

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

Notice of and Agenda for the August 4, 2021, Meeting

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

From: Lauren da Cunha
Secretary/Treasurer
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Notice of Meeting

The next monthly meeting of the 2021-2022 Council of the Trust and Estate Section of the Colorado Bar Association will be held:

Date and time: **Wednesday, August 4, 2021, 3:15 p.m.**
Place: 1290 Broadway, Suite 1700, Denver, CO 80203
or Call-In Below

Call-In Instructions

Call-in instructions are as follows: 1-346-248-7799
Meeting ID: 865-4018-7532

Minutes of Previous Meetings, Financial Reports & Attachments

1. Minutes of the Annual Meeting of the Trust and Estates Section
2. Minutes of the May 5, 2021 meeting of the Council
3. Memorandum from CBA Real Estate Section Council Meetings
4. CBA Trust and Estate Section Handbook 2021-2022

Trust and Estate Section Council Agenda
August 4, 2021

In an attempt to adhere to the allotted meeting duration of one (1) hour and thirty (30) minutes, the Chair will exercise his/her 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 Annual Meeting of the Trust and Estate Section
2. Review/approval of Minutes of the May 5, 2021 meeting of the Council
3. Chair's Report and Administrative Matters (Tim Bounds)
4. Secretary/Treasurer's report (Lauren da Cunha)
5. Tax Section Liaison (Georgine M. Kryda)
6. Elder Law Section (Patrick Thiessen)
7. Real Estate Section Liaison (Chad Rounds)
8. Family Law Section Liaison (Kim Willoughby)
9. Statutory Revisions Committee (Dylan Metzner)
10. Legislative Liaison (Darla Daniel & Steve Brainerd)
11. Council Notes (Kristin Dittus)
12. CLE/Estate Planning Retreat (Molly Zwedlinger)
13. Orange Book Forms Committee (Hayley Lambourn)
14. Rules and Forms Committee (Gordon Williams)
15. Civic and Community Affairs Joint Committee of the Elder Law Section (Sandra Sigler)
16. Equity, Diversity, and Inclusivity Committee (Melissa Schwartz)
17. Probate Trial and Procedures Committee (Kathy Seidel & Norv Brasch)
18. Colorado Estate Planning Handbook (David Johns)

19. Green Book (Josie Faix)
20. Trust & Estate Practice Support Committee (Jessica Johnson)
21. The Colorado Lawyer (Emily Bowman)
22. Communications Representative/Ambassador Program (Lindsay Andrew)
23. Board of Governors Representative (Jonathan Haskell)
24. Miscellaneous/FYI
25. Adjournment

**Council of the Trust and Estate Section of the Colorado Bar Association
Minutes of May 5, 2021, Meeting**

Council met on Wednesday, May 5, 2021 via audio-visual conference due to the ongoing COVID19 situation. The meeting was called to order at approximately 3:25p.m. by Josie Faix, Immediate Past Chair and reconvened by Spencer Corona, Chair at 3:37p.m.

The following members of Council participated by Zoom/phone and constituted a quorum:

In attendance were:

Spencer Crona, Chair
Tim Bounds, Vice Chair
Molly Zwerdinger, Secretary
Charles Spence (2nd year member)
Georgine Kryda (1st year member), Tax Section Liaison
Amy Symons (1st year member)
Simon Tolbert (1st year member)
Josie Faix (Immediate Past Chair)

Also in attendance were:

Andy White, CBA Legislative Liaison
Katie Roberts, CBA Staff
Lauren Da Cunha
Jonathan Haskell
Darla Daniel
Melissa Schwartz
Louisa Ritsick
Chad Rounds
Patrick Thiessen
Honorable Penfield Tate
Leia Ursery
David Kirch

1. Approval of Minutes of Prior Meeting

The Minutes of the April 7, 2021, Council meeting were approved unanimously.

2. Chair's Report (Spencer Crona)

None.

3. Secretary/Treasurer Report (Molly Zwerdinger)

No change to financials.

4. Tax Section Liaison (Georgine M. Kryda)

Will not end meetings until June. Will have their legislative update in June. Co-sponsoring with business law section on CLE in the fall.

5. Elder Law Section Liaison (Patrick Thiessen)

Executive Council did not meet today. Discussion about HB 1050 that includes payment for guardian/conservator fees as a part of workers compensation award. CLE presented about special needs trusts.

6. Real Estate Section Liaison (Chad Rounds)

Memo was provided to members. Greenbook is now available and the deeds are included.

