

## **Council of the Trust and Estate Section of the Colorado Bar Association**

### **Minutes of the January 19, 2017 Meeting**

Council met on Thursday, January 19, 2017, at the Colorado Bar Association offices, 1900 Grant Street, Denver, Colorado. The meeting was called to order at approximately 3:35 p.m.

The following members of Council were present or participated by phone and constituted a quorum:

Darla L. Daniel, Chair  
Kelly Dickson Cooper, Vice-Chair  
Leia G. Ursery, Secretary/Treasurer  
Melissa R. Schwartz, Immediate Past Chair  
Josie M. Faix, Second Year Member  
Sumi Lee, Second Year Member  
Patrick Thiessen, Second Year Member  
Nicole Brown, First Year Member  
Zachary D. Schlichting, First Year Member

Also in attendance were: Stephen M. Brainerd (Legislative Liaison); David W. Kirch (Real Estate Section Liaison, Colorado Lawyer, GAL Subcommittee); Clara Brown Shaffer; Spencer J. Crona; Jeremy Schupbach (CBA); Susan Hoyt (CBA); and Elizabeth Akalin (CBA).

#### **1. Approval of Minutes of Prior Meeting**

The Minutes of the December 15, 2016 Council meeting were approved unanimously.

#### **2. Chair's Report, Administrative Matters (Darla L. Daniel)**

House Bill 17-1087 concerning the "Office of Public Guardianship Pilot Program" was approved by the Statutory Revisions Committee. The Committee further approved a modification requested by the Governor's office, which would clarify that appointments of the public guardians would terminate when pilot program ends. A motion to support the bill, as modified, passed unanimously.

Technical corrections are required for the grantor trust section of the Colorado Uniform Trust Decanting Act and have been approved by the Statutory Revisions Committee. Letty Maxfield plans to testify on January 20, 2017 in support of such corrections. A motion to support the corrections bill and Letty's testimony passed unanimously.

The Uniform Trust Code Subcommittee of the Statutory Revisions Committee will be done with its work in May 2017. The subcommittee believes the review process and request for approval should be fairly strict as the work has been on-going for the past four years and there has been sufficient opportunity for review and comment. Council members discussed the various viewpoints as to the proposed review and approval process. One suggestion was to hold

dedicated meetings over the summer to review the subcommittee's work; lunch could be provided to encourage attendance. Another suggestion was to hold a special meeting at the Estate Planning Retreat to address questions, which could be in addition to other meetings over the summer. Council members discussed whether to hold off on potential legislation until 2019 to avoid late bill status in 2018 if the review process took longer than anticipated. On that note, Jeremy indicated we would likely have a one-shot opportunity to present this bill so we need to be careful on timing; if we want to pursue legislation in 2018, we should likely try to identify potential sponsors and involve them in the conversation sooner rather than later. Council decided to dedicate the May 2017 meeting for the Statutory Revisions Committee (held between 1:30 p.m. and 3:30 p.m.) to commence the review process. There would be a continued special meeting in July 2017 (start at 11:30 a.m. and go until finished); lunch will be provided. Additionally, there will be a 30-45 minute presentation during the Friday plenary session of the Estate Planning Retreat, followed by a question and answer session. A final vote will be taken in August 2017. Josie, Darla and Dennis will talk separately as to the plan for each meeting (i.e. grounds rules, votes limited to members, etc.). A special notice will be circulated in March 2017, which will contain the plan for the presentation and the guidelines for discussion.

The Colorado Bankers Association is pursuing a bill to amend § 11-105-111, C.R.S., which concerns the contents of and reliance upon certifications of trust. Land Title further requested an amendment that would add references to certifications of trust in Title 38. We are working with Charles Calvin (on behalf of the Real Estate Section) to discuss concerns and to avoid amendments to Title 38. Jeremy believes we can work with the Colorado Bankers Association to address the concerns and to avoid the Land Title amendment.

### **3. Secretary/Treasurer's Report (Leia G. Ursery)**

There is an error in the financial. The CLE contribution was allocation to the Uniform Trust Code line item. Leia spoke to Janet and this will be corrected.

Leia continues to work on a potential change for the listserv provider as Janet confirmed that we could switch to the CBA provider and avoid further monthly charges. Leia will see if she can arrange a conference between the CBA contact, Gene Zuspann and Joe Hodges to discuss concerns they may have on a switch.

Leia reported that we have received two nominations for the Sterling Ambler Award so far. Susan will arrange for a post on Legal Connection. Kelly will send Leia a list of prior unchosen nominees as they will also be considered for this year's award.

### **4. Tax Section Liaison (Georgine M. Kryda)**

No report.

### **5. Statutory Revisions Committee (Josie M. Faix/Leia G. Ursery)**

See discussions above under the Chair's Report.

The Transfer on Death of Vehicles Subcommittee was previously authorized to contact Representative Van Winkle about desired changes to § 42-6-110.5, C.R.S. See handout for comprised language. We are waiting for his response. There is a desire to address a release of liability for Personal Representatives who sell vehicles without knowledge of a transfer of death designation but Jeremy indicated that will have to wait until we can modify the Probate Code on this issue to avoid conflicts with the Department of Motor Vehicles. There is also a desire for a simple revocation procedure. Jeremy will wait to see if Representative Van Winkle is willing to move forward with the proposed changes that are reflected in the handout to determine if we can also propose a simple revocation procedure without risking the other changes. A motion to delay a vote until we receive further feedback from Representative Van Winkle passed unanimously.

There will be a vote on the work of the Deposit of Original Documents Subcommittee in February 2017.

**6. Legislative Liaison (Stephen M. Brainerd/Jeremy Schupbach - CBA)**

No report.

**7. Council Notes (Julia G. McVey/Josie M. Faix)**

Josie reported that they are looking for articles. They currently have a few commitments but also lost a few articles that were in the works. David indicated that Bette may be willing to provide an article on the small estate affidavit.

**8. CLE/Estate Planning Retreat (Kelly Dickson Cooper/Gary Abrams)**

For the Luncheon Series, the February topic will be on the intersection of divorce and probate. In March, Joyce Nakamura will be presenting on charitable issues; in April, the topic will be grief counseling; and in May, the topic may be an intersection of quiet title actions and determination of heirship proceedings in the context of oil and gas interests. Kelly will make sure that the Elder Law Section members are invited for the April luncheon in light of the topic.

Kelly would like to hear any feedback that may be offered on the new format of the Spring Update

The 2017 Estate Planning Retreat looks like it is in great shape. Mary Radford will be a keynote speaker. Six of the eight breakout session speakers and topics are confirmed and ethics credits will be available. As noted above, we will set aside time for a discussion on the Uniform Trust Code.

An Estate administration basics course will be offered in the Spring.

Susan reported Vince O'Brien is new Executive Director for CBA-CLE.

**9. Orange Book Forms Committee (Peggy K. Gardner/Elizabeth T. Meck)**

No report except that Susan reminded Council there is a revised edition coming this year.

**10. Rules & Forms Committee (Casey L. Williams)**

A new Supplementary Affidavit is in the works.

**11. Diversity Committee (Melissa R. Schwartz)**

The committee is working on its next event. It will be coupled with the bingo night hosted by the Elder Law Society at the University of Denver Sturm College of Law. We will provide beverages and do a presentation. The committee is looking for a similar programming opportunity with the University of Colorado Law School.

**12. Elder Law Section Liaison (Patrick R. Thiessen)**

No further report.

**13. Real Estate Section Liaison (David W. Kirch)**

David asked that the Real Estate Section be able to review the draft of the new Supplementary Affidavit and any Deed forms before they are finalized for publication.

David discussed the legislation concerning loan originators and indicated the concerns about the definition of “family member.” It has been presented to the CBA Legislative Policy Committee but there has not been a formal vote. The purpose is to ensure that Colorado law is aligned with Federal law.

**14. Probate Trial and Procedure Committee (Herbert E. Tucker)**

The committee continues to work on the proposed bench book. Aaron Evans will be Chair of the committee starting in February 2017.

**15. *Colorado Estate Planning Handbook* (David K. Johns/Constance B. Wood/Julia G. McVey)**

No report.

**16. *Green Book* (David K. Johns)**

Susan reported that the new edition has shipped. The usual CD-ROM was not included so they are working on a solution to provide an electronic version of the book to purchasers.

**17. New T & E Lawyers Committee (John M. Estes/Mark D. Masters - Facilitator)**

Melissa reported that the ambassador program is floating without direction. Melissa volunteered to help with and maintain the ambassador list going forward. She suggested a pairing process through the Estate Planning Retreat where attendees could indicate on the registration form whether they would be interested in a pairing.

Lauren de Cunha reported that the committee is working on more practical solutions for its members as opposed to substantive programs. On January 17, 2017, the committee will be hosting a breakfast with the Arapahoe County - Probate Division for its members; they hope to plan more similar events with other counties.

**18. Colorado Lawyer (David W. Kirch/Constance D. Smith)**

Allen Rozansky is working on an article concerning entities (e.g. ownership, avoiding termination, etc.). It may be two parts.

David and another person in his office are working on an article about deferrable retirement benefits.

**19. Media Liaison (Mark D. Masters)**

No report.

**20. Civic and Community Affairs Joint Committee of the Elder Law and T&E Sections (Sandra Sigler)**

No report.

**21. Board of Governors Representative (Melissa R. Schwartz)**

No report.

**22. GAL Subcommittee (David W. Kirch)**

David reported that the subcommittee met after a six-month lapse and he believes the subcommittee should have a good draft of its work product to share in the near future.

**23. Miscellaneous/FYI**

David and Spencer are working on a case involving the one-year creditor bar. There may be a request for an amicus brief. They will come back with information on the public policy issue so that we can evaluate whether a brief would be appropriate.

