

**Meeting of Elder Law Section of the CBA
May 21, 2009**

Co-Chairs:	Susie Germany	Denver	303-454-3711
	Marco Chayet	Denver	303-355-8500
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
Liaison Coordinator:	John Campbell	Denver	303-290-7497
CBA Liaison:	Erica Driver	Denver	303-860-1115
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

The Executive Council Meeting of the Colorado Bar Association Elder Law Section was called to order at 8:19 A.M. Miscellaneous matters were discussed.

New proposed federal Medicaid legislation – 42 USC 1382b(2)(C)(ii) proposed federal legislation re pooled trusts – Add Section V – “Were transferred to a trust described in Section 1396p(d)(4) of this title established solely for the benefit of an individual who is disabled, regardless of age:”

Protocol on approaching organizations on behalf of Elder Law Section; Question: should Section members be out in the community representing the Section? Protocol: Section members need to bring issues to CO-Chairs first. Then, Co-Chairs bring to Executive Council (“EC”), who votes on it. Once approved, then the Section member can represent the Section on the issue.

Legislative update from Michael Valdez – Session ended May 6th. SB-88 (same sex benefits) Just signed this morning.

Uniform Parentage Act – withdrawn for this year. We need to coordinate volunteers to discuss how these issues impact this area of practice. Will organize the subcommittee/study group to begin meeting over the summer. Coordinate with T&E and Family Law section. Rose Zapor spearheading.

Trust & Estates Committee (“T&E”) starting committee with Real Estate Section to look at Uniform Transfers on Death. Idea is to replace beneficiary deeds.

Email from Kathleen Negri in materials. Rulemaking session on Friday, June 12, 2009 at 9:00 a.m. at the Capitol Center, 6th floor conference room, 225 East 16th Avenue, Denver. HCPF has submitted proposed rules or amendments to existing rules concerning Dispute Resolution Conference.

Bell Policy Center – survey nationwide about public benefits and services. Colorado at or near the bottom in every category. For example, 8% of qualified people received public assistance aid, compared to a 21% average for all states. 26% of people qualified for unemployment benefits received aid, as compared to 44% national average. 57% of children who qualified for indigent health insurance received aid, as compared to 73% national average.

Forming committee on professional fiduciary regulation. First meeting with DORA June 1st. If fiduciaries are court-appointed, then DORA doesn’t care because court provides oversight. Would impact court-appointed trustees.

Senior Law Day. Moved Civics and Community Affairs to third Monday of every month going forward. Posters and brochures are printed. Registrations have started. Cost for event - \$20,000 - \$25,000 but vendor sponsorships will cover this cost. Senior Law Book costs not included. Publication costs for book have risen. Will run from \$8.50 to \$10 per copy. Very expensive. Typically order about 1000 books. How to handle this cost? Have attendees pay for the book? Problems with exchanging funds at the event. Book is available online. Can we just give them postcards with a link? Not ideal for all elders without computer access.

Discussion about what bills that treasurer sees and approves. Amy to run some bills by Tammy so we have a better sense about what has been paid. Amy will run bills out of the ordinary stuff will run by Tammy.

The Executive Council meeting ended at 8:53 A.M.

Call to Order and call for review and approval of the April 2009 Minutes

The meeting was called to order by Susie Germany at 9:05 A.M.

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

Michael Valdez	Tom Rodriguez
Christina Brigham	Tammy Conover
Marco Chayet	Frank Baysore
Chuck Connell	Frank Slaninger
Eric Solem	Dave Bernhart

Dirk Costin	Brandon Fields
Susie Germany	Cody Christian
Wayne Stewart	Rose Zapor
Elizabeth Tulloch	Marilyn Henning
Marcie McMinimee	Catherine Silburn
Mary Catherine	Lisa Merritt
Rabbitt	
Ayodele Labode	Martha Ridgway
Carl Glatstein	Harold Wright, Jr.
Jane Ebisch	Bille Castle
John Holt	Amy Sreenen
Michelle Luwonn	Ben Barnett
Richard Mishkin	Elizabeth
	Mitchell
Masayo Quick	Catherine Seal
Sarah Golombek	Ayodele Labode
Carl Stevens	Courtney Smith

The minutes from the April 2009 meeting were approved.

2. **Treasurer's Report** – Tammy Conover – The Section has \$7,125.74. Did the \$2,500 get paid for Senior Law Day? Tammy and Amy will follow up to confirm.
3. **Old Business**
 - a. Committee Reports (Chairperson of the committee may report any current matters.) Our current committees are:
 - i. Civic and Community Affairs: Carl Glatstein – Senior Law Day Scheduled for June 27th at the Marriott Renaissance in Stapleton. (See EC Notes)
 - ii. CLE and Publications Committee: Jennifer Gormley – Send any ideas for CLEs or articles.
 - iii. ADR: Rose Zapor – There will be an article on elder mediation in Colorado Lawyer soon. Governor Ritter designated October as ADR month. Same month as state ADR conference – October 30th. Article on Legal Zoom about finding the right mediator/lawyers. Passed around at meeting. Contact Rose if you want a copy. Sandie Franklin has the brochure they've been working on.

