

**Council of the Trust and Estate Section of the Colorado Bar Association
Notice of and Agenda for the May 17, 2018 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 tenth meeting of the 2017-2018 Council of the Trust and Estate Section of the Colorado Bar Association will be held:

Date and time: ***Thursday, May 10, 2018 , 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 April 19, 2018 meeting of the Council
2. Trust and Estate Section Financial Reports as of April 2018
3. Disclaimer language from Civic and Community Affairs.
4. T&E Section website home page.
5. Office of Public Guardian Letter and Fact Sheet
6. Trust & Estate Committee Chair Expectations

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
May 17, 2018

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 April 19, 2018 meeting of the Council
2. Chair's Report and Administrative Matters (Kelly Dickson Cooper).
Approval of Appointments and Liaisons
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 (Josie M. Faix/Kristin Dittus)
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. Communications Representative/Ambassador Program (Melissa R. Schwartz)
22. Board of Governors Representative (Melissa R. Schwartz)
23. GAL Subcommittee (David W. Kirch)
24. Miscellaneous/FYI
25. Adjournment

Trust and Estate Section of the Colorado Bar Association Bylaws
Restated as of April 18, 2002, as amended April 2008

ARTICLE I
Name and Purpose

Section 1. The Section shall be known as the Trust and Estate Section of the Colorado Bar Association (sometimes referred to as “Association”).

Section 2. The purposes of this Section shall be to promote the objects of the Colorado Bar Association within the field of trust and estate law and, to that end, promote an interest in trust and estate law among the members of the Bar and other citizens of Colorado, to foster and recommend legislation in this field in the furtherance of public interests and generally to serve the members of the Bar who are interested in trust and estate law.

ARTICLE II
Membership

Section 1. Each member of the Section shall pay to the Colorado Bar Association annual dues of One Dollar or such larger sum consistent with the policies of the Colorado Bar Association as may be fixed by the Section at any meeting thereof or as may be fixed by the Council of the Section. Any member or Associate Member of the Colorado Bar Association, upon request to the Executive Secretary of the Association and upon payment of dues for the current year, shall be enrolled as a member of this Section. Any member of the Section whose annual dues shall be more than six months past due may be dropped from the rolls of the Section.

Section 2. Associate members of the Colorado Bar Association who are members of the Section, but who are not licensed to practice law in the State of Colorado, shall be entitled to attend all ~~meeting~~meetings of the full Section, including Council and Section committee meetings, and shall receive all Section materials and benefits available to Section members. Further, such associate members shall be entitled to serve on special committees of the Section and to fully participate in, and vote at, such committee meetings and activities; provided, however, that such Associate members shall neither serve as an officer or ~~council~~Council member of the Section nor vote at Section meetings.

ARTICLE III
Council

Section 1. The Council of this Section shall consist of the Chair, Vice Chair, Secretary/Treasurer, six Council members, and the Chair of the Section for the preceding year with each of these individuals having one vote. An individual may only serve in one of these positions at a time. The Council shall have general supervision and control of the affairs of the Section, subject to the Constitution and Bylaws of the Colorado Bar Association and the Bylaws of this Section. It shall authorize all commitments or contracts which shall entail the payment of money and shall, by the adoption of a budget or otherwise, authorize the expenditure of all moneys appropriated for the use or benefit of the Section. It shall not, however, authorize

commitments or contracts which entail the payment of money during any fiscal year in excess of the amount which shall have been previously appropriated to the Section for that year.

Section 2. The Council may authorize the Chair to appoint special committees from Section members to perform such duties and exercise such powers as the Council may direct, subject to the limitations of these Bylaws.

Section 3. Each year three members of the Council shall be elected at the annual meeting of the Section for terms of two years, such terms commencing on July 1 of the year of such meeting.

Section 4. If any member of the Council shall fail to attend two successive meetings of the Council, then the remaining members of the Council shall have the right to vote to remove such member from office, but such a vote is not required for that member to remain in office.

Section 5. The Council, during the interim between annual meetings of the Section, may fill vacancies in its membership or in the offices of the Section; provided, however, the office of Chair shall be filled automatically by the Vice Chair.

Section 6. A majority of the Council members and officers shall constitute a quorum for the transaction ~~or of~~ business of the Council at a meeting, held in person or electronically. The Council, however, may act by the submission to the Council members in writing of proposed action, and on any such submission, the Council may act only by the majority agreement of the whole Council. Meetings of the Council may be called by the Chair on such reasonable notice as circumstances permit.