**24. Adjournment**

The meeting was adjourned at or about 5:00 p.m.

Respectfully submitted,

*/s/ Leia G. Ursery*

Leia G. Ursery

## **Council of the Trust and Estate Section of the Colorado Bar Association**

### **Minutes of the February 16, 2017 Meeting**

Council met on Thursday, February 16, 2017, at the Colorado Bar Association offices, 1900 Grant Street, Denver, Colorado. The meeting was called to order at approximately 3:07 p.m.

The following members of Council were present or participated by phone and constituted a quorum:

Darla L. Daniel, Chair  
Kelly Dickson Cooper, Vice-Chair  
Leia G. Ursery, Secretary/Treasurer  
Melissa R. Schwartz, Immediate Past Chair  
Josie M. Faix, Second Year Member  
Sumi Lee, Second Year Member  
Patrick Thiessen, Second Year Member  
Nicole Brown, First Year Member  
Zachary D. Schlichting, First Year Member

Also in attendance were: Stephen M. Brainerd (Legislative Liaison); Peggy Gardner (Orange Book); Casey Williams (Rule & Forms Committee); Aaron Evans (Probate Trial and Procedure Committee); Spencer J. Crona; Michael Kirtland; Jennifer Spitz; Frank Hill; Peter Bullard; Eugene Zuspahn (by phone); Jeremy Schupbach (CBA); Susan Hoyt (CBA); and Elizabeth Akalin (CBA).

#### **1. Approval of Minutes of Prior Meeting**

The Minutes of the January 19, 2017 Council meeting were approved unanimously.

#### **2. Chair's Report, Administrative Matters (Darla L. Daniel)**

There is a movement to legalize remote notarization in Colorado. The provisions for which are set forth in the 2016 amendment to the proposed "Revised Uniform law on Notarial Acts." During this afternoon's Statutory Revisions Committee meeting, a straw vote was taken that indicates a position to an oppose the additional amendment language but to support the "Revised Uniform law on Notarial Acts" as originally presented without such amendment. A motion to approve such approach was unanimously approved by Council.

Representative Carver would like to move forward with proposed legislation to enable victims of domestic violence to hold title to real property in a nominee name. While there has been an effort to show that holding title to real property in a trust would satisfy the same anonymity goal, Representative Carver believes the trust option is not an optimal solution based on the expense to create trusts. Leia is attempting to locate individuals in Minnesota (which is the only state to use nominee names in real property ownership) to determine a list of pros and

cons. In the meantime, Darla will continue to work with representatives of the Real Estate, Business and Tax Sections to determine appropriate responses and possible alternatives to the proposed legislation.

Council received a patron application from Elayne M. Anderson. Jennifer Spitz indicated that there used to be a specific process for review and forms for our Section but that information is no longer on the website. Council agreed that input from non-lawyers can be very valuable but there is an equally important consideration that patron memberships are not utilized to generate business connections; if that is desired, there are ample sponsorship opportunities. Darla will contact Ms. Anderson to explain that patron members are not permitted to utilize a membership to establish business connections and to request further information as to her goals for membership.

### **3. Secretary/Treasurer's Report (Leia G. Ursery)**

Leia believes there is an itemized category of expenditures for the Deposit of Original Documents Subcommittee of the Statutory Revisions Committee in the latest financials. She will contact Janet to request that such expenses be shown for the general Statutory Revisions Committee budget.

Leia has been in contact with Eugene Zuspann, Joe Hodges and Catherine McHughs (CBA) about the possibility of transitioning the listserv from a private vendor to the CBA hosted service in an effort to save the annual costs. Joe provided a thought explanation as to his top concerns (e.g. minimal cost per use which would be offset but a dues increase, loss of historic archives if there is a transition, requirement to have additional moderators, etc.). Based on those positions and the fact that Council already approved a modest dues increase for the coming year, Leia suggested that this issue be tabled until next year's budget is reviewed. Elizabeth added that the CBA hosted listserv would not have an option for any archives going forward, which is a significant concern. Council agreed to table the issue unless there is a further need for budgetary reductions next year.

Finally, Leia indicated she has still only received two nominations for the Sterling Ambler Award. Susan posted an announcement on Legal Connection about the nomination deadline.

### **4. Tax Section Liaison (Georgine M. Kryda)**

No report.

### **5. Statutory Revisions Committee (Josie M. Faix/Leia G. Ursery)**

See discussions above under the Chair's Report.

The Committee approved the amended work product by the Deposit of Original Documents Subcommittee at today's meeting. Council agreed that, once the final language is cleaned up, it should be shared with other sections and groups. Jeremy will share the language

with the lobbyists for the Secretary of State's Office and the Judicial Branch, in addition to the representatives of the other sections. The idea would be to start discussions over the summer so that any concerns may be timely addressed with an effort towards presenting legislation in 2018. Jeremy will clarify the language has not yet been vetted with the CBA Legislative Policy Committee and that it is simply a working project of the section for now.

The Committee additionally approved the latest proposed changes by the Transfer on Death of Vehicles Subcommittee. The subcommittee has two versions: one that includes an anti-lapse provision and another which does not. Council voted to support either version approved by Representative Van Winkle. While it would be great to have the anti-lapse provision included, Council believes it is important to have the remaining clean up language in place sooner rather than later.

**6. Legislative Liaison (Stephen M. Brainerd/Jeremy Schupbach - CBA)**

No further report.

**7. Council Notes (Julia G. McVey/Josie M. Faix)**

Josie reported that a few people backed out on articles for the upcoming edition but, luckily, several people agreed to step up with articles on short notice.

**8. CLE/Estate Planning Retreat (Kelly Dickson Cooper/Gary Abrams)**

Kelly reported that planning for the remaining year is complete.

For the Luncheon Series in March, Joyce Nakamura will be presenting on charitable issues; in April, the topic will be grief counseling; and in May, the topic may be an intersection of quiet title actions and determination of heirship proceedings in the context of oil and gas interests.

The Estate Planning Retreat is all set for June 8-10, 2017 in Vail. Part of the Friday plenary session will include a brief summary of the Uniform Trust Code work, followed by a question-and-answer session with Dennis Whitmer on Friday afternoon. Jeremy will attend to emphasize the timing restrictions on review and approval if we want to secure a sponsor for the 2018 Legislative Session. The program flyer is going to print and should be out in a few weeks. In terms of the Section's budget, we normally allocate \$5,000.00 to cover speaker fees, which will not be an issue this year. We need to decide how this money will be allocated, if at all. At a minimum, the plenary speaker's travel expenses need to be covered but that will not likely consume the entire budget allocation. Kelly will contact Heidi to discuss further and report back in March.

The Spring Update will take place on March 17, 2017. Since the Ted Talk format will be new, Kelly anticipates providing feedback to Council in April as to how the format was received by those in attendance.

The new CLE Director, Vincent O'Brien, is now in place and Gary Abrams will likely be done by the end of the month.

**9. Orange Book Forms Committee (Peggy K. Gardner/Elizabeth T. Meck)**

The Committee is making good progress towards the revised edition and it is still progressing with the review of the proposed marital agreement form.

**10. Rules & Forms Committee (Casey L. Williams)**

Casey unofficially reported that it looks like Word versions of the JDFs will soon be available again.

Casey indicated there is an issue as to what (if any) direct involvement the Real Estate Section should have in the review and approval process of the Committee's projects. While is it clear feedback is helpful, the Committee is concerned that required involvement and approval may slow the efforts of the Committee considerably. Casey believes it would be helpful to have a formal understanding as to anticipated involvement and consideration going forward, perhaps in the form of a mission statement. Darla will work with Casey and Chuck Calvin to further consider this issue.

**11. Diversity Committee (Melissa R. Schwartz)**

The spring event will be to help sponsor the bingo night hosted by the Elder Law Society at the University of Denver Sturm College of Law on April 3, 2017. The Committee will provide beverages and do a presentation. The Committee is looking for a similar programming opportunity with the University of Colorado Law School. Additionally, the Committee is working on updates for the website.

**12. Elder Law Section Liaison (Patrick R. Thiessen)**

No further report.

**13. Real Estate Section Liaison (David W. Kirch)**

No further report.

**14. Probate Trial and Procedure Committee (Aaron Evans)**

Reporting on behalf of Aaron, Kelly indicated that Jean Stewart held a presentation on mediation at this month's meeting. Next month, the Committee will return to its work on the proposed bench book.

**15. Colorado Estate Planning Handbook (David K. Johns/Constance B. Wood/Julia G. McVey)**

No report.

**16. Green Book (David K. Johns)**

No further report.

**17. New T & E Lawyers Committee (John M. Estes/Mark D. Masters - Facilitator)**

Melissa is going to help with the ambassador program and she will work with John to complete assignments. The goal of the program is not to provide a formal mentor relationship but ambassadors should help with introductions, etc. Kelly will work with John to see if an ambassador event or meet up should be organized for the Estate Planning Retreat based on the number of participants planning to attend.

Lauren de Cunha began organizing quarterly meetings with probate judges to review best practices, etc. John was not able to attend the first meeting in January 2017 but he will seek out information on attendance and feedback in order to report to Council next month.

The Committee is still looking for speakers for their monthly meetings. Council requested a list of topics in order to help identify possible speakers for this purpose.

The Committee hosts a study group on the first Thursday of each month between 12:00 p.m. and 1:00 p.m. However, the Committee needs to identify a member to take over the coordination of those meetings.

Jonathan Haskell began serving as a liaison to the Colorado Bar Association - Young Lawyers Division.

**18. Colorado Lawyer (David W. Kirch/Constance D. Smith)**

No report.

**19. Media Liaison (Mark D. Masters)**

No report.

**20. Civic and Community Affairs Joint Committee of the Elder Law and T&E Sections (Sandra Sigler)**

No report.