7. Family Law Section Liaison (Kim Willoughby)

No report.

8. Statutory Revisions Committee (Lauren Da Cunha)

UTC Part 5 and UFIPA passed out of committee; implementation date is July of 2022. SB 119 has been sent to the Governor to sign. May amend courts ability to appoint court visitor in successor fiduciary proceedings – SRC is having Gordon Williams touch base with the judiciary to see what change is recommended.

9. Legislative Liaison (Stephen M. Brainerd & Darla Daniel)

See legislative update.

10. Legislative Update (Andy White)

SB 193 – A larger bill that addresses pregnant women. Area of interest in which CBA was approached is the application of Section 3. Invalidates advanced directives should a fetus be viable. Our Section has no recommended position. This should be a policy decision by the legislature.

Session schedule could continue as late as June 12th.

UPC revisions committee is still meeting and will meet through the summer to get closure on the revisions before the Fall.

11. Council Notes (Kristin Dittus)

Article set for publication in June by Georgine Kryda. Looking for more articles for the Fall issue.

12. Continuing Legal Education & Estate Planning Retreat (Tim Bounds)

Estate planning retreat is June 10-12. Great breakout sessions and entertainment this year. Two well known keynote speakers. 94 registered, expect to see spike in registrations before Retreat. Tim encourages people to register. Lunch CLE program is set through the Fall. Lunch CLEs may begin to be offered in person by September.

13. Orange Book Forms Committee (Lisa Hardin)

There was no report.

14. Rules & Forms Committee (Gordon Williams)

There was no report.

15. Civic & Community Affairs (Sandra Sigler)

There was no report.

16. Equity, Diversity & Inclusivity Committee (Melissa Schwartz)

Toolkit to be sent to Council. T&E leadership training (May 26 from 3-5pm) to be held over the Summer before installation of new leaders to prepare them for their roles. Committee needs to be revamped again next year to meet EDI objectives. Recruiting members onto committee who are not there voluntarily impacts

commitment. Going to ask via Council Notes for members to join committee. Tracking and accountability is addressed by the section tracking sheet filled out by the committee. Made great progress over the past year. Spencer suggested a draft email go out to practice support committee and all membership to suggest people be involved with EDI objectives.

17. Probate Trial & Procedures Committee (Kathy Seidel & Norv Brasch):

There was no report.

18. Colorado Estate Planning Handbook (David Johns)

There was no report.

19. Green Book (Josie Faix)

Green Book has come out, albeit a little later than usual. Working on logistics to coordinate the transition from David to Josie.

20. New T&E Practice Support Committee (Jennifer Hazelton & William Ellison)

There was no report.

21. The Colorado Lawyer (Emily Bowman & David Kirch)

Many people have been suggesting articles. June, July and October are covered.

22. Communications Representative & Ambassador Coordinator (Lindsey Andrew)

We now have quite a few ambassadors. There will be a new lawyer meetup at the retreat. Leia Ursery suggested a happy hour for ambassadees to make new members more comfortable. Location will be Illegal Pete's on Broadway.

23. Board of Governors Representative (Jonathan Haskell)

There is a virtual meeting on June 18th. Report will be given at next meeting.

24. Other Business

None.

ADJOURNMENT

The meeting was adjourned at 4:34p.m. The next Council meeting will be held in August 2021.

Respectfully submitted

/s/ Molly T. Zwerdinger, Secretary

**Trust and Estate Section of the Colorado Bar Association Minutes of
Annual Meeting for the Year 2021**

The Annual Meeting of the Trust & Estates Section of the Colorado Bar Association was held on Wednesday, May 5, 2021 via audio-visual conference due to the ongoing COVID19 situation. The meeting was called to order at approximately 3:31 p.m. by Spencer Corona, Chair.