ARTICLE IV

Officers, Liaisons and Representatives

Section 1. The voting officers of Council shall be the immediate Past Chair, Chair, Vice Chair and Secretary/Treasurer, who shall be nominated and elected at the annual meeting of the Section. Each officer shall serve for a term commencing on July 1 of the year of his or her election and ending on June 30 of the year subsequent to such election or until his or her successor shall have been elected and qualified.

Section 2. Vacancies in the offices of the Section shall be filled for the unexpired term by the Council as hereinafter provided.

Section 3. The Chair shall preside at all meetings of the Section and of the Council. The chair shall perform such other duties as usually pertain to the office of the Chair.

Section 4. Upon the death, resignation, or during the disability of the Chair, or upon his or her refusal to act, the Vice Chair shall perform the duties of the Chair. The Vice Chair shall coordinate all continuing legal education programs and the Section retreat and perform such other duties as may be assigned ~~to him or her~~ by the Council or the Chair.

Section 5. The Secretary/Treasurer shall be the custodian of all books, papers and other property of the Section except money. The Secretary/Treasurer shall be the fiscal officer of the Section and shall keep an accurate record of all moneys appropriated to and expended for the use of the Section. The Secretary/Treasurer shall keep a true record of the proceedings of all meetings of the Section and the Council. The Secretary/Treasurer shall perform such other duties as usually pertain to ~~his or her~~that office or may be assigned by the Council or by the Chair.

Section 6. Prior to January 15th of each year, the Chair shall appoint a nominating committee consisting of the Chair, the Vice-Chair, the Secretary/Treasurer, the most recent Past Chair, and three other Section members (the "Nominating Committee"). In making ~~his or her~~ selections for the Nominating Committee, the Chair shall consider the inclusion of a young lawyer (age 37 or less or less than five years in the practice of trust and estate law) and an individual from outside the Denver metro area, if possible.

Section 7. The Nominating Committee shall make a call for nominations to the Section membership, which shall include the criteria for nominees for the offices of ~~the~~ Chair, Vice Chair, Secretary/Treasurer, and the Council members whose terms will expire on June 30 of the year of the annual meeting. The deadline for nominations is March 15th of each year. The Nominating Committee shall send a proposed slate to the Section membership for consideration no later than April 1st of each year. Any group of at least 25 Section members may propose an alternate slate for consideration by the Section by delivering the alternate slate, along with the signatures of at least 25 Section members, to the Chair no later than April 15th. The Section's annual meeting shall be held on the third Thursday of May each year to approve the proposed slate or if necessary, to choose between the proposed slate and ~~the~~an alternate slate. The Chair shall announce the results no later than May 31st.

Section 8. When selecting individuals for the proposed slate, the Nominating Committee shall consider recognized diversity criteria; including ethnicity, age, gender, sexual orientation, area of practice, firm size, years in practice, and geographic location. The Nominating Committee shall also consider the need to preserve institutional knowledge, number of persons per law firm, and prior Section involvement.

Section 9. The Secretary/Treasurer shall cause a notice of the Annual Meeting of the Section to be given to the members of the Section no less than 21 days nor more than 63 days prior to the annual meeting. The notice shall contain a summary of any proposed Bylaw changes recommended by the Council, the proposed slate and any qualifying alternate slates. The notice may be given by mail or email. All elections shall be by voice vote unless otherwise ordered by resolution adopted by the Section at the annual meeting at which the election is held.

Section 10. The Nominating Committee shall also make recommendations to Council for the following positions: Communications Representative; Young Lawyers Representative; Legislative Liaison; and Board of Governors Representative. Each of these positions shall have a one-year term commencing on July 1 of the year of ~~his or her~~the appointment and ending on June 30 of the year subsequent to such appointment. Council shall vote on these appointments at its May meeting each year. An individual may be reappointed to these positions and multiple individuals may split the duties of these appointments.

Section 11. Council may appoint committee chairs and other representatives or liaisons as it deems necessary to conduct Section business.

ARTICLE V

Section Meetings

Section 1. The Annual Meeting of the Section shall be held on the third Thursday of May at 3:30 p.m. in the offices of the Colorado Bar Association, with such program and order of business as may be arranged by the Chair. The members of the Section present at the Annual Meeting shall constitute a quorum for the transaction of business and voting shall be by a simple majority of all Section members who are present, in person or by electronic means.