**21. Board of Governors Representative (Melissa R. Schwartz)**

No report.

**22. GAL Subcommittee (David W. Kirch)**

No report.

**23. Miscellaneous/FYI**

Melissa reported that Patricia Jarzowski established a group to review the best practices of all CBA Sections. The goal is to provide universal procedures for matters such as selection of Council members, etc. We should expect to see changes coming from CBA leadership on this issue.

Eugene Zuspann and Darla previously inquired of Amy Sreenan whether it would be possible to pull off the old website data, documents and information so that we have an easily accessible version for our Section. Elizabeth will follow up and see what may be possible.

**24. Adjournment**

The meeting was adjourned at or about 4:25 p.m.

Respectfully submitted,

*/s/ Leia G. Ursery*

Leia G. Ursery

**Council of the Trust and Estate Section of the Colorado Bar Association**

**Minutes of the March 16, 2017 Meeting**

Council met on Thursday, March 16, 2017, at the Colorado Bar Association offices, 1900 Grant Street, Denver, Colorado. The meeting was called to order at approximately 3:07 p.m.

The following members of Council were present or participated by phone and constituted a quorum:

Darla L. Daniel, Chair  
Kelly Dickson Cooper, Vice-Chair (phone)  
Leia G. Ursery, Secretary/Treasurer  
Josie M. Faix, Second Year Member  
Sumi Lee, Second Year Member (phone)  
Nicole Brown, First Year Member  
Zachary D. Schlichting, First Year Member (phone)  
Casey L. Williams, First Year Member (phone)

Also in attendance were: Peggy Gardner (Orange Book); Georgine M. Kryda (Tax Section Liaison); David W. Kirch (Real Estate Section Liaison, The Colorado Lawyer and GAL Subcommittee); Sandra Sigler (Civic and Community Affairs Joint Committee of the Elder Law Section); Jennifer Spitz; and Elizabeth Akalin (CBA).

**1. Approval of Minutes of Prior Meeting**

The Minutes of the February 16, 2017 Council meeting were approved unanimously subject to a single revision: Casey L. Williams should have been reflected as First Year Member.

**2. Chair’s Report, Administrative Matters (Darla L. Daniel)**

Darla spoke with Elayne M. Anderson, who submitted the patron member application at last month’s meeting. Ms. Anderson indicated she would like additional information on trust and estate law topics for the benefit of her real estate and architecture practice. Darla suggested she start with CLEs, etc. as the topics discussed at our meetings may be more advanced than what she needs at this point. Ms. Anderson agreed to place her application on hold for now.

Darla continues to monitor SB17-132, “Revised Uniform Law on Notarial Acts.” The Business and Real Estate Sections are likewise in opposition to the legislation.

As to the proposed legislation from Representative Carver that would enable victims of domestic violence to hold title to real estate in a nominee name, there does not appear to be any further movement at this time. Darla is going to speak with Megan Brand at the Colorado Fund for People with Disabilities to see if it may be interested in serving as trustee for short form trusts, which could be used as an alternative arrangement.

Darla would like to have some formal acknowledgement for Julia G. McVey/Josie M. Faix for their long-term dedication to Council Notes. A motion was made to recognize them at next year's Council dinner with plaques, which was approved unanimously.

### **3. Secretary/Treasurer's Report (Leia G. Ursery)**

Leia is still collecting nominations for the Sterling Ambler Award; the nomination deadline is March 31, 2017.

We were able to obtain a jump drive with archived materials from the old CBA website. Darla has the jump drive and will make additional copies for Leia and Eugene Zuspenn. Elizabeth Akalin indicated the materials go back to 2006.

Sandra Sigler made a short presentation about the Senior Law Day Handbook contribution. They secured a \$8,000.00 grant from the Rose Foundation, \$4,000.00 from advertisements and \$2,800.00 from the Elder Law Section. Even with our Section's normal contribution of \$2,500.00, there will likely be a shortfall of \$1,000.00 to \$2,000.00. Council discussed its budget for this year. We already have \$2,500.00 available in our budget to cover this type of grant/contribution. A motion was made to increase the amount of our contribution from the historical amount of \$2,500.00 to \$2,800.00, which would match the contribution approved by the Elder Law Section; the motion passed unanimously. Leia will notify Janet Bauer and Lisa Travis Fischer about this decision.

There was further discussion concerning the contribution to CLE for the Estate Planning Retreat (see below).

Heidi Ray previously informed Leia that Santa Fe would not be a possible venue for the 2018 Estate Planning Retreat. We have since learned there are possible dates for the 2019 Retreat at the Eldorado Hotel but we need to select them as soon as possible. A motion was made to approve holding the 2019 Retreat at the Eldorado Hotel on June 6-8, 2019, which was approved unanimously. Josie M. Faix will let Heidi know of our decision as Josie will be in charge of planning the Retreat in 2019.

### **4. Tax Section Liaison (Georgine M. Kryda)**

No report.

### **5. Statutory Revisions Committee (Josie M. Faix/Leia G. Ursery)**

Josie reported that the committee did not approve any measures at this afternoon's meetings; we just received updates from the various subcommittees.

With respect to the Uniform Trust Code Subcommittee, the work is close to final. The subcommittee is currently working with Kevin Millard to review his comments and questions; the members are hoping that others are reviewing the work so that additional comments and questions will be timely provided to the subcommittee. At this year's Estate Planning Retreat,

there will be a brief overview of the subcommittee's work at the Friday plenary session with an invitation to meet with some of the subcommittee members on Friday afternoon for a question and answer session.

**6. Legislative Liaison (Stephen M. Brainerd/Jeremy Schupbach - CBA)**

No report.

**7. Council Notes (Julia G. McVey/Josie M. Faix)**

The most recent issue was published this week and it contained a great article from Melissa R. Schwartz on implicit bias. Josie reported that they have articles for the rest of this year. She and Julie are currently working with the CBA to fix printing issues from the website; this will hopefully include an option to download a PDF version of each issue going forward.

**8. CLE/Estate Planning Retreat (Kelly Dickson Cooper/Vincent O'Brien)**

The brochure for this year's Estate Planning Retreat will be sent out in the next two to three weeks. The brochure will highlight the presentation of the Sterling Ambler Award at the Saturday morning plenary session in hopes that it will encourage more people to attend. It will also include a short summary on the Uniform Trust Code Subcommittee work and the opportunity for the break-out session with subcommittee members on Friday afternoon.

With respect to our Section's contribution to CLE for the Retreat, Kelly did some investigation on the amount, purpose, etc. Last year, the Retreat cost CLE \$75,000.00 in out-of-pocket expenses (not including an overhead allocation). Our Section's contribution has historically been used for speaker honorariums and expenses. Our plenary session speaker this year will not require either expenditure so Kelly wondered it is made sense for our Section to proceed with a similar contribution amount, especially since CLE historically earns \$14,000.00 in profit on the Retreat. Kelly considered the policies and contributions from other Sections; Heidi Ray has been very helpful with the provision of any information she has requested. Kelly recommended that we maintain the historical contribution of \$5,000.00 this year but we re-examine the contribution in further detail before we approve next year's budget. A motion was made to adopt Kelly's recommendation, which was approved unanimously.

Finally, with respect to the Retreat, Kelly recommended that we reconsider the format of the sessions. Past speakers have indicated it is difficult to provide the same presentation four times and it is disappointing that they are unable to attend other sessions.

## **Council of the Trust and Estate Section of the Colorado Bar Association**

### **Minutes of the April 20, 2017 Meeting**

Council met on Thursday, April 20, 2017, at the Colorado Bar Association offices, 1900 Grant Street, Denver, Colorado. The meeting was called to order at approximately 2:59 p.m.

The following members of Council were present or participated by phone and constituted a quorum:

Darla L. Daniel, Chair  
Kelly Dickson Cooper, Vice-Chair  
Leia G. Ursery, Secretary/Treasurer  
Melissa R. Schwartz, Immediate Past Chair  
Josie M. Faix, Second Year Member  
Patrick Thiessen, Second Year Member  
Nicole Brown, First Year Member  
Zachary D. Schlichting, First Year Member

Also in attendance were: Peggy K. Gardner (Orange Book); Elizabeth T. Meck (Orange Book); Aaron Evans (Probate Trial and Procedure Committee); Georgine M. Kryda (Tax Section Liaison); David W. Kirch (Real Estate Section Liaison, The Colorado Lawyer and GAL Subcommittee); David K. Johns (*Colorado Estate Planning Handbook*; and *Green Book*); Jeremy Schupbach (CBA); Susan Hoyt (CBA); and Elizabeth Akalin (CBA).

#### **1. Approval of Minutes of Prior Meeting**

The Minutes of the March 16, 2017 Council meeting were approved unanimously.

#### **2. Chair's Report, Administrative Matters (Darla L. Daniel)**

Darla reported that the remote notarization provisions were removed from SB17-132, "Revised Uniform Law on Notarial Acts."

#### **3. Secretary/Treasurer's Report (Leia G. Ursery)**

Leia indicated that there were several nominations submitted for Sterling Ambler Award; the recipient will be chosen in May.

There are no significant budget issues at this time. Leia plans to reach out to the New T & E Lawyers Committee to see if they are interested in putting together a joint event with interested law students from DU and CU.

Kelly suggested we disseminate a brief notice and explanation about the upcoming dues increase. Darla will include information in her final report for Council Notes.

**4. Tax Section Liaison (Georgine M. Kryda)**

No report.

**5. Statutory Revisions Committee (Josie M. Faix/Leia G. Ursery)**

This month's meeting consisted of updates only. The main discussion pertained to the Uniform Trust Code Subcommittee. The entire May meeting will be devoted to presentations on the Subcommittee's work. Connie Eyster will lead the discussion. Kelly and Josie will meet to discuss format in hopes of making the presentation as efficient as possible. Darla suggested that Parts 2 through 10 be presented first, followed by Part 1.

