

Minutes of the Litigation Section Council – February 4, 2017

- Introductions of members and brief statement of experience with list serves
- Chair Parker invited guests, Barb Cashman of Solo and Small Firm Section, and Chuck Calvin of Real Estate Section, to provide comments on their respective sections' listserves. Discussion ensued, highlighting the following:
 - Listserve has become very important/popular tool for the Solo/Small Firm members – particularly useful for younger attorneys
 - The entire membership of solo/small firm is enrolled on the listserve – close to 1,000 members – and they can then click link “not to participate” at their choosing
 - Biggest concerns arise due to attorneys posting TMI, and inadvertently implicating the attorney-client privilege. The monitors of the listserve then contact the particular attorney and take down the post
 - As to real estate, there is a pretty good variety of posters – 15 or so regular posters, other posts from the variety
 - Concern about sharing information, but making sure people do not take it as legal advice – do not want exposure to malpractice claims – responses are intended to be thoughtful and accurate, but not legal advice
 - No advertising, and prefer no solicitations for who practices in this area
 - Occasional civility issues, where Mr. Calvin will have to call the poster and discourage snarkiness – discuss better ways to post
 - Two ways to subscribe – weekly digest of postings, or every posting contemporaneously. Members set preference through Outlook
 - Estimate ten to thirty postings a day on Real Estate Section listserve
 - Updated member lists (CBA Staff maintains consistently updated list of all members)
 - Pretty good collegiality on solo/small firm and no real indication of tension between plaintiffs' bar and defense bar
 - No indication that professional liability carriers are looking at listserve activity as factor in determining premium rates
 - Out-of-office auto emails are typically filtered by the listserve so they don't go out to everyone
 - Concern about whether judges could be members, and would have to be a rule that section leadership decides – solo/small firm and real estate advise posters that

they should assume anybody could see their posts, so do not post what you would not want a judge to see

- Solo/small firm does not allow postings on fees or fee structures because of concerns regarding antitrust violations
 - CBA would prefer not to monitor because they do not have enough staff to monitor every listserve and staff does not include attorneys – don't recognize all the issues
 - Ideally, there would be 3 to 4 section members who monitor and perhaps schedule one person to monitor each week
- Ms. Cashman and Mr. Calvin were thanked for their thoughtful insights on what the Litigation Section could do launch its listserve
 - Chair Parker presented former Chair Peter Black and Co-Chair Alden Hill with small tokens of appreciation for their years of dutiful service to the Litigation Section
 - Ms. Dilworth from Colorado CLE presented on the many benefits that Litigation Section members obtain as part of their memberships – not the least of which is discounted CLE's – \$20 discount for Litigation Section members for Litigation CLE's
 - Membership dues were roughly \$25 per year, so the near breakeven for members is only one discounted CLE
 - Discussion ensued regarding the possibility of giving Litigation Section members with discount on certain publications e.g., Colorado Civil Jury Instructions
 - Vince Obrien has been hired to fill Gary Abrahms' position. Gary is assisting over the next couple of weeks in the transition of leadership to Vince Obrien
 - Ms. Dilworth was thanked for her presentation
 - Approval of January 2017 minutes
 - motion by Mr. Pratt, second by Mr. Eisenstein
 - January 2017 minutes were approved
 - Chair Parker explained that Bar Leadership has requested each Section to review their respective Bylaws. She is going to review the Section's Bylaws and seek input from Council on possible amendments. Discuss ensued regarding pros and cons of various provisions and potential amendments e.g.,
 - Current by laws call for three officers, Chair, Vice Chair and Secretary
 - Officers elected to one-year term each July

- Council members are supposed to be elected to two-year terms
- Seat vacated due to two unexcused absences – not previously enforced, do we want to revise
- Chair Parker requested update from various committees:
 - Legislative Policy – Mr. Mihm advised that the Committee continues to review bills being pushed by the state legislature
 - Discussion ensued regarding proposed bill amending construction defect law and complicated coverage issues
 - Proposed bill is pretty unworkable
 - Membership – Ms. Sperrazza advised that she had meeting with Ms. Arundel, and considered recruiting new members, involving current members, and retaining members
 - Chair Parker reminded Council that proposed membership survey was included in the meeting materials and that it would appropriate for membership committee to review and propose revisions – due by February 24th
 - Discussion ensued regarding *Litigator's Handbook*, and the significant effort involved in making that an effective tool
 - Events/CLE – Mr. Eisenstein provided update on upcoming (February 21, 2017 from 11:30 to 1:30) courtroom CLE with Judge David Stevens of Douglas County. Litigation and YLD are co-presenting this CLE
 - Listserve – Chair Parker advised that meeting materials include chart prepared by Ms. Sperrazza setting forth proposed rules/highlights of Litigation Section listserve
 - Rules. Discussion ensued regarding mission statement for the listserve
 - Website
- Chair Parker adjourned meeting

List of Attendees for February 4, 2017 CBA Litigation Section Meeting:

In Person	Telephonically
1. Lorraine Parker	1. Kayla Dreyer
2. Jake Eisenstein	2. Lidiana Rios
3. Mike Chapman	3. Luke Ritchie
4. Nicoal Sperrazza	4. Lindsey Arrondale
5. Jerry Pratt	
6. Greg Martin (CBA Staff)	
7. Alden Hill	

8. Sam Starritt 9. Michael Mihm 10. Amanda Francis 11. Elizabeth Akalin (CBA Staff) 12. Natacha Gutierrez 13. Barb Cashman (Solo and Small Firm Section) 14. Chuck Calvin (Real Estate Section)	
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