

**Meeting of Elder Law Section of the CBA  
August 20, 2009**

Co-Chairs:	Marco Chayet	Denver	303-355-8500
	Catherine Seal	Colorado Springs	719-448-0734
Secretary:	Tom Rodriguez	Louisville	303-604-6030
Treasurer:	Tammy Conover	Denver	303-757-4342
Council Members:	Shari Caton	Denver	303-832-1600
	Christina Brigham	Denver	303-877-1949
	Richard Mishkin	Englewood	303-228-2288
Liaison Coordinator:	John Campbell	Denver	303-290-7497
CBA Liaison:	Amy Sreenen	Denver	303-824-5311
Representative to CBA Board of Governors	John Campbell	Denver	303-290-7497
Uniform Trust Code Committee	Eric Solem	Englewood	303-761-4900
Medicaid Legislation Committee	John Campbell	Denver	303-290-7497

**Executive Council Meeting**

**1. Call to Order – Marco Chayet**

The Executive Council Meeting of the Colorado Bar Association Elder Law Section was called to order at 8:05 A.M. Those present in person or by telephone were: Marco Chayet, Catherine Seal, Tammy Conover, Christina Brigham, Rick Mishkin, Shari Caton, Michael Valdez, Amy Sreenen, Carl Glatstein, John Campbell, Marcie McMinimee, and Chuck Connell.

**2. Old Business**

**a. Elder Law Retreat**

The 1<sup>st</sup> Annual Elder Law Retreat brochures were circulated to the members. There was discussion that a brochure and letter should be mailed to all section members that encourages attendance. Mr. Chayet will prepare a draft of the correspondence.

### **3. New Business and Announcements**

#### **a. Agenda for 2009 – 2010**

Since this is the beginning of a new year, Mr. Chayet would like to prepare a letter to all section members that sets forth the Council's annual goals and encourages member attendance / participation. Mr. Chayet will prepare a draft of the correspondence.

The following speakers have been arranged for the monthly CLE's:

- ♦ August - Jennifer Gormley, Esq. – Representing a Client with Diminished Capacity
- ♦ September – Loren Chevalier – New regulations for home care providers
- ♦ October – Speaker to be designated by the Dispute Resolution Section – Dispute resolution
- ♦ November – Unknown at present
- ♦ December – Reba Nance – Technology in Elder Law (Intermediate / Advanced)
- ♦ January – Bill Fender, JD, CPA – Prudent Investor Act

Numerous individuals have offered to speak and Mr. Chayet solicited suggestions for speakers and topics.

The CBA President will provide a State of the Bar address at September's section meeting.

#### **b. Issues and Questions from the Council**

Some lawyers new to this area of practice have expressed feelings that they are not being effectively integrated into the section. Because it is the Council's intent to encourage and foster participation of all its' members, the Council unanimously voted to amend the bylaws by adding one at large member who has been in practice five years or less to serve for a two year term. Ms. Sreenen will prepare an e-mail blast for nominations no later than September 16<sup>th</sup>, voting at the September meeting, and installation at the October meeting.

The Council discussed implementing a volunteer mentorship program to assist attorneys in practice for five years or less.

All section members must seek authorization from the Council to speak on behalf of the section.

**c. Joint Elder Law / Trust & Estate / Dispute Resolution Subcommittee**

A joint elder law / trust & estate / dispute resolution subcommittee has been formed by Judge Stewart and Dennis Whitmer currently serves as the chair. The Council unanimously nominated Martha Ridgeway to represent the section on the subcommittee and appointed her, subject to her acceptance.

**d. Legislative Relations Protocol**

Michael Valdez explained the Council's legislative protocol. John Campbell is currently the legislative liaison, receives a copy of all proposed legislation impacting the Section from Mr. Valdez and then reports to the section.

Mr. Chayet requested that all proposed legislation be sent to his attention as well.

**e. Review of all Subcommittees and Chairs**

Committee chairs must contact Mr. Chayet if they will be absent from a meeting so he can obtain their report and present the report at the meeting.

All committees and chairs were reviewed to ensure current.

There was discussion regarding the need for a strong SRC liaison.

Martha Ridgeway replaces Rose Zapor as dispute resolution chairperson in light of Ms. Ridgeway's appointment to the joint subcommittee.

Carl Stevens was nominated, unanimously approved, and appointed to serve on a joint committee reviewing transfer on death deeds.

**f. Hot Topics**

Judge Stewart e-mailed Marc Darling seeking input on CJI revisions to Chapter 34. Anyone who would like to provide input should contact Mr. Darling directly.