**6. Legislative Liaison (Stephen M. Brainerd/Jeremy Schupbach - CBA)**

Jeremy indicated that we will need to keep an eye on efforts to bring electronic wills and remote notary to Colorado in 2018. He is talking to legislative liaisons from other states and he will maintain contact with the Secretary of State to track potential incoming lobbyists for the particular companies and interest groups. He will try to keep Letty Maxfield involved on remote notarization and Herbert Tucker on electronic wills.

**7. Council Notes (Julia G. McVey/Josie M. Faix)**

Josie indicated they are good with articles for now but they are always looking for new topics. They plan to approach the speakers from the Estate Planning Retreat to see if any topics can be transitioned to articles for an upcoming issue.

**8. CLE/Estate Planning Retreat (Kelly Dickson Cooper/Vincent O'Brien)**

There is one more lunch in May. Elaine Carleton will be presenting on determination of heirship proceedings and quiet title proceedings.

The Estate Planning Retreat brochure is out and Kelly has received good feedback on the topics.

Kelly is still working with Heidi Ray to discuss our future contributions to CLE. The Estate Planning Retreat is one of the most profitable programs (after in-house programs). She wants to determine the status of contributions from other Sections and what will happen, if any, if we reduce or eliminate the contribution.

**9. Orange Book Forms Committee (Peggy K. Gardner/Elizabeth T. Meck)**

Peggy reported the Committee made good progress today. The Committee reviewed the new Table of Contents for the book and there was a good response overall. The book will follow the newer format of the Real Estate Forms Book to encourage cohesion. There will be a general summary at the beginning of each chapter (as opposed to separate gray boxes) and there will still be notes on use after each form within the chapter. Ultimately, there are one or two lingering items

that must be addressed for the new edition and there will be a good amount of work for the years to come.

**10. Rules & Forms Committee (Casey L. Williams)**

The Statement of Authority form will be sent to the Real Estate Section for review. If it is going to be included in the next Green Book, it must be finalized by September 1, 2017. Darla thought a meeting with Chuck Calvin may be helpful to expedite the review and discussion.

The purpose and future of the Committee was discussed extensively. The original purpose of the Committee was to work on probate forms. Once JDFs were introduced, the Committee's work became more focused on improvements to the JDFs. Now, the Committee is working on other practitioner forms that would not be published for public use (e.g. Statement of Authority, Personal Representative's Deed, etc.). We want to work with other groups on forms but we need to determine the future goals and purposes of the Committee first. David John suggested that the role of the Committee may become more clear if the *Green Book* concentrates its materials to be more of a practitioner resource. Kelly, Aaron Evans and Susan Hoyt will work with Casey to memorialize a mission statement for the Committee.

**11. Diversity Committee (Melissa R. Schwartz)**

No report.

**12. Elder Law Section Liaison (Patrick R. Thiessen)**

We are all saddened by the sudden passing of John Campbell. Patrick reported the Section will need to locate a Medicaid Chair to fill John's role. The Section's elections will occur in May 2017; if anyone is interested in serving on the Section's Executive Council, please submit a nomination.

**13. Real Estate Section Liaison (David W. Kirch)**

The family loan issue has been resolved and the Colorado Department of Regulatory Agencies is working on regulations.

**14. Probate Trial and Procedure Committee (Aaron Evans)**

The Committee is currently working on Rule 8.8. During today's meeting, Marc Darling provided a brief overview of the work of the Uniform Trust Code Subcommittee.

**15. Colorado Estate Planning Handbook (David K. Johns/Constance B. Wood/Julia G. McVey)**

The 7th edition will be coming out soon and it will be reorganized.

**16. *Green Book* (David K. Johns)**

In relation to the discussion above on the Rules and Forms Committee, David is willing to consider the removal of the JDFs from the *Green Book*. As they are frequently updated and are available online, it may make more sense just to reference and include the list of available forms. He will discuss with Susan Hoyt.

**17. *New T & E Lawyers Committee* (John M. Estes/Mark D. Masters)**

John reported the Committee will be holding elections for the upcoming year at the May meeting. Several new lawyers have been attending the monthly meetings and seem interested in pursuing leadership roles. Darla reported there are 16 students at CU interested in forming an Elder Law Section. Leia suggested the Committee consider a joint event with law students from DU and CU next year.

**18. *Colorado Lawyer* (David W. Kirch/Constance D. Smith)**

Bette Heller is working on an article regarding the small estate affidavit. Rebecca Schroer is working on an article about the intersection of probate and family law issues. David reported there will be other articles on the intersection of probate and bankruptcy and on estate planning and Medicaid issue for beneficiaries. Herbert Tucker is considering an article on electronic wills so David will follow up with him.

**19. *Media Liaison* (Mark D. Masters)**

No report.

**20. *Civic and Community Affairs Joint Committee of the Elder Law and T&E Sections* (Sandra Sigler)**

Senior Law Days have been scheduled statewide between May 2017 and October 2017. The handbooks will be delivered and available during the first week of May.

**21. *Board of Governors Representative* (Melissa R. Schwartz)**

No report. The next meeting is scheduled for May 2017.

**22. *GAL Subcommittee* (David W. Kirch)**

The Subcommittee continues its work on the new Rule 17. Subsection (c) deals with persons who need protection in litigation. Marcie McMinimee is in the process of determining what entity needs to approve the Rule on behalf of the CBA. Once the Subcommittee completes its work, the Rule needs to be circulated to the other Sections for review as the Rule outlines the duties, powers and role of GALs in all matters. There may be pushback from Judicial if there are too many restrictions. For example, there will be provisions requiring the appointment of a Special Conservator in some instances. At this point, the plan is to present the Rule through the Rules and

Forms Committee, followed by the Probate Trial and Procedure Committee. Thereafter, the Rule will be circulated to other Sections. Finally, the Rule will be presented to Executive Council for approval before it is taken to the Probate Advisory Committee.

**23. Miscellaneous/FYI**

Next month will be Member Appreciation Day.

**24. Adjournment**

The meeting was adjourned at or about 4:05 p.m.

Respectfully submitted,

*/s/ Leia G. Ursery*

Leia G. Ursery

**Council of the Trust and Estate Section of the Colorado Bar Association**

**Minutes of the May 19, 2016 Meeting**

Council met on Thursday, May 19, 2016, at the Colorado Bar Association offices, 1900 Grant Street, Denver, Colorado. The meeting was called to order at approximately 3:03 pm.

The following members of Council were present or participated by phone and constituted a quorum:

Melissa R. Schwartz, Chair

Darla L. Daniel, Vice Chair

Kelly Cooper, Secretary/Treasurer

Elizabeth Bryant, Immediate Past Chair

Jarod Balson (2nd year)

Dan Rich (2nd year)

Josie M. Faix (1st year)

Patrick Thiessen (1st year)

Sumi Lee (1st year)

Also attending were: David Kirch, Georgine Kryda, Peggy Gardner, Herb Tucker, Nicole Brown, Clara Brown Shaffer, Amy Sreenen, David Steinhoff, Nathan Williams, Bette Heller and Jeremy Schupbach.

**1. Approval of Minutes of Prior Meeting and Annual Meeting**

The Minutes of the April 21, 2016 Council meeting and of the Annual Meeting were approved.

**2. Chair's Report, Administrative Matters (Melissa Schwartz)**

Colorado Planned Giving Roundtable sent a request for sponsorship of the Summer Symposium. Given the nature of mission and budget, Melissa reported that we approved a \$50 expense for CLE credit.

**3. Secretary/Treasurer's Report (Kelly Cooper)**

The budget and financials for last month are submitted to Council for review. The Sterling Ambler Award Committee met today and selected this year's winner, which will be announced at the Retreat in June.

**4. Tax Section Liaison (Georgine Kryda)**

No report.

**5. Statutory Revisions Committee (Clara Brown Shaffer)**

SRC approved the statutory changes to include a schedule of fees in the Information of Appointment (suggested by Gordon Williams). Council approved the proposal, but deferred decision about whether to put this proposal forth in the Legislature for next year.

SRC approved the reorganization of a committee to assist in responding to issues raised by those outside of our Section.

**6. Legislative Liaison (Steve Brainerd / CBA Jeremy Schupbach)**

It was a challenging legislative season. Melissa thanked Steve and Jeremy for all of their hard work during the session. Ultimately, the Peter Faulk Act (SB26) did not pass.

**7. Council Notes (Julia McVey/Josie Faix)**

There is an issue coming out June 15th with an article on international estate planning. Please keep Council Notes in mind if you have a practitioner article. Josie and Julie will reach out to presenters at the Retreat for future articles.

**8. CLE/Estate Planning Retreat (Darla Daniel)**

The Retreat is all set and reservations are coming in.

**9. Orange Book Forms Committee (Leia Ursery/Peggy Gardner)**

Peggy reported that they finalized a caveat on powers of appointment, worked on civil union language, and approved a joint trust form, but they are still working on Notes on Use.

**10. Rules & Forms Committee (Casey Williams)**

No report.

**11. Diversity Committee (Melissa Schwartz)**

Melissa reported that the Committee is hoping to set up the first event soon with DU Law School. Melissa is asking Sara Dietz to consider including law students in the ambassador program and expand it to more of a mentoring role for the law student.

**12. Elder Law Section Liaison (Patrick Thiessen)**

Patrick reported about the InnovAge conversion to Next Fifty Initiative. They are hoping to start grant making in 2017.

Patrick reported that Shari Caton is chairing the committee regarding a public guardian. They are hoping to do a pilot project in three counties and they are looking for gifts, grants and donations for this project.

**13. Real Estate Section Liaison (David Kirch/Diana Wendel)**

It was reported that a bill was passed to allow for parent / child loans with penalty or criminal repercussions.

