

**Council of the Trust and Estate Section
of the Colorado Bar Association
Notice of and Agenda for the December 21, 2017 Meeting**

To: Council Members
Trust and Estate Section of the Colorado Bar Association

From: Josie M. Faix
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Notice of Meeting

The fifth meeting of the 2017-2018 Council of the Trust and Estate Section of the Colorado Bar Association will be held:

Date and time: ***Thursday, December 21, 2017, 3:00 p.m.****
Place: Colorado Bar Association
1900 Grant Street, Suite 900
Denver, Colorado 80203

* or as close as possible to 15 minutes after the end of the Statutory Revisions Committee meeting, if that meeting runs past 3:00 p.m.

Call-In Instructions

Call-in instructions are as follows: 1.855.392.2520
Access Code: 2627690#

Minutes of Previous Meeting, Financial Reports & Attachments

1. Minutes of the November 16, 2017 meeting of the Council
2. Trust and Estate Section Financial Reports as of November 2017

Matters Likely to be Voted Upon

Please review the Statutory Revisions Committee website at <http://www.cobar.org/For-Members/CBA-Sections/Trust-and-Estate/Statutory-Revisions-Subcommittee-Homepage> for proposals that may be brought the Statutory Revisions Committee and Council.

**Trust and Estate Section Council Agenda
December 21, 2017**

In an attempt to adhere to the allotted meeting duration of one (1) hour and thirty (30) minutes, the Chair will exercise its prerogative to limit the time for any report or discussion on a topic to ten (10) minutes. This conforms to Robert's Rules of Order.

1. Review/approval of Minutes of the November 16, 2017 meeting of the Council
2. Chair's Report and Administrative Matters (Kelly Dickson Cooper).
3. Secretary/Treasurer's report (Josie M. Faix)
4. Tax Section Liaison (Georgine M. Kryda)
5. Elder Law Section Liaison (Patrick R. Thiessen)
6. Real Estate Section Liaison (David W. Kirch)
7. Statutory Revisions Committee (Leia G. Ursery/Tim Bounds)
8. Legislative Liaison (Stephen M. Brainerd)
9. Council Notes (Julia G. McVey/Josie M. Faix)
10. CLE/Estate Planning Retreat (Leia G. Ursery)
11. Orange Book Forms Committee (Elizabeth T. Meck/Kim Raemdonck)
12. Rules and Forms Committee (Jarod Balson)
13. Civic and Community Affairs Joint Committee of the Elder Law Section (Sandra Sigler)
14. Diversity Committee (Melissa R. Schwartz)
15. Probate Trial and Procedure Committee (Aaron Evans)
16. Colorado Estate Planning Handbook (David K. Johns/Constance B. Wood/Julia G. McVey)
17. Green Book (David K. Johns)
18. New T&E Lawyers Committee (Lauren da Cunha/Alison Leary)
19. The Colorado Lawyer (David W. Kirch/Constance D. Smith)

20. Communications Representative (Mark D. Masters)
21. Board of Governors Representative (Melissa R. Schwartz)
22. Ambassador Program (Melissa R. Schwartz)
23. GAL Subcommittee (David W. Kirch)
24. Miscellaneous/FYI
25. Adjournment

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

Minutes of the November 16, 2017 Meeting

Council met on Thursday, November 16, 2017, at the Colorado Bar Association offices, 1900 Grant Street, Denver, Colorado. The meeting was called to order at approximately 2:32 p.m.