Section 2. Special meetings of the Section may be called by the Chair upon majority approval of the whole Council, at such time and place as the ~~Council~~Chair may determine.

~~**Section 3.** The members of the Section present at any special meeting shall constitute a quorum for the transaction of business.~~

~~**Section 4.** All binding action of the Section and voting shall be by a simple majority ~~vote~~ of ~~the all~~ Section members that are present, in person or by electronic means.~~

ARTICLE VI

Miscellaneous Provisions

Section 1. The fiscal year of the Section shall be the same as that of the Colorado Bar Association.

Section 2. All bills incurred by the Section, before being forwarded to the Treasurer of the Colorado Bar Association for payment, shall be approved by the Chair or the Secretary/Treasurer, or, if the Council shall so direct, by both of them.

Section 3. No salary or compensation shall be paid to any officer, council member or member of a committee.

Section 4. Any action by this Section must be approved by the Colorado Bar Association before the same becomes effective as the action of the Colorado Bar Association. Any resolution adopted or action taken by this Section may, on request of the Section, be reported by the Chair of the Section to the ~~annual meeting~~Executive Council of the Colorado Bar Association for the Association's action thereon.

Section 5. These Bylaws shall become effective upon the approval thereof ~~upon recommendation by the majority of the Board of Governors~~Section members voting thereon and upon approval by the Executive Council of the Colorado Bar ~~Association and by this Section~~Association's Board of Governors.

ARTICLE VII

Amendments

| These Bylaws may be amended at any ~~annual~~Annual Meeting or special meeting ~~to~~of the Section by a majority vote of the members of the Section present and voting.

Civic and Community Affairs Committee
Public Education Brochures Subcommittee

*As of January 19, 2017

“Disclaimer” Language for All Public Education Brochures:

This brochure is published as a public service by the Colorado Bar Association and was authored and is reviewed and updated as needed by the Civic and Community Affairs Committee, a Subcommittee of the Trusts and Estates Section. Its purpose is to provide general information about the topic contained herein, which is a common legal issue that may come up in estate planning, probate, and/or elder law cases. The information in this brochure is current as of (DATE OF (RE)PUBLICATION). You should ensure that there have not been any changes in the law that may affect your matter, which may require consulting with an attorney.

Colorado Office of Public Guardianship

Commissioners

Shari Caton, Chair
Deb Bennett Woods, Vice Chair
Marco Chayet
Kelsey Lesco
Karen Kelley



1300 Broadway, Suite 1250
Denver, CO 80203

(720) 625-5130
OPGCommission@gmail.com

April 20, 2018

c/o Kelly Dickson Cooper, Esq.
COBAR Trust and Estate Section
555 17th St #3200
Denver, CO 80202

Re: The Office of Public Guardianship Pilot Project

Dear **Kelly Dickson Cooper, Esq.:**

On June 5, 2017, Governor Hickenlooper signed HB 17-1087 creating the Office of Public Guardianship Pilot Program. This Office, once funded, will provide guardianship services to indigent and incapacitated adults who:

- have no responsible family members or friends who are available and appropriate to serve as a guardian; and
- lack adequate resources to compensate a private guardian and pay the costs and fees associated with an appointment proceeding.

The pilot project is limited to serving incapacitated and indigent adults in the Second, Seventh and Sixteenth Judicial Districts. At the end of the three-year pilot, the Office will provide a report to the General Assembly quantifying Colorado's unmet need for public guardianship services, the average annual cost of providing these services, and the net cost or benefit to the state that may result from providing these needed services. Ultimately, the Office will assess whether an independent statewide office of public guardianship is needed.

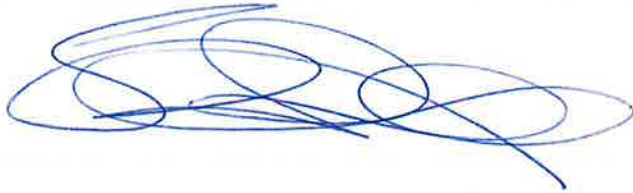
You have been identified as a potential stakeholder in this project. Your ongoing interest and involvement are important for the success of the pilot project. As required by the legislation, a five-member Public Guardianship Commission has been appointed. We welcome your participation and patience as we continue to establish the groundwork for the project. To date, the Commission has executed a

Memorandum of Understanding with the Judicial Branch, and promulgated By-Laws, Public Comment Policy, Document Retention Policy, and Interim Fundraising Guidelines. Most importantly, the Commissioners have been working to secure spending authority and exploring funding sources, and are actively fundraising to secure the funds necessary to appoint a Director for the Office.