David reported that Real Estate Section has a liaison with the Ethics Committee and this may be something the Section should consider. Michael Kirtland has generally handled these issues for the Section. Melissa noted that Doug Foote is still interested in pursuing developing ethics guidance for probate matters.

David reported that many real estate attorneys are recommending against the use of general warranty deeds and are considering revising the general warranty deeds.

**14. Probate Trial and Procedure Committee (Herb Tucker)**

Herb reported that courts are enforcing contest clauses in great numbers. Nathan and David presented about their request for an amicus brief in the *Sandstead* matter, a recent Colorado Court of Appeals decision. The Council discussed the request. The Council voted to take no position.

**15. Colorado Estate Planning Handbook (David Johns/Constance Wood/Julia McVey)**

No report.

**16. Green Book (David Johns)**

No report.

**17. New T & E Lawyers Committee (Facilitator Mark Masters/Sara Dietz)**

John Estes will be the new chair starting in August. They are hosting a CLE on Medicaid eligibility.

**18. Colorado Lawyer (David Kirch/Connie Smith)**

David reported that Georgine's article on trust as entities (part 2) is coming out next month. Georgine has agreed to author a part 3 with John DeBryun. Taylor Dix offered to write an article on portability, but that may be more appropriate for Council Notes since it doesn't have a Colorado focus.

**19. Media Liaison (Mark Masters)**

No report.

**20. Civic and Community Affairs Committee of the Elder Law and T&E Sections (Casey Williams)**

No report.

**21. Board of Governors Representative (Melissa R. Schwartz)**

Melissa reported on the REFOCUS 2020 plan. O stands for Optimize the Sections, which should be our focus. Civil Rights became a new Section.

**22. GAL Subcommittee (David Kirch)**

David reported that they are working to revise Civil Rule 17 and they made good progress today.

**23. Miscellaneous/FYI**

CBA has a new website and there were a few kinks. The website is now up and running. Over the summer, the Section needs to consider what documents and information we need on the website.

The new dial in number for Council is: 1-855-392-2520, Access code 9017998#.

**24. Adjournment**

The meeting was adjourned at or about 4:25 p.m.

Respectfully submitted,

*/s/ Kelly Dickson Cooper*

Kelly Dickson Cooper

## **Council of the Trust and Estate Section of the Colorado Bar Association**

### **Minutes of the September 15, 2016 Meeting**

Council met on Thursday, September 15, 2016, at the Colorado Bar Association offices, 1900 Grant Street, Denver, Colorado. The meeting was called to order at approximately 3:15 p.m.

The following members of Council were present or participated by phone and constituted a quorum:

Darla L. Daniel, Chair  
Leia G. Ursery, Secretary/Treasurer  
Melissa R. Schwartz, Immediate Past Chair  
Josie M. Faix, Second Year Member  
Patrick Thiessen, Second Year Member  
Sumi Lee, Second Year Member  
Nicole E. Brown, First Year Member

Also in attendance were: Georgine Kryda (Tax Section, Liaison); Elizabeth Meck (Orange Book Committee, Co-Chair); Letitia Maxfield (Elder Law Section, Co-Chair); Herbert E. Tucker (Probate Trial and Procedure Committee, Chair); Stephen M. Brainerd (Legislative Liaison); Amy Sreenen (CBA); Jeremy Schupbach (CBA); Walter M. Kelly; and Zachary D. Schlichting.

#### **1. Approval of Minutes of Prior Meeting**

The Minutes of the August 18, 2016 Council meeting were approved.

#### **2. Chair's Report, Administrative Matters (Darla L. Daniel)**

The Alternative Dispute Resolution Section wants to send out notice on their upcoming CLE luncheon to our section. It will be held on October 7, 2016 and the topic is "Dynamics of Mediating Family Business Disputes: The Challenging Intersection of Business and Familial Issues." We approved circulation of the notice to our section members.

#### **3. Secretary/Treasurer's Report (Leia G. Ursery)**

The Annual Dinner will take place this evening at Coohills located at 1400 Wewatta Street, Denver, Colorado 80202.

Amy Sreenen provided Leia with a more detailed listing of last year's expenditures, along with a more succinct summary to help us understand how we are utilizing our budget. In summary, last year's spending can be categorized as follows: listserv - \$1,366.07; food - \$10,765.39 (including Super Thursday, Annual Dinner and other miscellaneous items); contributions - \$10,000.00 (including CLE and Senior Law Day); awards - \$406.14; travel - \$2,303.89 (including travel for CLE speakers and conferences); and conference call charges - \$2,563.67. We discussed possibilities for improving our budget. For example, we can cap

reimbursement for conference travel to \$500.00 per trip and we can consider administering our listserv within CBA. Our conference call charges are based on \$0.03 per minute per caller so we may need to consider how to be more efficient on those charges. Additionally, we may consider an increase in dues. Leia will review in more detail and present a final budget for approval next month, along with a request for a dues increase.

#### **4. Tax Section Liaison (Georgine M. Kryda)**

The CBA Tax Section is hosting their November lunchtime CLE on the topic of the proposed regulations to the discounting of family partnerships. Trust and Estate Section members are invited to attend at the Tax Section member price.

#### **5. Statutory Revisions Committee (Josie M. Faix/Leia G. Ursery)**

Gordon Williams is working on several projects, one involving a potential exemption of HSAs under § 13-54-102(1), C.R.S. and the other pertains to § 13-1-127, C.R.S. (based on some Courts directing non-profits, who are as serving as guardians, to hire counsel to assist with annual reporting requirements). There is nothing specific in the works at this point but Gordon will be reporting back on the committee in the coming months.

Julie McVey is the new Chair of a subcommittee considering transfer on death designations on vehicles. At this point, there is not a huge rush as Arizona (which is the state upon which our legislation is based) is not having a tremendous amount of issue. If adjustments are needed, the subcommittee will approach Rep. VanWinkle.

There will be a joint committee with the Elder Law Section to review the proposed Revised Uniform Unclaimed Property Act.

With respect to John E. Burrus' proposed amendment to § 15-14-707, C.R.S., Darla sent an email to Dennis Whitmer about the same. Ultimately, John was not interested in approaching the Elder Law Section after its failure to approve the amendment. Darla suggested that Dennis contact John to discuss further.

Stephen M. Brainerd noted there were several committee policies that have seemed to go by the wayside over past five years. Initially, we have not historically allowed one-person subcommittees. As an example, there used to be an intake form that had to be completed to map out intent/dialogue with other sections or stakeholders before any matters would be presented to the committee. Steve will try to locate the form in case it can be utilized and potential published on the website. Jeremy Schupbach noted that he is working on a Legislative Policy Committee manual and that the referenced form would be helpful to him.

#### **6. Legislative Liaison (Stephen M. Brainerd/Jeremy Schupbach - CBA)**

Jeremy indicated that re received an initial draft of a bill from the Uniform Law Commission today, which is based on last week's meeting on Colorado comments to statutory changes. He needs to review as they are trying to figure out the formal comment process.

Official comments from the National Conference of Commissioners on Uniform State Laws will be automatically adopted; the Colorado comments will be adopted as long as they are adopted by the Colorado Commission on Uniform State Laws. Jeremy is concerned about the potential for veto power in this process and he believes we need to act sometime soon. Steve will talk to Stan Kent and report back to Council.

**7. Council Notes (Julia G. McVey/Josie M. Faix)**

The latest edition was sent out today. They are in the process of transitioning to a new web administrator and the transition has not been without complications. They are currently requesting new articles, especially those with a focus on practice topics as opposed to high-level substantive articles.

**8. CLE/Estate Planning Retreat (Kelly Dickson Cooper/Gary Abrams)**

Darla understands we are in good shape for the upcoming brown bag sessions and the Fall Update. The Spring Update will take place on March 17, 2017 and there will be fourteen 25-minute sessions in a “Ted Talk” format that are focused on practical applications as opposed to heavy substantive materials.

As for the next Estate Planning Retreat, we are looking for topics. The committee meets at 12:15 p.m. in the Terrace Conference Room if anyone is interested in the planning process.

**9. Orange Book Forms Committee (Peggy K. Gardner/Elizabeth T. Meck)**

The committee worked on and approved examples of testamentary nongeneral powers of appointment. As to the joint trust form, they also works on a remaining non-substantive change.

**10. Rules & Forms Committee (Casey L. Williams)**

The committee is working on a letter to the Judicial Branch based on the recent change to non-editable JDF forms. It will be provided to Darla for our section and Letitia Maxfield for Elder Law Section for review.

**11. Diversity Committee (Melissa R. Schwartz)**

On October 28, 2016, the committee is planning a coffee or breakfast with some of the specialty bars. The event will take place at Wild Eggs, 300 E. Alameda Avenue, Denver, Colorado 80209, at 7:30 a.m.

The committee is working towards a bi-annual update in Council Notes, as opposed to periodic emails on events. Melissa indicated that a website is also in the works.

Brian Davis is a student liaison on the committee from the University of Denver – Sturm College of Law; the committee is still looking for a student liaison from the University of Colorado Law School.

As a more general note, Amy Sreenen suggest a “dates on the docket” for each month related to any events pertaining to the section.

**12. Elder Law Section Liaison (Patrick R. Thiessen)**

The Elder Law Retreat took place in Vail between August 25, 2016 and August 27, 2016. It was a great program with a total of 25 presenters and it was very well attended. The presentation from the host of Hoarders was particular popular.

Judge Leith attended the meeting this morning and announced the review process for Magistrate Hernandez. There is a link to provide feedback if anyone is interested in participating.

Health Management Systems (HMS) is trying to collect on certain benefits that the Section does not believe are recoverable; it appears to be an extension under the Affordable Care Act. The Section will be reviewing further.