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

Kelly Dickson Cooper, Chair
Leia G. Ursery, Vice Chair
Josie M. Faix, Secretary/Treasurer
Darla Daniel, Immediate Past Chair
Zachary D. Schlichting, Second Year Member
Nicole Brown, Second Year Member
Peter W. Bullard, First Year Member
Timothy Bounds, First Year Member
Jessica L. Broderick, First Year Member

Also in attendance were: Sandra Sigler (Civic and Community Affairs Joint Committee of the Elder Law and T&E Sections); Elizabeth Meck; Susan Hoyt (CLE); Elizabeth Akalin (CBA); Melissa Schwartz; and Patrick Thiessen (Elder Law Liaison);

1. Approval of Minutes of Prior Meeting

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

2. Chair's Report, Administrative Matters (Kelly Dickson Cooper)

There was a request from CU law for the Section to participate in CO Legal Community Fair; 1/12 from 3-5; Melissa Schwartz and Sumi Lee will attend as well.

Kelly reported the Bylaw revision was approved by e-mail vote. Josie will send out notice of special meeting of the Section on 12/21 at 3:30 regarding a vote on bylaw changes. There was discussion of the Section welcome letter, intended as a template for welcoming new members to the section. There was discussion of including a description of Super Thursday and the various committees. The letter would be emailed to new members of the Section. Zach Schlichting will edit letter and Council will review his changes in December or January.

3. Secretary/Treasurer's Report (Josie M. Faix)

Josie discussed the T&E Dinner, scheduled for tonight. Because using Maggianos, hoping to be under budget. She explained that some folks complained they were not invited, and that the dinner was held in November. Josie reminded Council there was agreement last year to limit the invitee list, and November was chosen because the Ambler Award winner was out of the country in October.

4. Tax Section Liaison (Georgine M. Kryda)

No report.

5. Elder Law Section Liaison (Patrick R. Thiessen)

Sandra reported the ULC has pushed back the guardianship/conservatorship/protected proceedings act until next year. There was discussion of the flat fee rule; Elder law was not aware so thanks to Council for mentioning

6. Real Estate Section Liaison (David W. Kirch)

No report.

7. Statutory Revisions Committee (Leia G. Ursery/Tim Bounds)

Leia said her committee went through update on deposit of original docs. The public administrator subcommittee has been transferred to judicial to take lead on statutory revisions. UTC is working on conforming amendments. There was also discussion of the update on the uniform guardian act. Jeremy have an update on upcoming legislative matters; biggest is UTC.

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

ULC has voted to put UTC into draft; Senators Garnder and Wist are sponsors; conforming amendments due by this month. The bankers have weighed in late, but most of concerns have been addressed already.

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

Josie reported Kristin Dittus agreed to be the new co-editor of Council Notes. Josie will give a short speech at the T&E Dinner to thank Julie for her time as co-editor.

10. CLE/Estate Planning Retreat (Leia G. Ursery/Vincent O'Brien)

Spring update is done and ready to go. Business interest will be presented instead of oil and gas. Leia wants to emphasize new lawyers in the section; possible topic would be doing "crossover" between estate admin and other issues; getting other lawyers/professionals involved. EP retreat – most topics should be done by Jan 2018; will target new practitioners; still discussing plenary sessions; wants to have bigger reception on Thursday night.

11. Orange Book Forms Committee (Elizabeth T. Meck/Kim Raemdonck)

Elizabeth reported that the CLE on December 8th will cover the new layout and format of the Orange Book new edition. They are still working on the Marital Agreement form. Also working on a trust certification form, raised by the UTC.

12. Rules & Forms Committee (Jarod Balson)

Jarod and Lawrence working with the Bar to use Google Docs to make changes as they go, and it seemed to work today.

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

They continue to work on fund-raising for the Senior Law Handbook, and have received positive responses from new advertisers. Marco's firm bought the inside front cover. They are looking at a possible grant from the Next 50 Initiative, and applications are accepted until December 14, and she feels the Handbook fits right into Next 50's mission, and that the short application window will help them as well. The Handbook has \$19,000 of hard costs, and another \$8,000 for CLE staff costs. About a \$30,000 budget going forward, and they are asking for \$10,000 in grant money. She said her committee will ask Council for financial support next month. They are asking for \$2500, as that is what has been given in the past. \$2800 was given last year. She understands T&E has budget issues, and that Elder Law gives what T&E gives. She also mentioned that because there was unpleasantness last year at the Larimer County event, both she and Letty will attend the next one.