A more detailed fact sheet is included with this letter. Please feel free to share this information widely with interested parties. Commissioners are also willing, upon invitation, to attend informational meetings in the targeted districts to answer questions and solicit your input. The Commission may be contacted via voicemail or email at (720) 625-5130 or OPGCommission@gmail.com.

We look forward to building a cooperative community network so that this pilot program may achieve success.

Sincerely,
FOR THE OPG COMMISSION

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Shari Caton, Chair

Colorado Office of Public Guardianship

Commissioners

Shari Caton, Chair
Deb Bennett Woods, Vice Chair
Marco Chayet
Kelsey Lesco
Karen Kelley



1300 Broadway, Suite 1250
Denver, CO 80203

(720) 625-5130
OPGCommission@gmail.com

Fact Sheet

SUMMARY OF THE PILOT PROGRAM

The pilot program will provide legal guardianship services for incapacitated and indigent adults in the Second, Seventh and Sixteenth Judicial Districts. The pilot is contingent upon the receipt of sufficient gifts, grants, or donations totaling approximately \$1.7 million per year for fiscal years 2018-2019 and 2019-2020. A director must be appointed within 30 days of receipt of the initial \$1.7 million and services must begin within 5 months.

Services to be provided (within established fiscal constraints):

- Review of referrals and adoption of eligibility criteria and prioritization of individuals with the greatest need;
- Appointment of guardian-designees, to include recruitment, training and oversight;
- Independent office and fiscal management;
- Relationships with stakeholder agencies, nonprofit organizations, companies, individual care managers, and direct care providers necessary to provision of services;
- Relationships with local, state and federal agencies providing public benefits on behalf of clients; and
- Public education and outreach.

HISTORY AND TIMELINE

- 2012: Elder Abuse Task Force releases its final report which includes a recommendation to create an office of public guardianship (OPG).
- 2014: The Public Guardianship Advisory Committee releases two reports to the Chief Justice affirming the need for an OPG and proposing a pilot project to gather data needed to support its establishment.

2017: HB 17-1087 directs the establishment of a pilot project within the Judicial Department.

The Public Guardianship Commission is appointed and charged with initial fundraising and appointment of a Director.

2021: A final report is due and the program will be continued, discontinued, or expanded at the discretion of the General Assembly.

PUBLIC GUARDIANSHIP COMMISSION

Shari Caton, Esq., Chair

Kelsey Lesco, Esq.

Deb Bennett-Woods, Vice Chair

Karen Kelley

Marco Chayet, Esq.

- The Commission meets monthly at the Ralph L. Carr Colorado Judicial Center.
- Meetings are publicly noticed and members of the public are welcome and encouraged to attend.
- Minutes and other Commission documents are available on the OPG temporary web page <https://www.courts.state.co.us/opgcommission/>.
- The Commission welcomes comments via telephone, email, and at its public meetings.

CURRENT STATUS

The Initial Memorandum of Understanding with the Judicial Branch has been executed and critical operating documents including By-Laws and Interim Fundraising Guidelines are promulgated. Commissioners are actively seeking funding sources and preparing for a director search as soon as adequate funds are secured. It is anticipated that the OPG will begin to offer services by the end of 2018.

REQUEST FOR GIFTS, GRANTS, DONATIONS

Gifts/donations can be made to any Commission member in the form of cash, credit card, or check made payable to the Office of Public Guardianship Cash Fund.

Acknowledgment by donor of required disclosures is necessary.

Referrals to potential donors are welcome.

Trust & Estate Section – Intro page

The Trust & Estate Section addresses the interests and problems of both specialists and general practitioners in the area of wills, trusts, estates, guardianships, conservatorships. Members can always find a place on one of the Section's many active committees, including the planning and preparation of CLE programming, writing for Council Notes (quarterly newsletter for members), preparing forms for the Orange Book (wills and trusts), writing for the Estate and Trust column in The Colorado Lawyer, working on legislative issues and changes in the Statutory Revisions Committee and its many subcommittees, addressing issues relating to probate rules and procedure, giving back to the community through Senior Law Day and other projects of the Civic and Community Affairs Committee, or growing your network and learning with our New Lawyers Committee. Members of the Section work closely with the CBA's Elder Law Section in areas of mutual concern and also hold topical luncheons and regularly work with the Tax, Real Estate, Business and Family Law Sections.