**g. Patron Member Application**

Due to time constraints, this matter was tabled until the next meeting.

**4. Adjournment**

The Executive Council meeting ended at 9:00 A.M.

## Section Meeting

### 1. Call to Order and call for review and approval of the May 2009 Minutes.

The meeting was called to order by Marco Chayet at 9:05 A.M.

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

Ellen Alires-Trujillo	Thomas Linn	Mary Lacy
Frank Baysore	Rick Mishkin	John Campbell
Christina Brigham	Myrin Cuthbert	Brandon Fields
Shari Caton	Marcia O'Brien	Chuck Connell
Cody Christian	Debbie Reinburg	Kris Charland
Rocky Williams	Maru Kiken	Courtney Smith
Crispin Sargent	Tammy Conover	Martha Ridgeway
Dirk Costin	Catherine Seal	Spencer Crona
Catherine Silburn	Jay Fox	Carl Stevens
Susie Germany	Elizabeth Tulloch	Carl Glatstein
Dennis Valentine	Jennifer Gormley	Michael Valdez
Richard Kautt	Harold Wright	Michael Kirtland
Rose Zapor	Ayodele Labode	Eileen Meunch
Jeffrey Lamb	Rachel Ellis	

Mr. Glatstein made a motion to approve the May 2009 Meeting Minutes, Ms. Conover seconded the motion, and the minutes were unanimously approved.

2. **Treasurer's Report** – Tammy Conover – The Section has a balance of \$9,955.00 and the \$2,500 payment for Senior Law Day has been made. Mr. Chayet indicated that there are funds with which to support the 1<sup>st</sup> Elder Law Retreat.

### 3. Old Business

- a. Committee Reports (Chairperson of the committee may report any current matters.)

If a committee chair or liaison is unable to attend, they must contact Mr. Chayet and provide their report, so he can present in their absence.

Michael Valdez was introduced and he explained that he receives legislation relevant to the section and then forwards the legislation to Mr. Chayet (as chair) and Mr. Campbell (as the Legislative Policy Committee Liaison). These individuals then provide the section with the proposed legislation for review and comment. There are numerous issues to watch and he will keep us apprised.

Our current committees are:

- i. Civic and Community Affairs: Carl Glatstein – Senior Law Day was a complete success. The Senior Law Handbook was phenomenal, the new site worked out well and over 1000 people attended. Negotiations are underway for the Marriott Renaissance to be next year's site. There are no additional projects, but you can call Mr. Glatstein with suggestions.
- ii. CLE and Publications Committee: Jennifer Gormley – Always looking for new topics. Please send any ideas for CLEs or articles to Ms. Gormley's attention.
- iii. Joint Trust & Estate Elder Law / Dispute Resolution: A joint elder law / trust & estate / dispute resolution subcommittee has been formed by Judge Stewart and Dennis Whitmer currently serves as the chair. The Executive Council unanimously nominated Martha Ridgeway to represent the section on the subcommittee and appointed her, subject to her acceptance. Ms. Ridgeway accepted the role and will provide monthly reports.
- iv. Medicaid Legislation: John Campbell – Efforts undertaken to amend federal statute to protect pooled and income trusts. The Colorado Bar has approved the concept. Mr. Campbell is seeking support from Colorado NAELA.
- v. Probate Compensation and Expense Recovery Committee: Marcie McMinimee – The Act is almost complete and they hope to move from committee to SRC.
- vi. Elder Law Retreat: Susie Germany/Tammy Conover/Tom Rodriguez – The 1<sup>st</sup> Annual Elder Law Retreat sponsored by the section will be held on October 1-3, 2009 in Breckenridge. Class size will not be limited. The committee is meeting today to discuss sponsor issues.
- vii. Conservatorship Creditors Claims Committee: Marcie McMinimee – No meeting has been scheduled, but Ms. McMinimee will continue efforts to arrange.
- viii. Powers of Attorney Abuse: Tom Rodriguez – The power of attorney brochures have been completed and were distributed at Senior Law Day. A meeting will be held today to discuss a proposed legislative amendment.

b. Liaison Reports –

Mr. Chayet stressed the importance of having active liaisons.

