

**NOTICE OF MEETING FOR THE PROBATE TRIAL AND PROCEDURE COMMITTEE
OF THE TRUST AND ESTATE SECTION AND ELDER LAW SECTION OF THE
COLORADO BAR ASSOCIATION**

January 18, 2018 at 10:00 a.m.

**Location:
COLORADO BAR ASSOCIATION
9th Floor, Terrace Conference Room (Please check the board)
1900 Grant Street
Denver, Colorado 80203-4309
(303) 860-1112**

**If you would like to call in to the meeting, please dial 1-855-392-2520 and put in Access Code
5052474# - please mute your phone using *6**

AGENDA

1. Welcome - Introductions
2. Review of Minutes from last meeting/Approval
3. Updates/Reports
 - a. Probate Bench Book - Jamie Roth
 - b. Colorado Transfer or Deposit of Estate Planning Documents Act (if needed)
 - c. Elder Law Section update (if needed) - Tom Rodriguez, Liaison
 - d. LPC questions and procedures (if needed) - Tammy Conover
 - e. ABA a new book on "Foundations of Digital Evidence".
 - f. 723 Over haul - Zach and Jody
4. Future Sub-committee projects
 - a. Compensation Act - Marcie
 - b. CBA Ethics Opinions 131 and 132 and potential ethical traps for elder law and estate planning attorneys.
 - c. Colorado Uniform Trust Code and revisions to the probate Code.
5. 2018 Legislation
 - a. Remote notarization bill.
6. Future speakers
 - a. Bill Fender in March.
7. Adjournment

NEXT MEETING: February 15, 2018 at 10:00 a.m.

REMINDER: Join the Committee through CBA Membership Department; E-mail membership@cobar.org All notices and updates are sent through the CBA

**PROBATE TRIAL AND PROCEDURE COMMITTEE MEETING
TRUST AND ESTATE SECTION AND ELDER LAW SECTION
COLORADO BAR ASSOCIATION**

DECEMBER 21, 2017 MINUTES

1. Opening and Introductions

Chairman Aaron Evans called the meeting to order at 10:00 a.m. Present at the meeting were: Aaron Evans, Tim Bounds, Lynne Bruzzese, Gary Clexton, Jamie Roth, Matt Skotak, Herb Tucker, Morgan Wiener and Lance Taylor.

2. Minutes of the August Meeting

The minutes from the November 16, 2017 meeting of the Committee were approved unanimously.

3. Chair's Report and Updates

Aaron Evans and Norv Brasch gave a recap of the annual holiday event which was held at the University Club on December 6, 2017.

4. Updates from Sections and Reports

Jamie Roth gave an update on the progress being made with the bench books. The subcommittee is collecting authors, and is still looking for a few volunteers for drafting the chapter on decedent's estates. Anyone interested in helping draft chapters can e-mail Jamie Roth, Tom Rodriguez, or Gary Clexton. The deadline for drafts of the new chapters will likely be in the spring. Once drafts are submitted, they will be finalized by CBA CLE.

Tim Bounds gave an update on the Deposit of Digital Estate Planning Documents subcommittee. The subcommittee has received feedback from both the Secretary of State's office and Judicial. SOS and Judicial have both requested a change to the statute so that "custodians" of original documents will have to digitize and destroy the originals, and then deposit electronic copies with SOS. The subcommittee will propose a vote on this issue at the January meeting of the Statutory Revisions Committee.

Letty Maxfield gave an update from the Elder Law Section on the draft Remote Notary Act. Comments from the section members have been sent to Rep. Gardner, and they are waiting to hear back. Chris Zumalt is going to lead a stakeholders group regarding mandatory reporting requirements in domestic violence cases, and the attorney/client privilege issues that have arisen.

There was a discussion among the Committee regarding newly issued Ethics Opinion 131 and 132. Nancy Cohen, former general counsel for Attorney Regulation, presented on the opinions last week. Tim Bounds mentioned that there is a current subcommittee of Orange Book Forms working on engagement letters. Tim will reach out to the members of that subcommittee to see if any of their work is focusing on the two opinions. Amy Devan, the chairperson of the CBA Ethics Committee, was mentioned as a possible presenter on the topic at a future meeting.

5. Bench Reports

Herb Tucker gave an update on the oral argument in the *Sandstead* case. There was not a discussion of the in terrorem clause at oral argument, but the Court did discuss jurisdictional arguments related to joint accounts and whether the judicial toolbox provisions apply.

Zach Schlicting reported that the Magistrate in Jefferson County will set preliminary hearings on contested protected proceedings before scheduling a hearing on the merits of the case.

Letti Maxfield reported that a non-CBA group will be presenting a mandatory Alternative Dispute Resolution bill in the upcoming legislative session. Letty will get more details on the proposed bill and give a report to the Committee in January or February.

6. New Business

There was no new business introduced at the meeting.

7. Adjournment

Aaron Evans adjourned the meeting at 10:50 a.m.

Respectfully submitted,
Tim Bounds, Secretary