Suggested addition to Executive Council Page

The Executive Council is made up of four officers and six members. These ten Section members are responsible for the management of the Section and the coordination of the Section's efforts, both internally and with other Sections of the CBA. A nominating process is conducted each spring to fill these positions. For more information, please contact the Chair of the Section.

**Trust & Estate Section
of the Colorado Bar Association**

Chair Expectations

1. Preparation for Committee Meetings

- a. For regular monthly meetings (3rd Thursday of each month - August through May):
 - i. prepare agenda and minutes for prior monthly meeting; and
 - ii. send notice, agenda, minutes for prior monthly meeting and any other attachments to CBA Liaison for circulation to Committee members and website publication at least two days prior to monthly meeting.
- b. For any special meetings, generally use the same steps for regular monthly meeting except send notice, agenda and any other attachments to CBA Liaison for circulation to Committee members and website publication as soon as possible, but at least two days, prior to special meeting.
- c. If you have to cancel any meeting, notify Committee members and CBA Liaison as far in advance as possible.
- d. You should collaborate with the Committee's Vice Chair or Secretary to share responsibilities, as needed.

2. Regular Attendance at Committee Meetings

- a. Plan to attend all regular monthly meetings. If you will be absent, be sure to make arrangements to have someone (e.g. Vice Chair or Secretary) run the meeting in your place.
- b. Welcome and acknowledge new members or visitors.
- c. Take measure to ensure that work is spread out fairly and evenly among the Committee members.
- d. Respectfully control the comments and questions among the Committee members to ensure that the meetings are not dominated by only a few members.

3. Regular Attendance at Executive Council meetings

- a. Plan to attend all Executive Council meetings to report on the efforts and work-product of your Committee and to allow necessary coordination among Chairs of other Committees.
- b. Keep the Section Chair informed of any difficult or unique issues that may arise in your Committee as soon as possible.

4. Other Duties:

- a. Communicate with other Committee Chairs regarding your Committee's work outside of Executive Council meetings, as needed.
- b. Assist other Committee Chairs as needed on joint projects or efforts requiring coordination or collaboration.
- c. By March of each year, recruit an appropriate successor for your Committee's leadership (e.g. next year's Co-Chair, Chair-Elect, Secretary, etc.). The successor should not be another member of the Chair's law firm or organization, subject to very limited exceptions.
- d. Review your Committee's webpage by August of each year to ensure that it is up-to-date. Thereafter, periodically review to ensure that no further changes are required.
- e. Keep a current list of Committee members (either individually or through the CBA liaison).
- f. Keep a sense of humor!

**Trust & Estate Section Executive Council
Notice of the May 17, 2018 Annual Meeting and Agenda**

To: All Members of the Trust and Estate Section

From: Josie M. Faix
Balson & Faix LLP
7400 E. Caley Avenue, #300
Centennial, Colorado 80111
720-974-6350
Josie@balsonfaix.com

NOTICE OF ANNUAL MEETING

The annual meeting of the Trust & Estate Section will be held:

Date and time: Thursday, May 17, 2018 at 3:30pm
Place: Colorado Bar Association
1900 Grant Street, Suite 900
Denver, CO 80203

Call-In instructions are as follows:

Phone Number: 1-855-392-2520
Access Code: 2627690#

AGENDA

The following matters are scheduled for discussion and voting at the Annual Meeting:

1. Proposed revisions to the Section's Bylaws (as requested by the Executive Council of the CBA and approved by Section's Executive Council). A redline showing the revisions is attached to this Notice.
2. Proposed slate recommended by the Nominating Committee for First Year Members of the Executive Council*
3. Nominations for Chair of the Section*
4. Nominations for Vice Chair of the Section*
5. Nominations for Secretary/Treasurer of the Section*

*The formal announcement of the slate was sent to the Section on March 30, 2018 and is attached to this Notice.