**13. Real Estate Section Liaison (David W. Kirch/Diana M. Wendel)**

No report.

**14. Probate Trial and Procedure Committee (Herbert E. Tucker)**

The committee is working on a bench book for judges and magistrates in rural counties. Jamie Roth is the Chair of that subcommittee. They will work on emergency guardianship/conservatorship proceedings first and Judge Leith’s notes will be used as a foundation. They will circulate the final product through Judge Leith and Judge Leopold first; thereafter, they will present the same to Council, hopefully in the spring.

**15. Colorado Estate Planning Handbook (David K. Johns/Constance B. Wood/Julia G. McVey)**

No report.

**16. Green Book (David K. Johns)**

No report.

**17. New T & E Lawyers Committee (John M. Estes/Mark D. Masters - Facilitator)**

John indicated that Dual C. Schneider is the new Secretary of the committee. He also reported that he will be coordinating with Sara Dietz to get list of ambassadors in hopes of expanding the mentorship program.

**18. Colorado Lawyer (David W. Kirch/Constance D. Smith)**

No report.

**19. Media Liaison (Mark D. Masters)**

No report.

**20. Civic and Community Affairs Joint Committee of the Elder Law and T&E Sections (Casey L. Williams)**

The committee will meet going forward at 12:15 p.m. in the Turner Conference Room and Sandra Sigler will be taking over as Chair of the committee in place of Casey. There will likely be another Senior Law Day Summit in December 2016 or January 2017.

**21. Board of Governors Representative (Melissa R. Schwartz)**

The next meeting is October 22, 2016 at The Broadmoor in Colorado Springs. Melissa cannot attend so we are looking for someone to attend in her place.

**22. GAL Subcommittee (David W. Kirch)**

No report.

**23. Miscellaneous/FYI**

Dolores C. Martinez Hernandez provided an update on the case that she reported on at the August 2016 meeting. She submitted a request to the CBA Appellate Pro Bono Program to see if someone will take over the matter and determine whether an amicus brief or a petition for writ of certiorari can be filed. In the meantime, Dolores will continue forward and she noted that her client is interested in coming to speak with us. Letitia Maxfield reported that the Elder Law Section is not clear how either an amicus brief or a petition for writ of certiorari would be helpful. Patrick Thiessen confirmed that no action would be taken unless certiorari were granted.

**24. Adjournment**

The meeting was adjourned at or about 4:15 p.m.

Respectfully submitted,

*/s/ Leia G. Ursery*

Leia G. Ursery

## **Council of the Trust and Estate Section of the Colorado Bar Association**

### **Minutes of the October 20, 2016 Meeting**

Council met on Thursday, October 20, 2016, at the Colorado Bar Association offices, 1900 Grant Street, Denver, Colorado. The meeting was called to order at approximately 3:25 p.m.

The following members of Council were present or participated by phone and constituted a quorum:

Darla L. Daniel, Chair  
Kelly Dickson Cooper, Vice-Chair  
Leia G. Ursery, Secretary/Treasurer  
Melissa R. Schwartz, Immediate Past Chair  
Josie M. Faix, Second Year Member  
Patrick Thiessen, Second Year Member  
Zachary D. Schlichting, First Year Member  
Casey William, First Year Member (by phone)

Also in attendance were: Georgine Kryda (Tax Section, Liaison); Peggy Gardner (Orange Book Committee, Chair); Letitia Maxfield (Elder Law Section, Co-Chair); Amy Sreenen (CBA); Jeremy Schupbach (CBA); and Elaine Anderson.

#### **1. Approval of Minutes of Prior Meeting**

The Minutes of the September 15, 2016 Council meeting were approved.

#### **2. Chair's Report, Administrative Matters (Darla L. Daniel)**

There will be a CBA Section summit meeting on November 30, 2016. If there are any concerns or questions about the CBA, this will be a great opportunity to raise them. Kelly expressed a concern about communications between members and other Sections. For example, announcements on monthly brown bags end up in spam filters. She thought that recipients should have more control and options for filters. Other council members expressed a desire for multi-Section discounts. Finally, there is a large concern with the website (e.g., historic Council Notes are no longer available, it is hard to find material, etc.). Darla will raise these points but, if there are any other concerns or questions, please email Darla prior to that meeting.

#### **3. Secretary/Treasurer's Report (Leia G. Ursery)**

The Annual Dinner took place on September 15, 2016. It was well-attended and a great success.

Leia has been working on this year's budget. She presented a draft, along with a request to raise Section dues by \$5.00 per year. Council members seem to agree we should start with a \$0.00 budget for each committee unless there is a specific request for funds for a particular

purpose. Darla and Leia will reach out to the committee chairs to ask for their budgets and reasons for the same. One comment is that the Section is contributing too much for the Annual Dinner and that should be revisited for next year. Council members with other specific comments on the current draft of the budget should send them to Leia in the next two weeks.

**4. Tax Section Liaison (Georgine M. Kryda)**

No report.

**5. Statutory Revisions Committee (Josie M. Faix/Leia G. Ursery)**

Sonny Wiegand and Susan Boothby will be co-chairing a sub-committee to review the proposed “Authorize Revisor to Publish Comments to Uniform Acts.” Before November 18, 2016, all CBA Sections will need to decide on a position so that, if possible, a joint statement and a list of concerns can be presented at the CCUSL meeting scheduled that day.

The UTC subcommittee hopes to start presenting its work in January 2017 so we are probably not looking for legislation under 2018.

The Deposit of Original Documents subcommittee hopes to present its work in December 2016 and the Public Administrator subcommittee hopes to present its work in November 2016.

The committee approved the Transfer on Death of Vehicles subcommittee to approach Representative Van Winkle about three or four concerns with current statute. If that conversation goes well, the subcommittee will start working on proposed edits.

Josie is re-instituting an intake form for those wishing to start a new subcommittee.

**6. Legislative Liaison (Stephen M. Brainerd/Jeremy Schupbach - CBA)**

No report.

**7. Council Notes (Julia G. McVey/Josie M. Faix)**

The next edition will be out by December 15, 2016. If anyone has an article, please contact Julie or Josie.

**8. CLE/Estate Planning Retreat (Kelly Dickson Cooper/Gary Abrams)**

The Luncheon Series seminars are moving ahead. The November seminar will take place on November 1, 2016; the faculty will be Presiding Disciplinary Judge William Lucero and David Struthers and the topic is “Updated News from Lake Woesbegun II.” The December seminar will take place on December 6, 2016; the faculty will be Eugene Zuspann II and the topic is “Estate Planning for Farmers and Ranchers.” We are skipping January and Kelly is still looking for topics for the seminars in February through May. She is thinking one topic may be on closing practices.

The Fall Update will take place on December 1, 2016 and it is all set.

The Estate Administration Basic Skills 2017 seminar will take place on February 3, 2017. Jamie Roth will be presenting and a fact pattern will be used this year to make the materials more substantive.

The Spring Update will take place on March 17, 2017. Kelly is using a “Ted Talk” format for the sessions.

Herb Tucker is planning a Will Contest/Contested Matters topic for September 2017.

Finally, planning for the 2017 Estate Planning Retreat is underway. Mary Radford from Georgia State University College of Law will be presenting at the Friday plenary session on ethics in representing a fiduciary or acting as a fiduciary. She will also do one of the breakout sessions, perhaps as a co-presenter with a Colorado practitioner. The break-out sessions are currently being discussed.

**9. Orange Book Forms Committee (Peggy K. Gardner/Elizabeth T. Meck)**

The committee completed its review of the exercise language for powers of appointment and two additional notes on use for the joint trust form. The committee also decided on the global use of the term “incapacity” as opposed to “disability.” Finally, the committee started its review of the marital agreement form. There will be a revised edition of the Orange Book this year to reflect global changes.

**10. Rules & Forms Committee (Casey L. Williams)**

The committee sent a letter to the Office of the State Court Administrator about the inability to modify JDF forms. The response received was that all opinions would be considered. Casey anticipates having additional information at the next meeting.

**11. Diversity Committee (Melissa R. Schwartz)**

The Committee will host a coffee meeting with the specialty bars on October 28, 2016. The event will take place at Wild Eggs, 300 E. Alameda Avenue, Denver, Colorado 80209, at 7:30 a.m.

**12. Elder Law Section Liaison (Patrick R. Thiessen)**

Michael Kirkland is leading a group that is working on issues concerning C.R.P.C Rule 1.14 – Clients with Diminished Capacity.

**13. Real Estate Section Liaison (David W. Kirch)**

No report.

**14. Probate Trial and Procedure Committee (Herbert E. Tucker)**

The committee continues to work on a bench book. Most of the substantive work will be done soon. The committee is planning a retreat in Denver.

**15. *Colorado Estate Planning Handbook* (David K. Johns/Constance B. Wood/Julia G. McVey)**

No report.

**16. *Green Book* (David K. Johns)**

No report.

**17. New T & E Lawyers Committee (John M. Estes/Mark D. Masters - Facilitator)**

No report.

**18. *Colorado Lawyer* (David W. Kirch/Constance D. Smith)**

No report.

**19. Media Liaison (Mark D. Masters)**

No report.

**20. Civic and Community Affairs Joint Committee of the Elder Law and T&E Sections (Casey L. Williams)**

The committee will be meeting at 12:15 p.m. in the Turner Conference Room.

**21. Board of Governors Representative (Melissa R. Schwartz)**

The next meeting is October 22, 2016 at The Broadmoor in Colorado Springs.

**22. GAL Subcommittee (David W. Kirch)**

No report.

**23. Miscellaneous/FYI**

Amy Sreenen made a short presentation on the CBA website. She asked that the active committees provide her with a list of desired content. She indicated that there was not a year limit on historical content but it needs to be paired down. Even if historical content is removed from the website, it would still be archived and available.

