

**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**

May 17, 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
9017998# - please mute your phone using *6**

AGENDA

1. Welcome - Introductions
2. Review and approval of Minutes from last meeting.
3. CLE Presentation in the Executive conference room.
Topic: “Back to Basics for the Courtroom”
Presenters: Herb Tucker, Candance Werth and Alison Zinn
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.
 - d. Acceptance of Office and court requirements for the parents of minor to file CBI Report & Credit Report.
5. 2018 Legislation
 - a. Remote notarization bill.
 - b. Arbitration Transparency and Fairness Act bills
6. Future speakers
7. Adjournment

NEXT MEETING: August 16, 2018 at 10:00 a.m.

New Co-Chairs: Zachary Schlichting and Jody Pilmer

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**

APRIL 19, 2018 MINUTES

1. Opening and Introductions

Chairman Aaron Evans called meeting to order at 10:04. There were introductions for those attending in person and on the phone.

2. Minutes of the August Meeting

There were no minutes for the March meeting because of the speaker presentation by Bill Fender.

3. Chair's Report and Updates

Aaron reviewed the presentation last month from Bill Fender. Allison Zinn will be presenting a litigation update as part of the CLE program for Elder Law Section. Accordingly, the Committee will meet in the executive room in May.

Tom Rodriguez gave an update on the bench books. The process is moving along, and CBA/CLE has received some (but not all) drafts of the bench books.

4. Updates from Sections and Reports

Digital Preservation of Abandoned Estate Planning Documents – Co-Chairs Tim Bounds and Pete Bullard gave an update. The subcommittee is working on revisions to the statute regarding who can destroy an original Will and convert it to digital form prior to depositing with the Secretary of State. Herb Tucker is working on draft changes to ethical rules (likely 1.16 and/or 1.15) regarding file retention and destruction of client property.

There was no update on the current revision to the replevin statute in C.R.S. § 15-12-723.

Herb Tucker gave an update to the Committee on the *Brookoff* case (dealing with the insurance exception to the Dead Man's Statute). The Supreme Court will hear arguments on June 27, 2018 at 1:30 p.m.

There was no update from the Elder Law Section.

Marcie McMinimee and Lindsay Andrew are working on revisions to the conservatorship statutes (C.R.S. § 15-14-401 et. seq.) re. amending the initial

financial plan. Marcie and Lindsay are looking at both statutory changes and changes to relevant forms.

Herb Tucker and Nathan Williams updated the Committee on the *Sandstead* decision from the Supreme Court. The opinion covered many probate topics, including the judicial toolbox, constructive/resulting trusts and trustees, and in terrorem clauses.

5. Bench Reports

Marcie McMinimee discussed an update to the *Acceptance of Office* forms in protected proceedings. Courts are now requiring biological parents, and in some cases, Public Administrators, to file background information (criminal report, credit report, etc.)

Theresa Higgins gave a report on concerns regarding the procedure for magistrate decisions and consent to hearings, appeals, etc.

Tom Rodriguez gave an update on the new rotation of probate judges in Boulder County.

6. New Business

There was no new business.

7. Adjournment

Aaron Evans adjourned the meeting at 11:00 a.m.

Respectfully submitted,
Tim Bounds, Secretary