

# **CBA Committee/Section Chairperson Annual Report/Review**

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## **Annual Report**

(Please send to CBA by May 15, 2008 - Fax: (303) 861-5274)

Name of Committee/Section: [Elder Law](#)

### **1. Report on projects that the Committee/Section has completed:**

Senior Law Day, which is a joint effort of the Elder Law and Trusts & Estates Sections, in conjunction with Colorado CLE, will be held the last Saturday in May at DU Sturm College of Law. Senior Law Day is probably the single largest project we work on each year and this year's program promises to be excellent. This year, companion programs will be offered in other areas of the State, along with the ability to record and preserve speaker presentations for statewide use. Also, in connection with Senior Law Day, we have completely re-vamped the Senior Law Handbook. Our Section's other completed projects involved work on proposed legislation and will be covered under Item 5.

### **2. Report on projects that are continuing and/or incomplete at this time, and suggested length of project:**

We have formed a sub-committee who is working jointly with Family Law and ADR to develop Alternative Dispute Resolution techniques for Elder Law issues, such as guardianships and Probate disputes. This project is ongoing and will continue indefinitely. We also have a subcommittee whose ongoing project is to develop Guardianship Standards to guide the conduct of guardians and conservators. Other ongoing projects involve work on legislation and will be discussed under Item 5.

### **3. Report on CLE programs**

Our Section continues to hold 1-hour CLE programs following each of our monthly meetings from August through May. These programs cover a wide variety of topics within the field of Elder Law.

### **5. Report on any legislation the Committee/Section has worked on and/or sponsored (only need bill number, topic and result)**

This has been a busy year regarding our Section's work on legislation. We proposed revisions to Colorado's advance medical directive statute, but this was not adopted. We were successful in getting passage of two pieces of legislation: the Uniform Guardianship Jurisdiction Act and the Fiduciary Oversight bill were both approved by both the house and senate and signed into law this year. We also worked with the Real Estate Section on HB 1248, the bill addressing joint tenancy and the four unities in Colorado. While a version of the bill was passed, it will likely require additional legislation next year to correct certain problems that were injected into the bill at the last minute at the demand of the Colorado Department of Health Care Policy & Financing.

We have spent an enormous amount of time this year addressing two pieces of proposed legislation from the Colorado Department of Health Care Policy & Financing dealing with Medicaid estate recovery and with Medicaid self-settled trusts. The legislation as initially proposed would have been disastrous. Our Medicaid Legislation Committee has been meeting with representatives from the Department on a regular basis to create alternative legislation. No legislation was introduced this year. Rather, we plan to continue working on trying to come up with consensus bills on these issues to present to the Joint Budget Committee for consideration for bill status.

Finally, the Colorado Department of Health Care Policy & Financing introduced a late bill, HB 1409, at the last minute, intended to amend the Department's rights to tort and casualty recoveries from third party settlements and health insurance. We are making efforts to try and get amendments to the proposed bill that will bring this legislation in line with the US Supreme Court case of *Arkansas Dept. of Health & Human Services v. Ahlborn*. Results are not known at this time.

### **6. Recommendations regarding goals and tasks by Committee/Section for ensuing year. Please note the name of potential future leaders:**

Recommended goals for our Section would include the continuing effort to work cooperatively with other Sections on areas of common interest to develop cohesiveness within the CBA; and to continue encouraging the new and hopeful dialogue between our Section and the Colorado Department of Health Care Policy & Financing in dealing with issues and changes to the Medicaid program, protecting the interests of our elderly and disabled clients while recognizing the pragmatic concerns of the Department to maintain fiscal viability.

**7. Sunset Analysis: Should the Committee/Section be retained in its present form and for its present function. (Explain views of the chairperson and the committee members and state consensus reached, if any):**

Our Section should definitely be retained in its present form and for its present function. We continue to grow in membership and the work we do is important to the practice of Elder Law and to our elderly clients.

**8. Successes or problems encountered during the past year. (Include recommendations for future):**

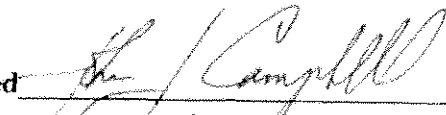
Our biggest problem at the beginning of the year was a sense of divisiveness between our Section and the Trust & Estates Section, which stemmed from events last year. The correction of this problem was the Section's primary goal this year, and we wanted to address this as early and as effectively as possible. I believe we have had great success with the cooperation of the members and leaders of the Trusts & Estates Section in mending many fences. We worked and continue to work together on the proposed Medicaid legislation discussed above; and were able to come to the LPC with complete consensus of our Sections on these matters. We have also had successful collaboration with the Real Estate, Family Law and Alternative Dispute Resolution Sections on various areas of common interest. We need to continue to work cooperatively with the other Sections of the CBA on matters that cross the lines of interest between our various Sections to achieve common solutions that benefit the greatest number of our respective members.

**9. Comments on CBA staff that has worked with your group:**

All CBA staff has been outstanding. I must especially commend Gretchen Eoff, our liaison, who has been simply amazing to work with. She will be truly missed as she embarks upon her legal career!

Signed

Dated

  
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4/29/2008

Cc: Chuck Turner, CBA/DBA Executive Director