

**Meeting of Elder Law Section of the CBA  
March 15, 2018**

Co-Chairs:	Arlene Barringer	Denver	303-757-4342	arlene@denverprobatelaw.com
	Letty Maxfield	Denver	303-353-8354	letty@tealaw.com
Secretary:	Sherene Stenger	Denver	303-339-3750	sstenger@brownandcrona.com
Treasurer:	Charles Spence	Durango	970-247-1755	cspence@mbssllp.com
Council Members:	Brooke Brestel	Louisville	303-604-6030	brooke@elderlawcolorado.com
	Shauna Clemmer	Grand Junction	970-243-8250	shauna@brownandbrownpc.com
	Tamara Trujillo	Denver	303-355-8500	tamara@coloradoelderlaw.com
	Rose Zapor	Lakewood	303-866-0990	rose@zaporelderlaw.com
CBA Liaison:	Amy Sreenen	Denver	303-824-5311	asreenen@cobar.org
CBA Board of Governors Rep.:	Marco Chayet	Denver	303-355-8500	marco@coloradoelderlaw.com

**Frank Slaninger Honorary Acronym Key:**

ELS –	Elder Law Section
EC –	Executive Council
T&E –	Trust and Estates Section
SRC –	Statutory Revisions Committee
DPC –	Denver Probate Court
PoA –	Power of Attorney
NCCUSL –	National Conference of Commissioners on Uniform State Laws
HCPF –	Department of Health Care Policy and Financing

**Other abbreviations:**

BOG -	Board of Governors
M/S/A –	a motion was made, seconded and approved by the voting members.
M/S/D –	a motion was made, seconded and denied by the voting members.
SLD –	Senior Law Day
LPC –	Legislative Policy Committee

**1. Call to Order at 8:42A.M.**

Introductions followed, and the sign-in sheet was circulated. **Please sign in or you may not be included in the minutes.** Those attending were:

<p><b><u>IN PERSON:</u></b>  Lindsey Andrew  Arlene Barringer  Frank Baysore  Brooke Brestel  Christopher Brock  Scott Chalinor  Scott Christian  Gerard Deffenbaugh  Susie Germany  Carl Glatstein  Chris Gordan  Mallory Hasbrook  Magistrate Ruben Hernandez  Carol Johnson  Michael Kirtland  Brian Larson  Michele Lawonn  Tom Linn  Marcie McMinimee  Kayla Nelson  Nancy Peterson  Jeremy Schupbach  Catherine Seal  Sandra Sigler  Amy Sreenen  Sherene Stenger  Wayne Stewart  Patrick Thiessen  Pamela Wilson  Hal Wright  Rose Zapor  Kris Zumalt</p>	<p><b><u>ON PHONE:</u></b>  Kris Callahan  Shari Caton  Marco Chayet  Shauna Clemmer  Chuck Connell  Erin Connor  Spencer Crona  Bob Hercher  Courtney Smith  Charles Spence  Tamara Trujillo</p>
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2. Call for review and approval of the February 2018 Minutes. M/S/A the February 2018 minutes.
  
3. **Chair's Report** – Arlene Barringer- in person.
  - a. Patrick Flaherty, Executive Director of the Colorado Bar Association will be speaking at the section meeting in either April or May 2018.
  - b. Amy Sreenen has circulated a call for nominations for available Council positions. The section is currently seeking 2 At Large positions, 1 Young Lawyer position, Outreach Coordinator and Communications Representative.

4. **Treasurer's Report** – Charles Spence-presented by phone. The balance in the section's account is approximately \$8,250.00.

5. **Old Business**

- a. Committee Reports (Chairperson of the committee may report any current matters.) Our current committees are:
- i. Civic and Community Affairs Committee (CCA): Chair: Sandra Sigler presented. The following are dates for various SLD's.
- a. Adams County- June 2, 2018
  - b. Denver County – July 28, 2018
  - c. Jefferson County – June 2, 2018
  - d. Arapahoe County- September 15, 2018
  - e. Larimer County – August 4, 2018
  - f. Grand Junction – August 17, 2018
  - g. Weld County – October 5, 2018

This committee exceeded their goal for fundraising for the Senior Law Handbook. This committee is currently working on creating a website for Senior Law Day and the Handbook for those who cannot attend in person any of the scheduled Senior Law Days.

- ii. CLE and Publications Committee: Chair: TBD. The prior chairperson, Rose Zapor has taken a hiatus. Please contact Arlene Barringer, if interested in serving as chairperson. This committee is currently in need of a CLE for April 2018. The CLE for May 2018 will be presented by Alison Zinn, Candace Werth and Herb Tucker on the topic of Probate Litigation Basics. This committee is currently seeking articles for the Colorado Lawyer.
- iii. Elder Law Retreat: Co-Chairs: Susie Germany and Tammy Connover. Susie Germany presented. The Elder Law Retreat will be held in Vail on August 23-25, 2018. The agenda and speakers have been finalized.
- iv. Medicaid Regulatory Reform/Legislation Committee (MRRC): Co-chairs: TBD. Arlene Barringer presented. This committee is still being formed. Claire Dineen has written a mission statement. If you are interested in serving as a Chair or Co-Chair, please contact Arlene Barringer or Claire Dineen.
- v. Probate Trial & Procedure Committee: Co-Chairs: Tom Rodriguez and Aaron Evans. Arlene Barringer presented. This committee

meets at 10am. The current project is the probate bench cards. The deadline for submission is April 30, 2018.