**24. Adjournment**

The meeting was adjourned at or about 5:00 p.m.

Respectfully submitted,

*/s/ Leia G. Ursery*

Leia G. Ursery

## **Council of the Trust and Estate Section of the Colorado Bar Association**

### **Minutes of the November 17, 2016 Meeting**

Council met on Thursday, November 17, 2016, at the Colorado Bar Association offices, 1900 Grant Street, Denver, Colorado. The meeting was called to order at approximately 3:25 p.m.

The following members of Council were present or participated by phone and constituted a quorum:

Darla L. Daniel, Chair  
Kelly Dickson Cooper, Vice-Chair  
Leia G. Ursery, Secretary/Treasurer  
Melissa R. Schwartz, Immediate Past Chair  
Josie M. Faix, Second Year Member  
Sumi Lee, Second Year Member  
Patrick Thiessen, Second Year Member  
Nicole Brown, First Year Member  
Zachary D. Schlichting, First Year Member  
Casey William, First Year Member (phone)

Also in attendance were: Georgine Kryda (Tax Section, Liaison); Peggy Gardner (Orange Book Committee, Chair); Sandra Sigler (Civic and Community Affairs Joint Committee, Chair); Stephen M. Brainerd (Legislative Liaison); Amy Sreenen (CBA); and Jeremy Schupbach (CBA).

#### **1. Approval of Minutes of Prior Meeting**

The Minutes of the October 20, 2016 Council meeting were approved.

#### **2. Chair's Report, Administrative Matters (Darla L. Daniel)**

Darla moved to approve opposition against the bill entitled "Authorize Revisor to Publish Comments to Uniform Acts" on behalf of the Section. Letitia Maxfield has already put together a list of comments, which have been approved by other Sections, and she will be presenting the same at the Colorado Commission on Uniform State Laws (CCUSL) meeting on November 18, 2016. Stephen voiced his concern over the automatic adoption of comments but he wants to make sure we are tactful about dealing with this issue in hopes that we can work on revisions to the bill, if needed. As written, the bill would also require a Colorado comment each time we revise any uniform act (including the Colorado Probate Code). The motion passed unanimously.

Council members discussed the issue raised during the Statutory Revisions Committee meeting concerning the proposed requirement of intake forms prior to approval of its new Subcommittees. Several people indicated that this issue had already been decided by the Council, perhaps in 2010; Amy will help us retrieve archived minutes to check this issue. Stephen indicated that the initial requirement of two or more supporters per intake form was to avoid Subcommittees with only a single member; he also indicated that the second requirement

of identifying other potential stakeholders was to help minimize any later objections once the work was complete. A question rose as to whether Council has authority to control this issue on behalf of the Statutory Revisions Committee; **Leia will review the by-laws to see if there is any materials on point for this issue.** We will circulate before next month's meeting in hopes of having any answer prior to the next meeting for Statutory Revisions Committee.

Darla, Stephen and Leia will be attending the CBA Section Summit on November 30, 2016 as part of the overall CBA strategic planning process. Patrick Flaherty, who is the CBA Executive Director, is hoping to provide a more uniform governance for all Section by identifying the best practices of each Section. Melissa indicated there is a huge focus at this time on Sections, membership retention and opportunities for micro-volunteering. Ultimately, the anticipated goal of the summit will be to provide good governance models but no changes will be mandatory at this point.

### **3. Secretary/Treasurer's Report (Leia G. Ursery)**

Leia presented her revised budget and request for dues increase (see handout). As discussed at the prior month's meeting, each Committee or line item essentially started with a \$0.00 budget unless there was a need. In the event an expenditure arises that is not covered by or is in excess of the budget, we will need to review on a case by case basis, especially until the budgeting process is more under control. A few notes:

- With the exception of a trip Kevin Millard already made for a Directed Trustee meeting, all future travel requests will need to be approved prior to incurring the expense.
- **Leia will follow up with Eugene Zuspenn to see if we have a contract with the current listserv provider.**
- Leia will also check with Janet Bauer to see if we can get a current total on our Section's membership.

A motion was made to approve the budget and request for dues increase by \$5.00 next year, which was approved unanimously.

**Leia will also start the announcement for next year Sterling Ambler Award. Announcements will be made in the December issue for Council Notes and the January 2017 Colorado Lawyer, as well as by email blasts. The deadline for nominations will be March 31, 2016.**

### **4. Tax Section Liaison (Georgine M. Kryda)**

There was not a report from on behalf of the Tax Section. However, Georgine noted her understanding that, when we renew our bar licenses going forward, we will have to start reporting our insurance carrier so that it can be posted on the Attorney Regulation website. At this point, it does not appear that any Section has taken a specific position on this change but there is quite a bit of discussion taking place.

**5. Statutory Revisions Committee (Josie M. Faix/Leia G. Ursery)**

Counsel already discussed the issue concerning the intake forms for Subcommittees (see above).

The Committee approved the current draft of the proposed Public Administrator guidelines. Melissa will present the same to the Probate Advisory Workgroup (PAW).

The Uniform Directed Trustee Act Subcommittee is still trying to set up a meeting. Darla will reach out to Taylor Dix to determine if he is still willing to chair the Subcommittee. If not, Kevin Millard may be willing to serve as chair. Kelly indicated she may be available to serve as a co-chair if needed.

**6. Legislative Liaison (Stephen M. Brainerd/Jeremy Schupbach - CBA)**

No report.

**7. Council Notes (Julia G. McVey/Josie M. Faix)**

The next edition will be out by December 15, 2016. They are still looking for article ideas; if anyone has an article, please contact them. Josie and Merry Balson are working on a separate project concerning basis reporting so they may be able use that topic for an article. Kelly suggested that they review the Spring Update agenda since the topics are usually more practical than substantive in nature.

**8. CLE/Estate Planning Retreat (Kelly Dickson Cooper/Gary Abrams)**

The Fall Update is scheduled for December 1, 2016 and 94 people have already signed up.

The Spring Update is scheduled for March 17, 2017 and is close to being finalized. Kelly is using a “Ted Talk” format for the sessions (25 minutes each) and topics include digital assets; selection of trustee; corporate trustee; and cultural competency in estate planning. There are two spots remaining.

The Luncheon Series seminars continue to move head. The December seminar will take place on December 6, 2016; the faculty will be Eugene Zuspann II and the topic is “Estate Planning for Farmers and Ranchers.” We are skipping January and Kelly is still looking for topics for the seminars in February through May.

On January 20, 2017, there will be an interactive panel on the “Top 12 Things Every Trust & Estate Attorney Should Know.” The panel will include Clara Brown Shaffer, Kerri Klein, Rikke Liska and Mark Masters.

The Estate Administration Basic Skills 2017 seminar will take place on February 3, 2017. Jamie Roth will be presenting and a fact pattern will be used this year to make the materials more substantive.

Once the planning for the Spring Update is complete, attention will turn to finalizing plans for the 2017 Estate Planning Retreat. It will take place June 8-10, 2017 in Vail and it looks like there will be a good amount of ethics credits. Mary Radford has agreed to attend and present so long as her travel expenses are reimbursed.

**9. Orange Book Forms Committee (Peggy K. Gardner/Elizabeth T. Meck)**

The discussion on the Marital Agreement form continues and it will probably take a while to complete as they are still working on the recitals. In the meantime, the Committee is finished with its change on the use of the term “incapacity” in the place of “disability” and the Subcommittee working on global changes for a revised edition continues to meet.

**10. Rules & Forms Committee (Casey L. Williams)**

It was announced during the meeting that Laurie Hunter tragically lost her son in November. Anyone interested in contacting Laurie with a note, please contact Josie to obtain her personal contact information. Also, donations can be made to the Denver Dumb Friends League.

There is still no update regarding the inability to modify JDF forms. Casey reported it is a very hot topic with State Court Administrator and the Courts and that there may be an opportunity for public comments soon.

Casey indicated there was an issue with Casemaker and the effective date of the probate procedure rules but it looks like it will be resolved soon.

Judge Terry and Justice Eid will be attending the Committee’s meeting in January 2017. Council members are encouraged to attend to greet them and we may want to see if they can attend other meetings.

**11. Diversity Committee (Melissa R. Schwartz)**

The first coffee meeting was held on October 28, 2016 and 18 people attended, including Patricia Jarzowski who is the CBA President. It was a great success and Melissa will start planning the spring event.

**12. Elder Law Section Liaison (Patrick R. Thiessen)**

Mary Catherine Rabbitt announced that, effective September 1, 2016, there is a 60-day appeal period and parties can now request county-level dispute resolution instead of a county-level conference.

The Section discussed decanting and how to use it in connection with public benefits. The Colorado Department of Health Care Policy and Financing will likely deny decanting efforts even though the statute clearly allows for the use.

There is a conflict between the Colorado Department of Health Care Policy and Financing's views on remainder beneficiaries of third-party disability trusts in connection with Social Security. There will be a meeting on November 29, 2016 on this issue.

**13. Real Estate Section Liaison (David W. Kirch)**

Jeremy indicated the Real Estate Section continues to work on the family loan originator issue, as well as on a technical correction pertaining to the vacation of deeds affecting alley ways.

**14. Probate Trial and Procedure Committee (Herbert E. Tucker)**

Kelly indicated the Committee discussed attorney fees based on one of Gary Clexton's cases and the recent appeals.

**15. *Colorado Estate Planning Handbook* (David K. Johns/Constance B. Wood/Julia G. McVey)**

No report.

**16. *Green Book* (David K. Johns)**

No report.

**17. New T & E Lawyers Committee (John M. Estes/Mark D. Masters - Facilitator)**

No report.

**18. *Colorado Lawyer* (David W. Kirch/Constance D. Smith)**

No report.

**19. Media Liaison (Mark D. Masters)**

No report.