- iv. Medicaid Legislation: John Campbell – Susie, Eric, John and others met recently. John drafted a federal statute disallowing a transfer penalty for anyone that wants to join a pooled trust. (See EC notes for proposed language, also passed materials passed around at meeting.) Trying to get support with Colorado NEALA. Going to vote on amendment today.
- v. Probate Compensation and Expense Recovery Committee: Marcie McMinimee – Final stages of cleaning statute up. Will get it before SRC soon. Now looking at impact on other statutes. Trying to get it to legislature next session.
- vi. Winter Retreat: Susie Germany – First weekend in October in Breckenridge.
- vii. Creditors Claims in Conservatorships: Marcie McMinimee – Still need to meet. Marcie will coordinate once compensation and expense recovery statute finished.
- viii. Powers of Attorney Abuse: Tom Rodriguez – Brochure focus now. Will look at law enforcement issues next year.
- ix. Uniform Parentage Act: Rose Zapor. NEW - Signup sheet passed around. Study group working over the summer. Could impact minor guardianship and defining descendants (intersects with Marc Darling and UPC III – Marcie will coordinate with Marc and T&E).
- x. Professional Fiduciary Regulation: Carl Glatstein – NEW - Signup sheet passed around. (See EC Notes for more information) Been contacted by Tom Hill. Works for a lobbying law firm. Mentioned that this issue is a big problem nationwide. Current DORA interest started with a legislator’s constituent making a complaint about a private fiduciary. Possibly could legislate an exception?

b. Liaison Reports –

- i. Trust and Estate Council/Statutory Revisions Committee Liaison: Marcie McMinimee – T&E considering sending representations to NCCUSL (National Commission on Uniform State Laws) meetings. Stan Kent already involved. Need for us to be in the loop as issues are occurring. Also, ethics committee considering changing requirements on file retention which could impact estate

planners. These meetings are not open to the public or interested participants. Finally, Board of Governors meeting recently. May have allocated money to try to assist the newest members of the bar who are looking for employment in tough economy.

- ii. AARP Liaison: Elizabeth Tulloch and Dennis Valentine – Legislative session is over. Start with Kelly Fritz, lobbyist. Elizabeth will help with proposed federal Medicaid legislation.
 - iii. Department of Health Care Policy and Finance Liaison: John Campbell – passed.
 - iv. CBA Legislative Policy Committee Liaison: John Campbell – passed.
 - v. NAELA Colorado – Marcie O’Brien/Cate Seal – Will try to schedule and announce the next meeting. Will get this group involved in federal Medicaid legislation.
 - vi. Denver Triad: Rocky Williams/Rose Zapor – National organization; meeting of law enforcement, division of insurance, other organizations like Alzheimer’s Assoc. Reports of annuity abuse. Trying to set up a meeting with insurance and Section. Could help with POA Abuse. Next meeting – 4th Wednesday of every month at 1:30 at Volunteers of America building on Larimer.
- c. Other old business
- i. Databank ready to receive orders. Four submitted. Email to trodriguez@elderlawcolorado.com. Website still under construction.
 - ii. Joint Program with DBA inter-professional issue. Stalled.
 - iii. Alzheimer’s memory walk – September 19th - Team name - CBA Elder Law Section. Info to signup will be posted on our website. Not limited to Section members or lawyers.

4. **New Business and Announcements**

- a. Hot Topics Discussion -
 - i. **At the December 2008 Section meeting, it was agreed that the Section would take an active role in supporting the Alzheimer’s**

Association Memory Walk. The 2009 walk is to be held September 19th. Packets, including information templates for you to send to your clients, referral sources, associates and friends, were provided at the December meeting. If you would like to participate in this initiative and request a Packet or you would like further information on Memory Walk, please contact DeAnn Garrison, Alzheimer's Association, 303-813-1669, DeAnn.Garrison@Alz.org

- b. Colorado Lawyer articles - keep them coming. Contact John Campbell, Jennifer Gormley, or the Co-Chairs with any ideas.
- c. CLEs and Programs
Topics and Speakers: Please continue to let the Co-Chairs know your ideas for possible speakers and topics.
- d. Hal Wright just published a book on Special Needs Planning.
- e. Protocol for Section members acting on behalf of the Section. (See EC Notes) This protocol will be posted on the Section's website.
- f. Motion passed to for Section to support federal legislation.
- g. Committee forming to look at Uniform Transfers on Death. Carl Stevens working on new committee through SRC (See EC Notes)

Upcoming programs include: (Forward any to Tom, Marco or Susie)

- May 22 Uniform Power of Attorney Act – Denver (CBA)
- June 5 Social Security Disability – Hot Topics 2009 (CBA)
- June 11-13 Trust & Estate Section's Estate Planning Retreat (Snowmass)
- July 17 Handling a Social Security Disability Case (NBI – Denver)
- Aug 28 Will Contests (CBA)
- Oct 1-3 Elder Law Section's Elder Law Retreat (Breckenridge)

The Section Meeting ended at 10:02 A.M.

The CLE portion of the meeting began shortly thereafter. The speaker was Jose Vasquez, Esq. of Colorado Legal Services and the topic was Foreclosure and Its Impact on Elderly Homeowners. Materials are available on the Section's website.