- vi. Advanced Legislative Response Team Joint Subcommittee: Co-chairs: Marco Chayet/Spencer Crona. Spencer Crona presented by phone. General Discussion concerning HB18-1182 which involves a statewide system for registry of Advance Directives. This committee met with Representatives Ginal and Landgraf regarding HB18-1182. This committee expressed concerns about the bill and is in need of more information in order to make a decision on whether it will be supported by this section. Such concerns include lack of oversight in promulgation of rules and administration of the system, a third party vendor's implementation of the system without checks and balances and concern that only "qualified individuals" can have access to system, yet "qualified individuals" is not defined in the bill.
- vii. General Discussion concerning HB18-1104, Family Preservation for Parents with Disability. This bill has been amended to also affect Title 15 proceedings but Title 15 inclusion is limited to "minor guardianships pursuant to Title 15".

General Discussion concerning HB18-1261 and HB18-1262-Colorado Arbitration Fairness Act and Arbitration Services Provider Transparency Act, respectively and SB18-056 concerning Civil Jurisdiction of County Courts and Filing Fees.

The Colorado Trust Code has passed out of the Senate and is on its way to the House.

- viii. Eldercare Coordinating Committee: Chair: Michael Kirtland-presented. Nothing to report.
- ix. Office of the Public Guardianship Committee (OPG): Chair: Carl Glatstein presented. General Discussion concerning Next Fifty Initiative.
- x. List Serve Committee: Chair: Sarah Golombek not present. Arlene Barringer presented. The list serve is live. This committee is currently seeking a list serve monitor. Please contact Sarah Golombek, if interested in serving in this role.

- xi. Electronic Will & Remote Notarization Joint Subcommittee – Co-chairs: Letty Maxfield and Herb Tucker. Arlene Barringer presented. General Discussion.
- xii. Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act Subcommittee: Co-chairs: Catherine Seal and Brooke Brestel. Brooke Brestel presented. Prior to this month, this committee thought the draft legislation could be run, with the understanding that there would be time for implementation, such as the revising of JDF forms. However, while further reviewing the draft legislation, the committee has come to the realization that the vast majority of the sections are very different from the current law. Many provisions of existing Colorado law already advance the goals of the draft uniform act. This committee is in need of fiduciaries to attend meetings to opine on the potential changes contained in the draft legislation. Once a review of the draft legislation is completed, the next step will be to schedule a meeting with different stakeholders. It is anticipated that the stakeholder meeting will occur in the summer.
- xiii. Subcommittee for Fiduciary Duties and Entities: Chair: Scott Chalinor presented. Nothing to report.
- xiv. Capacity Sorenson Committee: Chair: Tammy Conover. Scott Chalinor presented. General Discussion.

b. Liaison Reports

- i. Board of Governors: Marco Chayet-not present.
- ii. Legislative Relations: Jeremy Schupbach presented. General Discussion.
- iii. Trust and Estate Section Liaison: Patrick Thiessen presented. Trust and Estates now has a Nominating Committee as part of implementation of the Best Practices Handbook. The Estate Planning Retreat will be in Beaver Creek on June 7-9, 2018.
- iv. SRC Liaison: Nancy Peterson/Mallory Hasbrook/Catherine Seal. Mallory Hasbrook presented. Deposit of original documents will be brought back to SRC. HB18-1102 will be further discussed and HB18-1104 will be reviewed by the Trust and Estates and Family Law sections.

- v. Uniform Trust Code: Michael Kirtland presented. UTC has made it through the Senate and is on its way to the House.
- vi. Department of Health Care Policy and Finance Liaison: Currently seeking a liaison. Please contact Arlene Barringer if interested in serving in this role.
- vii. CBA Legislative Policy Committee Liaisons: Arlene Barringer/Patrick Thiessen. Patrick Thiessen presented. UTC has passed through Senate and is on its way to the House. Additional discussion on Statewide System on Advance Directives.
- viii. NAELA Colorado: Marco Chayet-not present.
- ix. National Guardianship Association/Colorado Guardianship Association: Sarah Golombek not present. Arlene Barringer and Carl Glatstein presented. On March 13, 2018, there was a presentation by Paul Seiderman on “Rebuilding Guardianship: An Honest Conversation Anti-guardianship Movements & How To Effectively Respond To An Uphill Battle”. The next presentation will be in May 2018, Topic TBD.
- x. AARP Liaison: Dennis Valentine – not present. Nothing to report.
- xi. CBA Ethics Committee: Michael Kirtland presented. Best practices articles will be part of the Orange Book.
- xii. Probate Rules & Forms Committee: Shari Caton/Michael Kirtland/Marcie McMinimee. Marcie McMinimee presented. There will be a public hearing on June 27, 2018 at 3pm regarding changes to Rules and Forms.
- xiii. SRC Public Administrator Liaison: Marcie McMinimee-presented. General Discussion.
- xiv. CBA YLD Liaison: Mallory Hasbrook presented. Mallory Hasbrook is the new liaison.

## 6. **New Business and Announcements**

### Hot Topics:

- a. General Discussion concerning lack of reporting by mandatory reporters and transferability of the senior homestead exemption.

b. There will be a Bench and Bar luncheon in Arapahoe County on April 27, 2018.

c. There is a Pro-Se Probate Clinic at Arapahoe County Courthouse on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays of each month from 8:30am-11:30am. Contact Kayla Nelson if you are interested in volunteering.

The Section Meeting ended at 9:56 A.M.

The CLE portion of the meeting began shortly thereafter. The CLE speaker this month was Bill Fender, Innovest Portfolio Solutions LLC, The Uniform Prudent Investor Act: Lessons Learned from 60 Engagements as an Expert Witness. Materials are available on the Section's website.