**20. Civic and Community Affairs Joint Committee of the Elder Law and T&E Sections (Sandra Sigler)**

The Committee is working on training materials and speaker bureaus. Additionally, there are four Senior Law Day sessions scheduled so far.

**21. Board of Governors Representative (Melissa R. Schwartz)**

The last meeting occurred on October 22, 2016 and the focus was on membership retention and the upcoming Section Summit. Melissa indicated there was a good discussion of the purpose

of the BOG representatives and their roles. Additionally, it appears that the CBA is trying to move away from the tradition views on volunteering in favor of a micro-volunteering concept to make it easier for members to be active. In all, the goal is to increase membership, participation and diversity.

**22. GAL Subcommittee (David W. Kirch)**

No report.

**23. Miscellaneous/FYI**

Sumi announced that she has been selected as the new Chair for the Trust & Estate Committee for the National Asian Pacific American Bar Association.

**24. Adjournment**

The meeting was adjourned at or about 4:35 p.m.

Respectfully submitted,

*/s/ Leia G. Ursery*

Leia G. Ursery

## Council of the Trust and Estate Section of the Colorado Bar Association

### Minutes of the December 15, 2016 Meeting

Council met on Thursday, December 15, 2016, at the Colorado Bar Association offices, 1900 Grant Street, Denver, Colorado. The meeting was called to order at approximately 3:25 p.m.

The following members of Council were present or participated by phone and constituted a quorum:

Darla L. Daniel, Chair  
Kelly Dickson Cooper, Vice-Chair  
Leia G. Ursery, Secretary/Treasurer  
Josie M. Faix, Second Year Member  
Sumi Lee, Second Year Member (phone)  
Patrick Thiessen, Second Year Member  
Nicole Brown, First Year Member  
Casey William, First Year Member (phone)

Also in attendance were: Peggy Gardner (Orange Book Committee, Chair); Stephen M. Brainerd (Legislative Liaison); Herbert E. Tucker (Probate Trial and Procedure Committee, Chair); Jennifer Spitz; David Steinhoff; Amy Sreenen (CBA); and Elizabeth Akalin (CBA).

#### 1. Approval of Minutes of Prior Meeting

The Minutes of the November 17, 2016 Council meeting were approved unanimously subject to the following corrections:

- The last sentence on page 4 is revised as follows: “The Colorado Department of Health Care Policy and Financing ~~will likely~~ **may** deny decanting efforts even though the statute clearly allows for the use.”
- The first sentence on page 5 is revised as follows: “There is a conflict between the Colorado Department of Health Care Policy and Financing’s views on remainder beneficiaries of third-party disability trusts in ~~connection with~~ the position of Social Security.”

#### 2. Chair’s Report, Administrative Matters (Darla L. Daniel)

David Steinhoff appeared concerning the Sandstead matter, in which the Colorado Supreme Court recently granted a *Petition for Review by Certiorari*. David provided Council with a copy of the *Petition for Review by Certiorari*, *Reply to Opposition to Petition for Review by Certiorari* and *Order of Court*. David requested Council to make a recommendation that the CBA Amicus Brief Committee file an amicus brief in this proceeding on one or more of the four issues identified in the *Order of Court*; specifically, David noted that two of the four issues (concerning 15-10-501 and the no-contest clause) were matters of first impression. David

provided factual and procedural background on the matter; Herb Tucker assisted. At the end of the discussion, David and Herb left the meeting and Council discussed the request at length. Initially, various Council members expressed concerns about whether the CBA should be asked or expected to take positions on matters of public policy issues if they do not impact the practice of law. As a comparison, in the most recent case where an amicus brief was submitted (Baker), a lawyer's liability to non-clients in an estate planning engagement was at issue, which certainly affected our members. Council recognized that our members would likely be split on one or more of the issues in Sandstead. Additionally, there was a concern as to whether the issues were more factual in nature as opposed to legal. The issue involving § 15-10-501, C.R.S. would arguably involve our Section to a greater extent since our members were heavily involved in the promulgation of those statutory provisions; however, Council members acknowledged a collective desire that intervention not become commonplace or expected in each case involving a trust and estate issue. The motion to decline David's request passed unanimously.

Darla provided an update on the CBA Section Summit meeting on November 30, 2016. She felt it was a great and productive meeting overall. There was a significant amount of discussion on new lawyers, micro-volunteering opportunities, diversity and the CBA website. She would like to have a liaison to the CBA Young Lawyers Division; someone indicated that Jonathan Haskell was interested in serving in that role and his nomination was unanimously approved. Darla indicated that a leadership listserv had been established as an avenue for idea-sharing and that she really wants to place heavy emphasis on new lawyers' involvement through micro-volunteering.

Amy announced that CBA staff member, Elizabeth Akalin, will be taking over as the liaison for our Section. Elizabeth can be reached by email at [eakalin@cobar.org](mailto:eakalin@cobar.org).

### **3. Secretary/Treasurer's Report (Leia G. Ursery)**

The budget was approved last month and we will continue to monitor. Amy indicated that she added a line item in the budget for the SRC Deposit of Original Documents Subcommittee since they are meeting frequently and outside of the normal Super Thursday groups.

Leia confirmed that the contribution to CLE was already included in the budget when it was approved so that contribution can be made without further vote.

Leia obtained some additional information from Eugene Zuspann II on the listserv and she will report back next month.

### **4. Tax Section Liaison (Georgine M. Kryda)**

No report.

**5. Statutory Revisions Committee (Josie M. Faix/Leia G. Ursery)**

Josie reported on the further discussion concerning the intake forms to request the creation of additional subcommittees. A vote was taken to reaffirm its usage going forward.

Josie indicated that a new subcommittee was approved to review the Revised Uniform Unclaimed Property Act; Sonny Wiegand will serve as chair.

**6. Legislative Liaison (Stephen M. Brainerd/Jeremy Schupbach - CBA)**

Darla reported that the proposed legislation concerning the adoption of Colorado comments to uniform acts has been suspended but that she will continue to work with Steve Brainerd on this issue since the sponsor would like to take a second look at this issue in the future.

**7. Council Notes (Julia G. McVey/Josie M. Faix)**

The December 2016 issue of Council Notes has not yet been circulated as the Sterling Ambler nomination form was not included in the initial draft. The issue will be circulated on December 16, 2016 and it will include the nomination form as well as a short article on the Revised Uniform Fiduciary Access to Digital Assets Act. Josie reported that they still need articles as a few fell through unexpectedly; she and Julia like to have three or so articles in queue at all times. Darla noted that she asked for Council Notes to be indexed on the website during the CBA Section Summit meeting.

**8. CLE/Estate Planning Retreat (Kelly Dickson Cooper/Gary Abrams)**

For the Luncheon Series, Eugene Zuspahn II presented on “Estate Planning for Farmers and Ranchers” earlier this month. Kelly reported that next month’s session would be skipped since it would have fallen on January 2, 2017. The topic will be on the intersection of divorce and probate in February and Joyce Nakamura will be presenting on charitable issues in March.

The Spring Update announcement will soon be printed. Kelly would like to hear any feedback that may be offered on the format since it will be different this year.

The 2017 Estate Planning Retreat looks like it is in good shape. Mary Radford will be a keynote speaker. Five of the eight breakout session speakers and topics are confirmed. Mary will present the sixth session and is flexible on the topic. Kelly indicated she has other ideas for the remaining two sessions but is still looking for speakers.

**9. Orange Book Forms Committee (Peggy K. Gardner/Elizabeth T. Meck)**

The revised edition of the Orange Book is coming together. A final decision should be made next month; they are waiting for utility-feedback from new lawyers.

This month, the committee continued its review of the Marital Agreement form.

**10. Rules & Forms Committee (Casey L. Williams)**

No report.

**11. Diversity Committee (Melissa R. Schwartz)**

The committee did not meet in December. Next month, they will start working on the spring mixer event.

**12. Elder Law Section Liaison (Patrick R. Thiessen)**

The Elder Law Retreat will take place August 24-26, 2016 at the Beaver Run Resort in Breckenridge.

A Medicaid Subcommittee was formed; Kathleen Negri will serve as Chair. Kathleen is taking Mary Catherine Rabbitt's position at the Legal Center for People with Disabilities and Older People.

The Section continues to work on its approach to the Colorado Department of Health Care Policy and Financing regarding the conflicts with third-party disability trusts.

**13. Real Estate Section Liaison (David W. Kirch)**

No report.

**14. Probate Trial and Procedure Committee (Herbert E. Tucker)**

Aaron Evans will be taking over as Chair of the committee in February 2017. Kelly also reported that the committee is continuing its work on the proposed bench book.

**15. *Colorado Estate Planning Handbook* (David K. Johns/Constance B. Wood/Julia G. McVey)**

No report.

**16. *Green Book* (David K. Johns)**

No report.

**17. New T & E Lawyers Committee (John M. Estes/Mark D. Masters - Facilitator)**

Lauren de Cunha reported that the committee is working on more practical solutions for its members as opposed to substantive programs. On January 17, 2017, the committee will be hosting a breakfast with the Arapahoe County probate division for its members; they hope to plan more similar events with other counties.

**18. Colorado Lawyer (David W. Kirch/Constance D. Smith)**

No report.

**19. Media Liaison (Mark D. Masters)**

No report.

**20. Civic and Community Affairs Joint Committee of the Elder Law and T&E Sections (Sandra Sigler)**

No report.

**21. Board of Governors Representative (Melissa R. Schwartz)**

No report.

**22. GAL Subcommittee (David W. Kirch)**

No report.

**23. Miscellaneous/FYI**

None.

**24. Adjournment**

The meeting was adjourned at or about 4:35 p.m.

Respectfully submitted,

*/s/ Leia G. Ursery*

Leia G. Ursery