. Brimah is coordinating future CLE’s and COVID-19 updates focusing on opinions and insurance.

iii. **Executive Orders - Prohibition on Evictions**

Ms. Leff reported on the extension of residential and commercial foreclosures through May 30th. If no further extension, Colorado is facing a possible wave of evictions and foreclosures. There was some discussion regarding the ambiguity with regard to the notices that landlord are to provide to tenants.

b. **Action Items**..... Suzanne Leff

i. **Draft Eviction Prohibition Bill – Draft (not introduced) SB 20-1246**

Ms. Pasquini discussed background of proposed eviction bill and national movements occurring on this front. Mr. Aldrich, Ms. Schmitz and Ms. Nolan reported on proposed revisions to the draft bill. Mr. White reported on legislative status and strategy for informing sponsors on potential real estate law concerns. Discussion regarding provisions of draft bill, landlord and tenant issues and foreclosure issues. Ms. Stodden has concerns that this bill is not consistent with Federal CARES Act with regard to foreclosures.

Ms. Dunn proposed a working group to work on revisions that do not take a landlord or tenant favored position. This was seconded. All in favor of amend position except Mr. Jung.

REPORTS AND INFORMATIONAL ITEMS

5. **Legislative Update**..... Andy White

Mr. White reported on the legislature’s planned reconvening on May 26th with an approximate two week session, give or take a week. Although the legislature has up to 60 days for the remaining session, Mr. White indicated the legislature intends to streamline the existing bills for considerations. The key issue that must be addressed is the budget and the focus will be on cutting \$3.3 Billion out of a \$12 Billion general budget.

Remote Notary Bill – Mr. White reported that we have been unable to secure all privacy positions and continuing to make those objections known.

HB 1200 – Extension of HOA Information Center. Mr. White indicated this is moving forward but is being pursued but without the additional provisions originally proposed before the COVID-19 legislative recess.

HB 1333 – Expanded requirements of HOA and expanded rights to homeowners. Mr. White reported that the Sponsor has voluntarily removed this bill from consideration.

SB 93 – Arbitration Bill – Mr. White reported that this bill is likely to contentious to gain traction during the limited session.

6. **CBA Legislative Policy Committee**..... Chuck Calvin

Mr. Calvin reported that LPC met today and received an update on the legislative session. LPC will likely be meeting weekly, or more often if needed, during the remainder of the legislative session.

7. **CCIOA Task Force Committee**..... Chris Payne

See legislative updates above on HB 1200 and HB 1333.

8. **CBA Trust and Estate Section** Chad Rounds

Mr. Rounds and Mr. Kirch asked members to review the new trusts and estate practitioner forms to be published in the Green Book. Mr. Kirch reported that the current forms were drafted in 1970 and have not been revised since then. The Trusts and Estate Section set up a committee to review the forms. One of the primary changes to existing forms is that asterisks and notes on use have been added. There has been a vetting of the forms by Chuck Calvin, Peter Griffiths, Greg Notarianni and Jim Benjamin. Please contact Mr. Rounds and Mr. Kirch with any questions or comments on forms or any additional forms needed by June 30, 2020. After June 30, 2020 the Trust and Estate forms committee will forward the forms to the Trusts and Estate Section Council for approval and inclusion in the Green Book.

9. **Access to Justice Liaison** Andy Toft

Mr. Toft has reported on Denver County judges clearing their dockets for eviction proceedings once the courts open again. Mr. Toft has only directly received 4 volunteers to assist at this point. Mr. Toft is looking for any and all ideas to recruit additional attorney volunteers to address the expected large wave of evictions. Ms. Leff asked the Community Service Committee to work with Mr. Toft. Ms. Deline may be able to coordinate Mr. Toft with YLD to obtain additional volunteers. Ms. Waggener mentioned that perhaps Special Masters could be appointed to help on the eviction cases.

10. **Community Service/Charitable Committee** Robyn Kube, Jim Meseck, Erin Clark

11. **CBA Ethics Committee**..... Deanne Stodden

Ms. Stodden reported on proposed amendments to Rule 1.5 to address contingent fees. Ms. Stodden also reported on the committee’s proposed amendments and comments to Rules 1.6 and 1.15 and the committee’s proposed repealing of Rules 7.1 through 7.5, reenactment of Rules 7.1- 7.2 and reserving Rules 7.4 and 7.5. A new committee has been formed to evaluate Rule 1.5(b), which varies from the ABA model rule. Ms. Stodden also discussed and provided a link to Judge Taubman’s article in the Denver Law Review on re-writing the pro-bono rules. The committee voted to take Judge Taubman’s recommendations to the Bar.