In attendance were:

Spencer Crona, Chair
Tim Bounds, Vice Chair
Molly Zwerdinger, Secretary
Charles Spence (2nd year member)
Georgine Kryda (1st year member), Tax Section Liaison
Amy Symons (1st year member)
Simon Tolbert (1st year member)
Josie Faix (Immediate Past Chair)

Also in attendance were:

Andy White, CBA Legislative Liaison
Katie Roberts, CBA Staff
Lauren Da Cunha
Jonathan Haskell
Darla Daniel
Melissa Schwartz
Louisa Ritsick
Chad Rounds
Patrick Thiessen
Honorable Penfield Tate

Approval of 2021-2022 Council Slate

The Section members voted on the proposed 2021-2022 Slate of 1st year Executive Council members and the following officer positions: Secretary/Treasurer, and Vice Chairman. The 2021-2022 Slate of 1st year members are: Kristin Pineiro, Marianne Luu-Chen, Tristan Younghaus. **A motion was made, seconded and approved regarding the proposed 2021 slate of 1st year members.**

The 2021-2022 1st year members are: Kristin Pineiro, Marianne Luu-Chen, Tristan Younghaus. Lauren DaCunha is the Secretary/Treasurer. Molly Zwerdinger is the Vice Chair. Tim Bounds, current Vice Chair, will be the Chair.

The meeting was adjourned at 3:37p.m.

Respectfully submitted

/s/ Molly T. Zwerdinger, Secretary

KIRCH ROUNDS BOWMAN & DEFFENBAUGH PC

MEMORANDUM

TO: CBA Council of the Trust and Estate Section

FROM: Chad Rounds

RE: Summary of 06/15/21 CBA Real Estate Section Council Meeting

DATE: 06/16/21

I attended the CBA Real Estate Section Council ("RESC") meeting on 06/15/21. It was conducted on Zoom. The following is my report on matters addressed which the CBA Trust and Estate Section Council ("TESC") might find of interest:

Elevation Community Land Trust (ECLT):

A representative of Elevation Community Land Trust discussed the land lease concept for increasing homeownership opportunities and solicited attorneys to volunteer to represent buyers in these transactions. More information follows:

Elevation Community Land Trust (ECLT) is working on building a pool of attorneys willing to provide an occasional one-on-one review of the Land Lease agreement that each ECLT buyer signs at their purchase closing.

ECLT is a non-profit organization providing permanently affordable homeownership opportunities to lower-income earners such as teachers, construction workers, fire fighters, and others now priced out of Colorado's homeownership market – to qualify, applicants need to be at 80% or below area median income. Through a one-time subsidy invested in the home, along with a restricted resale formula in the Land Lease, Elevation CLT can offer homes at affordable initial prices and keep subsequent purchase prices affordable to low-income buyers, owner after owner. For more information, please go to our website at <https://www.elevationclt.org/>

The review for each buyer typically lasts forty-five minutes to one hour. The buyer will already be generally familiar with the stipulations of the Land Lease, having attended a required one-hour Elevation CLT orientation. Attorneys would provide an engagement letter and conduct this review pro-bono independent of the orientation that Elevation requires. Interested attorneys may request a blank copy of the Land Lease for educational purposes.

To learn more and become a volunteer, please email Tiana Patterson, Esq., Public Partnerships & Legal Director, at tpatterson@elevationclt.org.

Status Report on Telluride CLE:

This program advances regional diversity and inclusivity goals of the CBA. It will be a full day CLE program (September 24th) at the

historic Transfer Warehouse Building in Telluride, fusing issues of real estate and the arts. All are invited to this wonderful excursion to Southwest Colorado at a beautiful time of year.

Taskforce to Prepare Legislation in Response to *Fairways at Buffalo Run*:

RESC is creating a taskforce to draft legislation for 2022 in response to the Colorado Court of Appeals' opinion in *Fairways at Buffalo Run*. The issue at hand is the proper method to correct deed errors.

Legislative Update:

The Colorado Legislature adjourned last week for the rest of the year. Likely no special session will be convened as a longer time period has been granted to states to appropriate federal dollars tied to pandemic relief. During this last session, LPC actively worked on 44 bills.

KIRCH ROUNDS BOWMAN & DEFFENBAUGH PC
MEMORANDUM

TO: CBA Council of the Trust and Estate Section

FROM: Chad Rounds

RE: Summary of 05/18/21 CBA Real Estate Section Council Meeting

DATE: 05/20/21

I attended the CBA Real Estate Section Council ("RESC") meeting on 05/18/21. It was conducted on Zoom. The following is my report on matters addressed which the CBA Trust and Estate Section Council ("TESC") might find of interest:

Doug Tueller (Regional Liaison) Report from Telluride:

In the works for September 24th is a full day in person CBA/CLE event at the Transfer Warehouse Building in Telluride, CO. The building has been recently renovated to be an arts venue. The theme of the event will be the intersection of the arts and real estate. Topics will include art districts, fundraising for the arts, and art related fixture issues, including community art, in real estate transactions. The hope is for the attendees to be a mix of attorneys, brokers, and artists. This is a great opportunity for metro area lawyers to experience the beauty of Southwest Colorado and make a weekend trip out of it, as well as to network with professionals from the Western Slope.