14. Diversity Committee (Melissa R. Schwartz)

An emailed report from Melissa:

- We are working on content for our T&E webpage. I hope to have some additional content up and running by the end of the year.
- Magistrate Hernandez had previously raised the possibility of circulating information about a program called Pledge to Diversity, which works on obtaining internships for diverse law students. Once we have all of the relevant information, we intend to discuss circulating that and encouraging the members of our Section to get involved in the program.
- As representatives of our committee, Sumi Lee and I will be attending the Colorado Legal Community Fair at CU on January 12.
- We expect to start working on a spring 2018 event either in December or January.

15. Probate Trial and Procedure Committee (Aaron Evans)

Tim Bounds reported updates were given to the committee on the Uniform Guardian act, the secretary of state/document committee, and the Bench Book, which resembles the Green Book. There was a report regarding oral arguments for the Samstadt case. Letty talked about 723 actions and UTC. She feels 723 needs work and revisions. Herb gave an update on the Brookoff case. Discussion of the ethics opinions 131 and 132. There may be a possible request from Council, if we object to them. Kelly thought the limitations on drafting attorney testimony can be hard, and the opinions were not favorably received by litigators in the section.

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

No report.

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

No report.

18. New T & E Lawyers Committee (Lauren da Cunha/Alison Leary)

Lauren reported Kerri Johnson will be talking about elder abuse. They have a happy hour planned for December 8, after the Orange Book CLE. They also want to plan an event in Boulder.

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

No report.

20. Communications Representative (Mark D. Masters)

No report.

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

No report.

22. Ambassador Coordinator (Melissa R. Schwartz)

Always looking for Ambassadors for the new lawyers.

23. GAL Subcommittee (David W. Kirch)

No report.

24. Miscellaneous/FYI

None.

25. Adjournment

The meeting was adjourned at or about 3:15 p.m.

Respectfully submitted,

Josie M. Faix

Trust & Estate

For the Five Months Ending November 30, 2017

		November	YTD	Budget	Variance	%	Last FY
Beginning balance	01-3160-31600		(\$441.96)		(\$441.96)		\$5,658.89
Trust & Estate Section							
Revenue							
Dues Income Section	01-4050-31600	330.00	31,665.00		31,665.00		26,875.00
Total Revenue Trust & Estate Section		330.00	31,665.00		31,665.00		26,875.00
Expenses							
AWARDS	01-5007-31600	(223.02)	(223.02)		(223.02)		(325.34)
Travel	01-5102-31600						(912.07)
Postage	01-5304-31600		(0.92)		(0.92)		(2.32)
Telephone	01-5412-31600	(76.90)	(308.04)		(308.04)		(349.84)
Internet/E-Mail Access	01-5413-31600		(403.27)		(403.27)		(338.61)
Meals (Not travel related)	01-5491-31600	(500.00)	(1,969.17)		(1,969.17)		(3,264.53)
Administration Fee	01-5494-31600	(494.58)	(2,472.90)		(2,472.90)		(2,450.00)
Grants/Contributions	01-5500-31600		(500.00)		(500.00)		
Total Expenses Trust & Estate Section		(1,294.50)	(5,877.32)		(5,877.32)		(7,642.71)
Statutory Revisions Committee							
Revenue							
Rev. Elderlaw Joint Task Force							
Rev. Uninform POA Act							
Rev. Uniform Trust Code							
Expenses							
Exp. Elderlaw Joint Task Force							
Exp. Uninform POA Act							