12. **Communications Committee** (RE Section Web Page (COBAR)/Newsletter/Web Discussion Group)Brianna Dowling, Angie Schmitz, Adam Aldrich

Ms. Dowling reported on a multitude of COVID-19 issues for the next newsletter. Accordingly, the newsletter will be lengthy with a lot of substantive material.

- 13. **Education/Topical Lunches Committee**Amy Brimah, Ron Jung, Jeremy Syz
Ms. Brimah acknowledged Ms. Ham’s assistance with the free CLE’s and asked others to bring any ideas for CLE’s to her attention.
- 14. **Education/CLE Committee**Amy Mowry, Bryan Schwartz, Angie Schmitz
- 15. **Colorado Lawyer Committee**Robin Nolan, Bryan Schwartz, Adam Aldrich

INACTIVE

- 16. Business Law Section Chris Payne
- 17. Interprofessional Committee Amy Brimah, Jim Meseck
- 18. Colorado Association of Realtors Liaison Damian Cox
- 19. CBA Forms Committee Damian Cox
- 20. CBA Tax Section..... Tyler Murray
- 21. CBA Young Lawyers Division..... Liz Deline, Diana Mendez
- 22. Regional Liaison Doug Tueller
- 23. Colorado Housing Council Robin Nolan, Jeremy
- 24. Membership and Practice Development Committee ... Amy Mowry, Ron Jung, Erin Clark
- 25. Board of GovernorsKaty Dunn, Dan Sweetser
- 26. CBA Title Standards Catherine Hance and Geoff Anderson
- 27. CBA Cannabis Law CommitteeTBD
- 28. CBA ADR/Mediation CommitteeGeoff Anderson
- 29. CBA Eminent Domain Committee Jody Alderman

NEW MATTERS

ADJOURN 5:04 p.m.

ATTENDANCE ROSTER
Real Estate Law Section Council
May 19, 2020
COLORADO BAR ASSOCIATION
Remote Meeting

NAME	PRESENT	EXCUSED	ABSENT
Officers:			
Suzanne Leff – Chair	X		
Jean Arnold – Vice Chair	X		
Melinda Pasquini - Secretary	X		
Katy Dunn – Board of Governors Representative	X		
Members:			
Adam Aldrich (2022)	X		
Amy Brimah (2020)	X		
Erin Clark (2022)	X		
Brianna Dowling (2021)	X		
Ron Jung (2021)	X		
Robyn Kube (2020)	X		
Jim Meseck (2021)	X		
Amy Mowry (2020)	X		
Robin Nolan (2021)	X		
Angela Schmitz (2022)	X		
Bryan Schwartz (2020)	X		
Jeremy Syz (2022)	X		
Committees / Liaisons:			
Chuck Calvin – Legislative Policy Committee Liaison	X		
Chad Rounds – Trusts and Estate Liaison	X		
Damian Cox – Forms Committee Liaison	X		
Deanne Stodden – Ethics Committee Liaison	X		
Geoff Anderson – RE Title Standards Liaison	X		
Jody Alderman – Eminent Domain Committee Liaison			X
Chris Payne – Business Section Liaison	X		
Tyler Murray – Tax Section Liaison		X	
Chris Levkulich – Tax Section Liaison			X
Liz Deline – YLD Liaison	X		
Diana Mendez - YLD Liaison	X		
Catherine Hance –RE Title Standard Committee	X		
Joey Lubinski – Immediate Past Chair RESC	X		
Doug Tueller – Regional Liaison	X		
Andrew Toft – Access to Justice Liaison	X		
Staff & Guests:			
Jess Ham	X		
Amy Sreenen (CBA)			X

Amy Larson (CBA)			X
Bridgett Moore(CLE)	X		
Andy White (CBA)	X		
Julie Waggoner, Past Chair RESC	X		
Dan Sweetser, Past Chair RESC			X
Cindy Lowery-Graber, RESC Nominee	X		
Zak Kessler, RESC Nominee	X		
Marjorie Sant, RESC Nominee	X		
Eric Snyder, RESC Nominee	X		
David Kirch, Trusts and Estates	X		