

**Meeting of Elder Law Section of the CBA
April 20, 2017**

Co-Chairs:	Michael Kirtland	Colorado Springs	719-448-0734	mak@kirtlandseal.com
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	Rose Zapor	Lakewood	303-866-0990	rose@zaporelderlaw.com
CBA Liaison:	Rebecca Spence	Denver	303-824-5311	rspence@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:

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 8:35 A.M.

Introductions followed, and the sign-in sheet was circulated. Those attending in person were:

Names in italics are nonmember attendees

Michelle Adams
Dirk Costin
Susie Germany
Richard Hughes

Arlene Barringer
Jonathan Culwell
Michael Graetz
Luke Johnson

Brooke Brestel
Claire Dineen
Ruben Hernandez
Mark Kiken

Michael Kirtland
Marcie McMinimee
Ryan Scott
Sherene Stenger
Patrick Thiessen
Kris Zumalt
Carol Johnson
Brian Davis

Michelle Lawonn
Kayla Nelson
Catherine Seal
Carl Stevens
Pamela Wilson
Aaron Burton
Carl Miller
Lauren da Cunha

Dolores Martinez Hernandez
Thomas Rodriguez
Sandra Sigler
Wayne Stewart
Rose Zapor
Brian Wallman
Todd Chambers
John Lauce

On the phone:

Rikke Liska
Elizabeth Cypers
Steven Strandberg
Connie Lind
Tamra Waltemath

Bill Beyers
Alice Ierley
Shari Caton
Chuck Connell
Charles Spence

Kris Callahan
Tamara Trujillo
Shauna Clemmer
Mary Catherine Rabbit
Tracy Tirey

Call for review and approval of the March 2017 Minutes. Motion to approve the March 2017 Minutes, seconded, approved.

1. Chair's Report – Michael Kirtland

- a. ELS member and ELS' liaison for the Department of Health Care Policy & Financing, John Campbell, has passed away. ELS does not have details on his service as of yet but will send them around by email when it does. ELS leadership is working on plans to honor Mr. Campbell's memory. Wayne Stewart reports that there should be an *in memorium* page in the Senior Law Handbook; Mr. Stewart needs more information about Mr. Campbell from the membership for that purpose.
- b. ELS needs nominations for elections.

2. Treasurer's Report – Charles Spence reports that the Section currently has \$12,147.18. This balance reflects the \$2,800 contribution to the Senior Law Handbook but does not reflect the \$3,000 contribution we approved to CLE for the purpose of supporting the 2017 Elder Law Retreat nor our \$600 sponsorship for Senior Law Day at the Capitol. The Section's low in finances was around \$8,000 last year. Mr. Spence is looking into the possibility of having ELS approve an annual budget for the future.

4. Old Business

- a. Committee Reports (Chairperson of the committee may report any current matters.) Our current committees are:
 - i. Board of Governors: Marco Chayet – not present.

- ii. Civic and Community Affairs Committee (CCA): Sandra Sigler reports that the Senior Law Handbook will be available in time for the Grand Junction Senior Law Day event on May 5th. The Committee is meeting at 12:15pm today.
- iii. CLE and Publications Committee: Rose Zapor reports that the CLE today will be held downstairs in the small classroom on the 3rd floor and feature national NAELA's Director of Public Policy. Ms. Zapor is trying to get more national speakers in for our monthly CLEs. Susie Germany wrote an article on the ABLE Act, which will be in next month's issue of the Colorado Lawyer. Several individuals have talked with Ms. Zapor about potential articles, but she has not received anything substantive.
- iv. Elder Law Retreat: Arlene Barringer/Susan Germany. Ms. Barringer reports that the Retreat will be held August 24-26 in Breckenridge at the Beaver Run Resort. The Committee is meeting today at 11:00am. One speaker spot is still open as Chief justice Rice is not able to speak. Mr. Kirtland suggested Court of Appeals Judge Taubman. Brochures for the Retreat should be ready by next month's meeting.
- v. Court Visitor Subcommittee: Lisa DiPonio – not present.
- vi. Medicaid Regulatory Reform/Legislation Committee (MRRC): TBD. Sandra Sigler and Rose Zaport would like to co-chair this Committee. General discussion regarding issues needing to be addressed and the possibility of combining this Committee with the Liaison position with the Department of Health Care Policy and Financing. Catherine Seal suggested that the Committee meet and decide what issues they want to address
- vii. Probate Trial & Procedure Committee: Tom Rodriguez reports that the Committee is continuing to review the bench cards. Marc Darling will be at the meeting today to discuss the Uniform Trust Code.
- viii. Capacity *Sorenson* Committee: Tammy Conover – not present. The Committee is meeting today.
- ix. Legislative Response Team Joint Subcommittee: Marco Chayet/Spencer Crona – not present.