Planned Donations by RESC:

To address the disparities between landlord and tenant legal representation in eviction proceedings, the RESC will vote next month on donating funds to support eviction defense causes.

ALTA Owner's Policy of Title Insurance Form:

A draft of a new American Land Title Association (ALTA) Owner's Policy of Title Insurance form has been released with a proposed effective date of July 1, 2021. The form has not been updated since 2006. Also, a new contract to buy and sell real estate form

is being prepared.

**Dawn Strobe-Robinson v. State Farm Fire and Casualty Company - 8th
Circuit Decision on Property Insurance Coverage with Beneficiary
Deeds:**

A recent 8th Circuit decision held that the grantee of the Minnesota equivalent of a Colorado beneficiary deed was not an insured under the decedent's property insurance policy, and had no coverage when the property was destroyed by a fire a few days after the grantor's death. This holding could presumably apply to title insurance coverage as well. Insurance coverage problems raised by this case are additional considerations about which estate planners should advise their clients when the use of a beneficiary deed is being contemplated.

**CBA Trust and Estate
Section
Executive Council
Handbook**

2021-2020

**2021-2022 Trust & Estate Section – Executive Council
Officers, Liaisons and Representatives
Contact List**

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Annual Checklist

July 2021

	Responsible Person	Date Complete?
<ul style="list-style-type: none"> • Check CBA website to ensure updated information • Engage Committee Chairs in review process • Contact Katie Null (knull@cobar.org) with any updates 	Chair	
<ul style="list-style-type: none"> • Touch base with Committee Chairs and provide them copy of current Committee Chair Expectations 	Chair	
<ul style="list-style-type: none"> • Confirm deadline Welcome Note for Fall edition of Council Notes and start draft of the same 	Chair	
<ul style="list-style-type: none"> • Update draft of Welcome Letter for new Section members • Contact Katie Null (knull@cobar.org) to determine plan for circulation 	Chair	
<ul style="list-style-type: none"> • Confirm receipt of working list of desired/possible CLE topics from Chair • Contact Kendra Yates (kyates@cobar.org) to set up meeting/call to discuss status of upcoming year's programming 	Vice Chair	
<ul style="list-style-type: none"> • Obtain copy of most recent financial from Lori Krupske (lkrupske@cobar.org) • Contact Committee Chairs, etc. to determine fiscal needs for upcoming year • Prepare draft budget 	Secretary-Treasurer	
<ul style="list-style-type: none"> • Prepare notice and agenda for August meeting • Send notice and agenda for August meeting, minutes for May meeting, draft budget, current financial statements and any other attachments to Katie Null (knull@cobar.org) for circulation (no later than third Friday of July) • August meeting shall include a vote on the budget, if possible, and the appointment/confirmation of liaisons to other CBA Sections 	Secretary-Treasurer	

August 2021

	Responsible Person	Date Complete?
<ul style="list-style-type: none"> • Prepare notice and agenda for September meeting • Send notice and agenda for September meeting, minutes for August meeting, current financial statements and any other attachments to Katie Null (knull@cobar.org) for circulation (no later than third Friday of August) • September meeting shall include a vote on the budget, if not already approved at the August meeting 	Secretary-Treasurer	
<ul style="list-style-type: none"> • Set date for Annual Dinner 	Secretary-Treasurer	

September 2021

	Responsible Person	Date Complete?
<ul style="list-style-type: none"> • Prepare notice and agenda for October meeting • Send notice and agenda for October meeting, minutes for September meeting, current financial statements and any other attachments to Katie Null (knull@cobar.org) for circulation (no later than third Friday of September) 	Secretary-Treasurer	
<ul style="list-style-type: none"> • Finalize invite list for Annual Dinner 	Secretary-Treasurer	
<ul style="list-style-type: none"> • Arrange for announcement of Sterling Ambler Award winner in Winter edition of Council Notes and Colorado Lawyer 	Secretary-Treasurer	

October 2021

	Responsible Person	Date Complete?
<ul style="list-style-type: none">• Prepare notice and agenda for November meeting• Send notice and agenda for November meeting, minutes for October meeting, current financial statements and any other attachments to Katie Null (knull@cobar.org) for circulation (no later than third Friday of October)	Secretary-Treasurer	

