

September 17, 2012

VIA E-MAIL

Executive Council
Elder Law Section
Colorado Bar Association
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Executive Council
Trust & Estate Section
Colorado Bar Association
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Re: Proposal for Litigation Committee for Trust and Estate and Elder Law Sections

Dear Trust & Estate and Elder Law Council Members:

I have had numerous conversations with attorneys in the Trust & Estate and Elder Law Sections regarding the possibility of forming a Litigation Committee to meet and address concerns raised by those attorneys who actively litigate in trust, estate and elder law areas. Based on my conversations, I do believe there is interest in forming this joint committee for both Sections and a general consensus that such a committee's work would be beneficial for practitioners, clients and pro se parties. Unfortunately, the growth of litigation in these areas is likely to continue and a committee like this can help us make sure that litigation is handled more efficiently and professionally.

I am happy to discuss this proposal with any of you in more detail, but I want to provide you with some additional thoughts here. First, I believe the committee would foster and increase collegiality among practitioners that come from varying areas of expertise and different counties throughout the State. Second, there are several committees that currently touch on litigation issues (Statutory Revisions, Rules and Forms, CLE, ADR, etc.), but there is no one committee that focuses solely on litigation issues and the needs of practitioners, pro se parties and clients. For example, the first project I would propose the Litigation Committee tackle is the development of a bank of district court orders and opinions relating to probate matters. The Denver Probate Court webpage used to maintain a bank of selected opinions, but that is no longer available. In addition, it would be extremely helpful to see how different counties and judges are handling probate specific issues and what facts and circumstances they considered relevant in making their decisions (appointment of fiduciaries, removal of fiduciaries, accounting requirements, breach claims, etc.). I expect that the Litigation Committee would work closely with other standing committees (specifically SRC, Rules and Forms and CLE) on various projects, but would provide a focus and viewpoint that would benefit both Sections. Thank you for your consideration.

Sincerely yours,

Kelly Dickson Cooper, P.C.
of Holland & Hart LLP

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