**Council of the Trust and Estate Section of the Colorado Bar Association
Minutes of the April 19, 2018 Meeting**

Council met on Thursday, April 19, 2018, at the Colorado Bar Association offices, 1900 Grant Street, Denver, Colorado. The meeting was called to order at approximately 3:05 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
Darla Daniel, Immediate Past Chair
Nicole E. Brown, Second Year Member
Casey L. Williams, Second Year Member (phone)
Timothy Bounds, First Year Member
Jessica L. Broderick, First Year Member
Peter W. Bullard, First Year Member

Also in attendance were: Elizabeth Akalin (CBA); Georgine Kryda (Tax Section Liaison); Patrick Thiessen (Elder Law Liaison); Jarod Balson (Rules & Form Committee); Sandra Sigler (Civic and Community Affairs Joint Committee); Aaron Evans (Probate Trial and Procedure Committee) (phone); Spencer Crona; and John DeBruyn.

1. Approval of Minutes of Prior Meeting

The Minutes of the March 15, 2018 Council meeting were approved unanimously subject to one correction. The sixth line of Section 7 – Statutory Revisions Committee is revised as follows: “Plan is to have Herb draft modification to rule 1.16, the ethics rule re destruction of client files.”

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

Kelly sent out an email to Committee and Subcommittee chairs asking that announcements be made concerning the upcoming slate for the Executive Council, which will be voted upon at the annual Section meeting on May 17, 2018, the new format for Thursday night at the Estate Planning Retreat; and the potential presence on Facebook and YouTube.

The Nominating Committee completed its work and Kelly summarized the recommendations to Council. The deadline for alternative slates was April 16, 2018 and none were submitted. The slate will be up for approval at the annual meeting in May 2018. Kelly contacted those who expressed interest in serving but who were not selected and explored other options of increasing their involvement and participation in the Section. Kelly will request that Council adopt the recommendations of the Nominating Committee at the May Council meeting.

The discussion concerning Committee Chair expectations was tabled until the next meeting in May 2018.

The CBA Executive Council asked our Section to make a few more revisions to our recently amended By-Laws. The proposed revisions were circulated. Kelly will arrange for a special meeting in May 2018 in hopes of approving the same.

Elizabeth Akalin indicated that some of the Committees had responded to Kelly's request that website pages be updated. Kelly plans to pursue "public shaming" for those Committees who have not yet submitted updates.

As part of the website review, Kelly reviewed the Executive Council page and the Section's introductory page and proposed revised language to the Council for those pages. There were a few suggested revisions, which Kelly will make and then send to Elizabeth to update those two pages.

Amber Marchlowska submitted proposed disclaimer language for use on the potential Facebook and YouTube materials. Sandra offered the disclaimer language used for the various information pamphlets for Senior Law Day. Kelly will review with Amber in hopes of presenting at the May 2018 meeting.

With respect to the potential Facebook and YouTube materials, we will have to go through the CBA for a certain approval process. However, the CBA is in the process of building its own social media platform, which may be a better venue. Elizabeth will help arrange a call between Amber, Zachary Schlichting and the new CBA Communications Director to discuss this possibility further.

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

Kelly reported on Josie's behalf. The monthly financials were provided as handouts in the meeting materials. Council discussed this year's contribution for the Estate Planning Retreat and unanimously approved a \$5,000.00 contribution.

4. Tax Section Liaison (Georgine M. Kryda)

Georgine did not have a specific report from the Tax Section. She summarized an interesting presentation by the Office of Attorney Regulation Counsel (OARC) that covered Facebook and other similar postings. The focus was on how to ethically respond if someone leaves a negative review or comment. OARC emphasized that attorneys have to cause to ensure that privilege and confidentiality concerns are not implicated and suggested that the best response would be: "I'd like to discuss this with you offline."

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

Patrick had to leave for another meeting but provided notes to Tim Bounds on the following:

- The Section approved a \$1,000.00 contribution to the Office of Public Guardian.
- The Elder Law Retreat will take place in Vail on August 23-25, 2018.
- The Medicaid Subcommittee is in the process of getting back on track after John Campbell's passing. Claire Dineen will be serving as the new Chair.

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

No report.

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

Leia indicated that a majority of the meeting was spent getting updates from the various Subcommittees. The remaining time was focused on late and pending legislation.

The Colorado Uniform Trust Code passed in both the Senate and House and is ready for the Governor's signature.