November 2021

	Responsible Person	Date Complete?
<ul style="list-style-type: none">• Prepare notice and agenda for December meeting• Send notice and agenda for December meeting, minutes for November meeting, current financial statements and any other attachments to Katie Null (knull@cobar.org) for circulation (no later than third Friday of November)	Secretary-Treasurer	

December 2021

	Responsible Person	Date Complete?
<ul style="list-style-type: none">• Prepare notice and agenda for January meeting• Send notice and agenda for January meeting, minutes for December meeting, current financial statements and any other attachments to Katie Null (knull@cobar.org) for circulation (no later than third Friday of December)	Secretary-Treasurer	

January 2022

	Responsible Person	Date Complete?
<ul style="list-style-type: none"> • Appoint Nominating Committee which shall consist of Chair, Vice Chair, Secretary/Treasurer, Immediate Past Chair and three other Section members (no later than January 15th) 	Chair	
<ul style="list-style-type: none"> • Send out email (on behalf of Nominating Committee) to Section membership to request applications or nominations for upcoming year Chair, Vice Chair, Secretary/Treasurer and First-Year Council Members (with deadline of March 1st) 	Chair	
<ul style="list-style-type: none"> • Publish announcement in Colorado Lawyer, Docket and Council Notes and send email to Section membership to request nominations for Sterling Ambler Award (with deadline of April 30th) 	Secretary-Treasurer	
<ul style="list-style-type: none"> • Prepare notice and agenda for February meeting • Send notice and agenda for February meeting, minutes for January meeting, current financial statements and any other attachments to Katie Null (knull@cobar.org) for circulation (no later than third Friday of January) 	Secretary-Treasurer	

February 2022

	Responsible Person	Date Complete?
<ul style="list-style-type: none"> Send out follow-up email(s) (on behalf of Nominating Committee) to Section membership to request applications or nominations for upcoming year Chair, Vice Chair, Secretary/Treasurer and First-Year Council Members (with deadline of March 1st) 	Chair	
<ul style="list-style-type: none"> Publish announcement in Colorado Lawyer, Docket and Council Notes and send email to Section membership to request nominations for Sterling Ambler Award (with deadline of April 30th) 	Secretary-Treasurer	
<ul style="list-style-type: none"> Prepare notice and agenda for March meeting Send notice and agenda for March meeting, minutes for February meeting, current financial statements and any other attachments to Katie Null (knull@cobar.org) for circulation (no later than third Friday of February) 	Secretary-Treasurer	

March 2022

	Responsible Person	Date Complete?
<ul style="list-style-type: none"> • Arrange meeting for Nominating Committee to decide on proposed slate for upcoming year Executive Council (after March 1st but before March 15th) • Nominating Committee may also make recommendations for Communications Representative; Young Lawyers Representative; Legislative Liaison; and Board of Governors Representative 	Chair	
<ul style="list-style-type: none"> • Send out proposed slate (on behalf of Nominating Committee) for upcoming year Executive Council with instructions as to submission of proposed alternate slate(s) by April 1st (no later than March 15th) 	Chair	
<ul style="list-style-type: none"> • Publish announcement in Colorado Lawyer, Docket and Council Notes and send email to Section membership to request nominations for Sterling Ambler Award (with deadline of April 30th) 	Secretary-Treasurer	
<ul style="list-style-type: none"> • Prepare notice and agenda for April meeting • Send notice and agenda for April meeting, minutes for March meeting, current financial statements and any other attachments to Katie Null (knull@cobar.org) for circulation (no later than third Friday of March) 	Secretary-Treasurer	

April 2022

	Responsible Person	Date Complete?
<ul style="list-style-type: none"> • Prepare notice and agenda for Annual meeting • Send notice and agenda for Annual meeting and any other attachments to Katie Null (knull@cobar.org) for circulation (no less than 21 days nor more than 63 days prior to the Annual meeting) • Annual meeting shall include a vote on proposed slate(s) for upcoming year Executive Council and any proposed Bylaw changes recommended by the Executive Council 	Secretary-Treasurer	
<ul style="list-style-type: none"> • Publish announcement in Colorado Lawyer, Docket and Council Notes and send email to Section membership to request nominations for Sterling Ambler Award (with deadline of April 30th) 	Secretary-Treasurer	
<ul style="list-style-type: none"> • Prepare notice and agenda for May meeting • Send notice and agenda for May meeting, minutes for April meeting, current financial statements and any other attachments to Katie Null (knull@cobar.org) for circulation (no later than third Friday of April) • May meeting shall include a vote on nominations for Communications Representative; Young Lawyers Representative; Legislative Liaison; and Board of Governors Representative 	Secretary-Treasurer	

