

**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**

**December 21, 2017 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. Chair's Report and Recap of the Holiday Event
4. 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 has published a new book on “Foundations of Digital Evidence”.
5. Future Sub-committee projects
  - a. Over haul of 723 - Zach and Jody have agreed to form a sub-committee
  - b. Compensation Act – Marcie
  - c. CBA Ethics Opinions 131 and 132and potential ethical traps for elder law and estate planning attorneys.
  - d. Discussion on pre-holiday party and thoughts on Divorce in Elder law.
  - e. Colorado Uniform Trust Code and revisions to the probate Code.
6. 2018 Legislation
  - a. Remote notarization bill.
7. Future speakers
  - a. Bill Fender in March.
8. Adjournment

**NEXT MEETING: January 18, 2018 at 10:00 a.m.**

**REMINDER:** Join the Committee through CBA Membership Department; E-mail [membership@cobar.org](mailto: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**

**NOVEMBER 16, 2017 MINUTES**

**1. Opening and Introductions**

Committee Chair Aaron Evans called the meeting to order at 10:03 a.m. In attendance were Lindsay Andrew, Norv Brasch, Brooke Brestel, Laurence Gendelman, Letty Maxfield, Zachary Schlicting, Sandra Sigler, Herb Tucker, Nathan Williams, Matt Skotak, Lisa Travis Fischer, Kayla Nelson, and Simon Tolbert. Attending via telephone were Lynn Bruzzese, Tom Rodriguez, and Jamie Roth.

**2. Minutes of the August Meeting**

The minutes from the October meeting of the Committee were approved unanimously.

**3. Chair's Report and Updates**

Aaron Evans reminded all those in attendance about the upcoming annual mini-retreat at the University Club on December 6. Judge Elizabeth Leith from the Denver Probate Court and Ann Gushurst, an attorney who practices family law, will be presenting. The presentation is titled "When Seniors Untie the Knot."

**4. Updates from Sections and Reports**

Letty Maxfield provided a report from the Elder Law Section. The Uniform Law Commission is going to issue a letter directing the CO Bar Association to convene a stakeholder group to issue recommendations on the new Uniform Protected Proceedings Act. The Elder Law Section previously submitted a letter to the ULC with a list of possible stakeholders, and may add additional stakeholders to that list. The Elder Law Section has until May 2018 to recommend any changes to the Act in its present form. Letty also discussed the possibility of codifying the U.S. Supreme Court decision regarding same-sex marriage. The draft bill for the Remote Notary Act has been received, so the subcommittee that was formed to review the proposed Act and make recommendations to the Section will be starting back up. The Senior Law Handbook is looking for fundraising sponsors for the upcoming edition. The Executive Council of the Elder Law Section will meet on Super Thursdays at 3:30 in the Terrace Conference Room.

Tim Bounds and Herb Tucker gave an update on the Deposit of Abandoned Estate Planning Documents Subcommittee. The Subcommittee met with representatives from the Secretary of State's office and Judicial regarding the issue of who may

destroy original documents. The Subcommittee, SOS, and Judicial also discussed issues with authenticating documents. The subcommittee may poll different committees to get an idea as to how many wills might be deposited, if the statute is limited to wills only.

Tom Rodriguez, Jamie Roth, Lisa Travis-Fischer, and Gary Clepton gave an update on the Bench Books. The table of contents has been finalized. The Committee reviewed the table of contents and there was discussion as to the preferred organization of the books. Lisa mentioned that CBA CLE will be helping with content. The section of the books on guardianship is currently on hold pending passage of the final Uniform Protected Proceedings Act. For any comments or charges, members can e-mail Tom, Jamie or Gary. The subcommittee has been receiving feedback from local judges on contents and would like additional feedback from the Committee on the style and structure of the cards. Lisa thinks that by February 2018 the subcommittee should be ready to present additional changes to the cards based on judges feedback.

**5. Bench Reports**

Nathan Williams announced that the *Sandstead* oral argument before the Supreme Court will be held on December 5 at 10:45 a.m. The case involves several issues with trust, estate, and probate law.

Letti Maxfield said that there may be a need to revise C.R.S. § 15-12-723. With the introduction of the Colorado Trust Code, the argument that you can use 723 for a proceeding against a Trustee might not have as much force.

Herb Tucker updated the Committee on the Brookoff case before the Supreme Court. Opening briefs have been filed and an amicus brief is almost completed. Herb will update the Committee when oral argument is scheduled. Herb also updated the Committee on Ethics Opinions 131 dealing with joint representation and conflicts of interest. Herb also mentioned Opinion 132, which deals with post-death testimony as to the intent of a decedent regarding estate planning documents.

**6. New Business**

There was no new business introduced at the meeting.

**7. Adjournment**

Aaron Evans adjourned the meeting at 11:01 a.m.

Respectfully submitted,  
Tim Bounds, Secretary