- i. Trust and Estate Council Liaison: Marcie McMinimee – No report.
  - ii. AARP Liaison: Elizabeth Tulloch and Dennis Valentine – The current focus is on health care revisions. The legislative policy group won't start up until January. Requested national support of the Medicaid Legislation Committee efforts to amend legislation on pooled and income trusts, but AARP is just too busy with health care issues.
  - iii. Department of Health Care Policy and Finance Liaison: John Campbell – Not aware of any changes.
  - iv. CBA Legislative Policy Committee Liaison: John Campbell – No report.
  - v. Statutory Revisions Committee Liaison: Marcie McMinimee – Mr. Chayet would like the Section to have a more official role with SRC and will investigate.
  - vi. NAELA Colorado – Marcie O'Brien/Catherine Seal – The first week of September there will be a telephonic meeting to discuss (1) the Medicaid Legislation Committee efforts to amend legislation on pooled and income trusts, (2) a dinner with Mr. Sabatino after the 1<sup>st</sup> Annual Elder Law Retreat, and (3) presentations at meetings.
  - vii. Denver Triad: Rocky Williams/Rose Zapor – The Governor has issued fraud alerts that are relevant to our clients. Ms. Zapor will provide so an e-mail blast can be sent to section members.
- c. Memory Walk Committee – Michelle Lawonn - Alzheimer's memory walk – September 19<sup>th</sup> - Team name - CBA Elder Law Section. Participation is encouraged and info to signup will be posted on our website. There may be Senior Law T-shirts for the team. Not limited to Section members or lawyers.
- d. Professional Fiduciary Regulation – Carl Glatstein – This issue can be tabled for now, as we are awaiting an advisory opinion from the Attorney General.
- e. Other old business:

- i. Databank ready to receive orders. Four submitted. Email to Shari Caton at [caton@poskuscatonklein.com](mailto:caton@poskuscatonklein.com). Website still under construction.
- ii. Joint Program with DBA inter-professional issue. Stalled.

4. **New Business and Announcements**

- a. Hot Topics Discussion -
  - i. The Executive Council amended the by-laws to add a fourth at-large member to the Executive Council. The new member must be in practice 5 years or less and will serve for a two year term. An e-mail blast will be sent asking for nominations. Voting will occur in September and installation will occur in October.
  - ii. Ms. Conover reported that the DU Wills Lab is up and running and now they just need students to sign-up. Lucy Marsh is in charge of the program and the previously formed subcommittee is defunct. The Lab will need attorney volunteers and clients for next semester. Potential clients can call Legal Aid at 303-837-1313. Lucy Marsh can be reached at 303-871-6285.
  - iii. Judge Stewart contacted Marc Darling and requested comments regarding revisions to CJI Chapter 34. Please contact Mr. Darling with comments quickly since there is a meeting in two weeks.
  - iv. Carl Stevens was nominated, unanimously approved, and appointed to serve on a joint committee reviewing transfer on death deeds.
- b. Colorado Lawyer articles - Contact John Campbell, Jennifer Gormley, or the Co-Chairs with any ideas.
- c. CLEs and Programs - Mr. Chayet encouraged participation and promotion of programs. Upcoming programs include:
 

Aug 28	Will Contests (CBA)
Sept 9	Elder Law 101 – The Basics (CBA - CLE) A brochure was circulated.
Sept 10-11	Advanced Estate Planning Symposium (CBA)

Oct 1-3 Elder Law Section's Elder Law Retreat (CBA – in Breckenridge) Class size will not be limited. The committee is meeting today to discuss sponsor issues. A brochure was circulated.

Oct 22-23 Medicare Set Aside trust Training (New Orleans)

Oct. 30 2009 Statewide ADR conference will be held (4 session Elder Mediation Track)

- d. Topics and Speakers: Please continue to let the Co-Chairs know your ideas for possible speakers and topics. The following speakers have been arranged for the monthly CLE's:

August - Jennifer Gormley, Esq. – Representing a Client with Diminished Capacity

September – Loren Chevalier – New regulations for home care providers

October – Speaker to be designated by the Dispute Resolution Section – Dispute resolution

November – Unknown at present

December – Reba Nance – Technology in Elder Law (Intermediate / Advanced)

January – Bill Fender, JD, CPA – Prudent Investor Act

- e. Presentation – Mr. Chayet thanked Nancy “Susie” Germany for her service as past chair of the Elder Law Section. He recognized all her hard work and presented her with an appreciation plaque for her service. The section applauded her efforts and the presentation of the award.
- f. Kathleen Negri has been selected for a fellowship in Washington D.C. addressing elder law issues. Mr. Chayet hopes to have her report from Washington.
- g. CBA President David Johnson will address the section in October during the general meeting.

The Section Meeting ended at 10:05 A.M.

The CLE portion of the meeting began shortly thereafter. The speaker was Jennifer Gormley, Esq. and the topic was “Representation When the Client has Diminishing Capacity”. Materials are available on the Section's website.