- x. Eldercare Coordinating Committee: Michael Kirtland – no report. This Committee will pick up next year after Mr. Kirtland’s tenure as ELS Chair.
- xi. Office of the Public Guardianship Committee (OPG): Shari Caton – not present.
- xii. List Serv Committee: Sarah Golombek – no report.
- xiii. Judges Elder Law Presentation Committee: Michael Kirtland/Rose Zapor – no report.
- xiv. Mentoring Committee: Rose Zapor reports that DU hosted a bingo networking event, at which numerous attorneys attended. The night resulted in 2 applications for internships for the Denver Probate Court. The Committee also now has contacts at CU.
- xv. Subcommittee for Fiduciary Duties & Entities: Scott Challinor – not present.

b. Liaison Reports

- i. Legislative Relations: Jeremy Schupbach – not present. Mr. Schupbach stated prior to the meeting that the provisions ELS was concerned about in the Notarial Acts bill were taken out. There are also bills regarding conflict-free case management and judicial performance. Mr. Schupbach should be present at SRC this afternoon to provide further report.
- ii. Trust and Estate Section Liaison: Patrick Thiessen reports that the 2019 Estate Planning Retreat is tentatively scheduled to be held in Santa Fe because the venue is already booked for 2018. The GAL Subcommittee is getting close and making the last few minor changes. T&E matched ELS’ contribution of \$2,800 to the Senior Law Handbook.
- iii. Trust & Estate Standing Committee – Statutory Revisions: Arlene Barringer reports that many parts of the Uniform Trust Code are posted on the T&E website for review. Mr. Kirtland reports that the bill is almost done and the Committee needs comments from membership now. Kevin Millard is chairing the Uniform Directed Trustee Subcommittee.
- iv. Trust & Estate Standing Committee – Uniform Trust Code: Michael Kirtland – no report (see above).

- v. Department of Health Care Policy and Finance Liaison: TBD. This liaison position is open. Richard Hughes spoke about John Campbell.
- vi. CBA Legislative Policy Committee Liaison: Letitia Maxfield – not present.
- vii. NAELA Colorado: Marco Chayet – not present.
- viii. National Guardianship Association/Colorado Guardianship Association: Sarah Golombek reports that Terry Hammond, an attorney in Texas, will be giving a presentation at the CGA meeting on May 9th entitled “Love and Mercy: The Conservatorship of Legendary Beach Boy Brian Wilson.” The location of the presentation has moved to the Seventh Day Adventist Church next to Porter Place.
- ix. AARP Liaison: Dennis Valentine – not present.
- x. CBA Ethics Committee: Michael Kirtland reports that the second ethics opinion regarding Rule 1.14 has passed and is with the style committee to be edited by Judge Taubman.
- xi. Probate Rules & Forms Committee: Shari Caton/Michael Kirtland/Marcie McMinimee. Ms. McMinimee reports that the full committee met in late March to review all rules and forms. All rules and forms were approved and will be released for public comment. They will likely be effective in January 2018 after approval by the Colorado Supreme Court. Former Rule 8.8 regarding non-appearance hearings passed. It is now called “determination of matters by hearing without appearance.” The “routine and unopposed” language was removed. Additionally, if a hearing is not set by the objecting party within 14 days, judges now have more options. The rule also has comments to delineate what types of motions are not appropriate for a determination of matters by hearing without appearance. The timer period was kept at 14 days. Members were urged to remember to confer in accordance with Rule 121 on all motions.
- xii. SRC Public Administrator Liaison: Marcie McMinimee reports that the guidelines were sent to the Probate Advisory Workgroup. The workgroup wants to wait until the audit of Public Administrators is complete in case if additional items need to be

added to the drafted guidelines. A report on the audit of Public Administrators is due in August 2017.

- xiii. CBA YLD Liaison: Brooke Brestel – no report.
- xiv. Website Monitor: TBD. Interested persons should contact Mr. Kirtland.

5. New Business and Announcements

- a. Ruben Hernandez introduced Brian Wallman as the new Denver Probate Court intern.
- b. Michelle Lawonn provided a handout on group homes to the members present. Ms. Lawonn has encountered online postings and blog posts that are extremely negative about group homes and there have been recent community meetings about group homes. Ms. Lawonn is concerned about the potential future consequences on group homes.

The Section Meeting ended at 9:40 A.M.

The CLE portion of the meeting began soon thereafter on the 3rd floor of the building. The CLE speaker this month was David Goldfarb on the topic “Federal Policy Update.” Materials are available on the Section’s website.