Exp. Uniform Trust Code		
Telephone	01-5412-31625	(19.87)
Total Expenses Statutory Revisions Committee		(19.87)
CLE		
Revenue		
Revenue Joint CLE		
Revenue CLE Retreat		
Revenue CLE Section Only		
Expenses		
Expenses Joint CLE		
Expenses CLE Retreat		
Expenses CLE Section Only		
Council Notes		
Revenue		
Expenses		
Community & Civic Affairs		
Revenue		
Expenses		
Rules & Forms Committee		
Revenue		
Expenses		
Orange Book Forms		

Revenue					
Expenses					
Local Liaison					
Revenue					
Expenses					
Uniform Trust Code					
Revenue					
Expenses					
Transfer Deposits					
Revenue					
Expenses					
Admin. Chair					
Revenue					
Expenses					
Estate Planning Handbook					
Revenue					
Expenses					
Admin Council Dinner					
Revenue					
Meal Income	01-4051-31612	840.00	1,720.00	1,720.00	1,400.00
Total Revenue Admin Council Dinner		840.00	1,720.00	1,720.00	1,400.00
Expenses					

Meals (Not travel related)	01-5491-31612	(5,979.55)
Total Expenses Admin Council Dinner		(5,979.55)
Legislative Liaison		
Revenue		
Expenses		
Internet Editor		
Revenue		
Expenses		
Technology Committee		
Revenue		
Expenses		
Real Estate Liaison		
Revenue		
Expenses		
Green Book		
Revenue		
Expenses		
The Colorado Lawyer		
Revenue		
Expenses		
T&E Diversity Committee		
Revenue		

Expenses					
Meals (Not travel related)	01-5491-31628				(158.80)
Total Expenses Diversitiy Comm.					(158.80)
Judicial Liaison					
Revenue					
Expenses					
Member Vouchers					
Expenses					
T&E Young Lawyer Society					
Revenue					
Expenses					
Telephone	01-5412-31629				(9.49)
Total ExpensesT7E YLS					(9.49)
Beginning Balance	01-3160-31600		(441.96)	(441.96)	5,658.89
Total Revenue All Sources	01-4???-316??	1,170.00	33,385.00	33,385.00	28,275.00
Total Expense All Sources	01-5???-316??	(1,294.50)	(5,877.32)	(5,877.32)	(13,810.42)
Ending Balance		(124.50)	27,065.72	27,065.72	20,123.47

		November	YTD	Budget	Variance	%	Last FY
Beginning balance	01-3160-31600		(\$441.96)		(\$441.96)		\$5,658.89
Trust & Estate Section- General							
Revenue	01-4???-31600	330.00	31,665.00		31,665.00		26,875.00
Expenses	01-5???-31600	(1,294.50)	(5,877.32)		(5,877.32)		(7,642.71)
Statutory Revisions Committee							
Expenses	015???3160...						(19.87)
CLE							
Council Notes							
Community & Civic Affairs							
Rules & Forms Committee							
Orange Book Forms							
Local Liaison							
Uniform Trust Code							
Admin. Chair							
Estate Planning Handbook							
Admin Council Dinner							
Revenue	01-4???-31612	840.00	1,720.00		1,720.00		1,400.00
Expenses	01-5???-31612						(5,979.55)
Legislative Liaison							
Internet Editor							
Technology Committee							
Real Estate Liaison							
Green Book							
The Colorado Lawyer							
Diversity Committee							
Expenses	01-5???-31628						(158.80)
Judicial Liaison							
Member Vouchers							
Uniform Trust Code							
Expenses	01-5???-31625						(19.87)
Transfer Deposit							

Young Lawyer Society					
Expenses	01-5???-31629				(9.49)
Beginning Balance	01-3160-31600		(441.96)	(441.96)	5,658.89
Total Revenue All Sources	01-4???-316??	1,170.00	33,385.00	33,385.00	28,275.00
Total Expenses All Sources	01-5???-316??	(1,294.50)	(5,877.32)	(5,877.32)	(13,810.42)
Ending Balance		(124.50)	27,065.72	27,065.72	20,123.47