The most concerning was HB1390, which pertains to a non-profit attempting to provide alternatives to families in crisis. It provides for a new power of attorney mechanism for parents and adds the legislation to § 15-14-105, C.R.S., which concerns the delegation of parental authority. The Committee was extremely concerned that such placement would force a Probate Court to handle disputes in those situations and felt that such provisions likely needed to be in Title 14 or 19. A motion to oppose passed unanimously.

SB252 concerned an additional exception from mandatory reporting for lawyers and related staff involved with area agencies on aging. While the Committee did not oppose the concept, John DeBruyn and Stan Kent will help to refine the language of the proposed statute.

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

No further report.

9. Communications Representative/Council Notes (Josie M. Faix/Kristin Dittus)

No report.

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

The Estate Planning Retreat appears to be in great shape. The brochures have gone out and we already have 77 people registered, which is high for this point. Everyone seems excited for the programming. The last issue to work out will be the silent auction; Leia needs to see if the Colorado Bar Foundation is willing to be the recipient for donations with all net proceeds earmarked for Senior Law Day and Tribal Wills Project.

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

The Committee did not work on the marital agreement form today as it spent time discussing the potential for ADR provisions. The Committee approved the concept so language will now be drafted for consideration and approval. The Committee will continue its work on the marital agreement and work on retirement benefit language.

12. Rules & Forms Committee (Jarod Balson)

Jarod reported that the Committee had been asked by CBA-CLE to review the Bradford forms and it agreed.

Mike Holder suggested that the Committee be disbanded as it no longer served its original purpose, which pertained to guardianship issues. There was limited discussion and no vote. Council members expressed their desire to keep the Committee in place, recognizing it may have slow periods when there is not much to handle. The Committee can still submit suggest revisions for JDF forms and it may end up with a larger role again in the future.

During today's meeting, there was a discussion as to a new trend in conservatorships. Specifically, auditors are regularly asking that financial plans be updated to reflect substantial changes. The Committee is trying to determine a better way to address the concerns of the auditors that would be more efficient.

On June 27, 2018, a public comment hearing is scheduled on the new rules and forms.

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

Sandra updated Council on the scheduled Senior Law Days; an additional session may be added in Boulder. The handbooks have been ordered and they should be ready by mid-May 2018; the Committee rented a storage unit to hold the handbooks until they can be picked up. Fundraising efforts have been great this year and the Committee received a \$7,500.00 grant from NextFifty Initiative, which will help it move forward with a website. The Committee continues to seek speakers; Kelly suggested that Sandra contact the New Lawyers Committee.

14. Diversity Committee (Melissa R. Schwartz)

No report.

15. Probate Trial and Procedure Committee (Aaron Evans)

Aaron reported that the Committee spent time this morning discussing Sandstead and the issue noted above concerning auditors' request for amended financial plans. The Committee also discussed the "Uniform Guardianship, Conservatorship and Other Protective Arrangements Act," its lack of provisions on compensation and the desire to have the toolbox provisions to apply to such proceedings. At the end of the year, Aaron will be stepping down as Chair and Zachary Schlichting and Jody Pilmer will be taking over as co-Chairs.

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) No report.

Lauren reported that the Committee was enjoying a nuts-and-bolts presentation by Mark Masters on estate planning engagements. She is also in conversations with the CU Elder Law Society about a speed networking event; Leia and Kelly suggested a location between Denver and Boulder and scheduling the same on after Super Thursday so that attorneys could carpool up to the event if desired.

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

No report.

20. Communications Representative (Mark D. Masters)

No report.

21. Communications Representative/Ambassador Coordinator (Melissa R. Schwartz)

No report.

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

No report.

23. GAL Subcommittee (David W. Kirch)

No report

24. Miscellaneous/FYI

None.