May/June 2022

	Responsible Person	Date Complete?
<ul style="list-style-type: none"> Announce results of upcoming year Executive Council (no later than May 31st) 		
<ul style="list-style-type: none"> Organize happy hour for leadership transition 	Chair	
<ul style="list-style-type: none"> Send working list of desired/possible CLE topics to incoming Vice Chair 	Vice Chair	
<ul style="list-style-type: none"> Second copy of current year budget and May agenda and minute (monthly and annual) to incoming Secretary-Treasurer 	Secretary-Treasurer	
<ul style="list-style-type: none"> Schedule meeting with Chair, Vice Chair, Secretary/Treasurer, Immediate Past Chair, David K. Johns and Carl G. Stevens to pick recipient of Sterling Ambler Award (by May 31st) 	Secretary-Treasurer	
<ul style="list-style-type: none"> Update CBA Trust and Estate Section Executive Council Handbook and provide to incoming Chair, Vice Chair and Secretary-Treasurer 	Secretary-Treasurer	

Miscellaneous Notes

Monthly, Annual and Special Meetings

- Chair or Vice Chair shall run all meetings.
- Secretary-Treasurer shall be responsible for taking attendance and minutes.
- Special meetings may be call by the Chair upon majority approval of the Executive Council, at such time and place as the Chair may determine. Minutes for special meetings shall be reviewed and approved at the next monthly meeting.

Annual Dinner

- Dinner is generally held in October or November. Careful attention should be made to avoid the ACTEC Fall Meeting and to ensure the Sterling Ambler Award winner can attend.
- Secretary-Treasurer will locate a venue that has a reasonable menu and can hold approximately 50-60 attendees.
- Secretary-Treasurer will acquire the invite list for the prior year's dinner and review/review with the Chair, Vice Chair and Immediate Past Chair. Invite list will generally include:
 - Executive Council officers and second-year/first-year members;
 - Committee chairs and liaisons;
 - past Section chairs;
 - CBA President;
 - current and former Denver Probate Court judges;
 - David K. Johns;
 - Carl G. Stevens; and
 - past award winners.
- Judges and CBA staff do not pay to attend the dinner. Section members do pay a portion of the costs (usually \$30.00 - \$35.00 per person)
- Invitations are normally email but a copy should be mailed to Phil Keenan and Dottie Ambler.
- RSVPs and payments go to Lori Krupske (lkrupske@cobar.org).
- The Sterling Ambler Award plaque is presented to the award recipient at this dinner so the plaque should be ordered (and reviewed) well in advance of the dinner.
- Also, appreciation plagues are presented to any Committee chairs and liaisons that are no longer serving and the prior year's Executive Council officers and second-year members.

Sterling Ambler Award

- Publish announcement in Colorado Lawyer, Docket and Council Notes and send email to Section membership to request nominations for Sterling Ambler Award by April 30th.
- Schedule meeting with Chair, Vice Chair, Secretary/Treasurer, Immediate Past Chair, David K. Johns and Carl G. Stevens to pick recipient of Sterling Ambler Award by May 31st.
- Award recipient is announced at the Estate Planning Retreat in June.
- Award is presented at the Annual Dinner.

**Trust & Estate Section
of the Colorado Bar Association**
Committee Chair Expectations

1. Preparation for Committee Meetings
 - a. For regular monthly meetings (first Wednesday 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 a week 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 Co-Chair, Vice Chair or Secretary (if any) 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. Co-Chair, Vice Chair or Secretary, if any) 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, Vice Chair, 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 current. 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 and Estate Section of the Colorado Bar Association Bylaws
Restated as of April 18, 2002, as amended April 2008, June 2018 and February 2019

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 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 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 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 (whether present or not). 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 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 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 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 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 1st of each year. The Nominating Committee shall send a proposed slate to the Section membership for consideration no later than March 15th 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 1st. The Section’s annual meeting shall be held on the first Wednesday of May each year to approve the proposed slate or if necessary, to choose between the proposed slate and 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 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 first Wednesday 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 that 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 Chair may determine. The members of the Section present at a special 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.

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 Executive Council of the Colorado Bar Association for the Association's action thereon.

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

ARTICLE VII Amendments

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