25. Adjournment

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

Respectfully submitted,

Leia G. Ursery on behalf of Josie M. Faix

Trust & Estate

[illegible]

Exp. Uninform POA Act			
Exp. Uniform Trust Code			
Telephone	01-5412-31625		(19.87)
Total Expenses Statutory Revisions Committee			(281.15)
CLE			
Revenue			
Revenue Joint CLE			
Revenue CLE Retreat			
Revenue CLE Section Only			
Expenses			
Grants/Contributions	01-5500-31611		(7,500.00)
Expenses Joint CLE			
Expenses CLE Retreat			
Expenses CLE Section Only			
Total Expenses CLE			(7,500.00)
Council Notes			
Revenue			
Expenses			
Community & Civic Affairs			
Revenue			
Expenses			
Rules & Forms Committee			
Revenue			

Expenses		
Orange Book Forms		
Revenue		
Expenses		
AWARDS	01-5007-31607	(200.00)
Total Expenses Orange Book Forms		(200.00)
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	1,720.00	1,720.00	1,400.00
		-----	-----	-----
Total Revenue Admin Council Dinner		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)
Grants/Contributions	01-5500-31628				(210.00)
Total Expenses Diverstiy Comm.					(368.80)
Judicial Liaison					
Revenue					
Expenses					
Member Vouchers					
Expenses					
T&E Young Lawyer Society					
Revenue					
Expenses					
Telephone	01-5412-31629				(26.19)
Total Expenses T7E YLS					(26.19)
Beginning Balance	01-3160-31600		(441.96)	(441.96)	5,658.89
Total Revenue All Sources	01-4???-316??	180.00	34,490.00	34,490.00	28,662.50
Total Expense All Sources	01-5???-316??	(1,345.26)	(17,763.96)	(17,763.96)	(29,904.16)
Ending Balance		(1,165.26)	16,284.08	16,284.08	4,417.23

		April	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	180.00	32,770.00		32,770.00		27,262.50
Expenses	01-5???-31600	(1,345.26)	(17,763.96)		(17,763.96)		(15,548.47)
Statutory Revisions Committee							
Expenses	015???3160...						(281.15)
CLE							
Expenses	015???3161...						(7,500.00)
Council Notes							
Community & Civic Affairs							
Rules & Forms Committee							
Orange Book Forms							
Expenses	01-5???-31607						(200.00)
Local Liaison							
Uniform Trust Code							
Admin. Chair							
Estate Planning Handbook							
Admin Council Dinner							
Revenue	01-4???-31612		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						(368.80)
Judicial Liaison							
Member Vouchers							
Uniform Trust Code							
Expenses	01-5???-31625						(19.87)

Transfer Deposit					
Young Lawyer Society					
Expenses	01-5???-31629				(26.19)
Beginning Balance	01-3160-31600		(441.96)	(441.96)	5,658.89
Total Revenue All Sources	01-4???-316??	180.00	34,490.00	34,490.00	28,662.50
Total Expenses All Sources	01-5???-316??	(1,345.26)	(17,763.96)	(17,763.96)	(29,904.16)
Ending Balance		(1,165.26)	16,284.08	16,284.08	4,417.23



Kelly Cooper <kelly@kdcpc.com>

Trust and Estate Slate Announcement

2 messages

Elizabeth Akalin <eakalin@cobar.org>
Reply-To: Elizabeth Akalin <eakalin@cobar.org>
To: Kelly Cooper <kelly@kdcpc.com>

Fri, Mar 30, 2018 at 10:14 AM



Proposed Slate of New Council Members

The Nominating Committee for the Trust and Estate Section has duly considered all nominations and proposes the following slate for Council Members to serve a two-year term, beginning on July 1, 2018:

Peggy Gardner
Elizabeth Meck
Lauren Da Cunha

The Nominating Committee also plans to make the following nominations for officers of the Section for the 2018-2019 year at the Section's Annual Meeting on May 17, 2018:

Secretary/Treasurer – Spencer Crona

Vice Chair – Josie Faix

Chair – Leia Ursery

As the current Chair of the section, Kelly Cooper, will serve as the Immediate Past Chair for the 2018-2019 year.

Per the Section's Bylaws, the Nominating Committee will make recommendations to the current Council regarding appointments to certain leadership positions for the Section for the 2018-2019 year at Council's April meeting, with a vote on those recommendations at Council's May meeting.

The deadline for submission of an alternate slate of Council members is April 15, 2018 and it requires signatures of at least 25 Section members. Any such alternate slate must be delivered to the Section Chair Kelly Cooper.

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MEMBERSHIP@COBAR.ORG
COBAR.ORG

TO UNSUBSCRIBE: Email ITDepartment@cobar.org

Kelly Cooper <kelly@kdcpc.com>
To: Peter Bullard <pete@estate-planning-help.com>

Thu, Apr 19, 2018 at 8:38 AM

Here is the slate announcement. Thanks - Kelly

[Quoted text hidden]

