

**Council of the Trust and Estate Section
of the Colorado Bar Association
Notice of and Agenda for the November 16, 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 fourth meeting of the 2017-2018 Council of the Trust and Estate Section of the Colorado Bar Association will be held:

Date and time: ***Thursday, November 16, 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 October 19, 2017 meeting of the Council
2. Trust and Estate Section Financial Reports as of October 2017
3. T&E Welcome Letter

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
November 16, 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 October 19, 2017 meeting of the Council
2. Chair's Report and Administrative Matters (Kelly Dickson Cooper). Kelly will discuss the draft Welcome Letter for new T&E Section members. See attached draft.
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 October 2017 Meeting

Council met on Thursday, October 19, 2017, at the Colorado Bar Association offices, 1900 Grant Street, Denver, Colorado. The meeting was called to order at approximately 3:30 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: Georgine M. Kryda (Tax Section Liaison); 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; Patrick Thiessen (Elder Law Liaison); Gene Zuspahn.

1. Approval of Minutes of Prior Meeting

The Minutes of the September 14, 2017 Council meeting were approved unanimously.

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

Kelly briefly discussed the proposed flat fee rule, CRPC 1.5. Asked Council for comment because we are more likely to do flat fee work. Darla asked how this would relate to the compensation act, and Kelly said it should not intersect, but the compensation act is explicit that it doesn't prohibit any ways of being paid. Darla said she'd send the proposed Rule to Marc Darling for his comments. But if the Rule prohibited something, the statute would yield to the Rule. Council does not have to comment, but we can. Leia said that if the Rule made changes to the statute, then it is an issue, but if not, then it is not controversial. The general thinking is that Council will not comment.

Kelly then discussed the proposed bylaws changes for the best practices playbook. All sections are asked to review. Kelly has reviewed. To comply, the amendments she drafted would have to be adopted. We have the option to have a ballot or slate election, and Kelly thinks the T&E Section should do the slate. Timing of the election is changed to make easier for CBA staff. T&E would need a nominating committee, with past 3 chairs on it. The playbook emphasizes inclusion of young lawyers, lawyers outside of Denver lawyer, with a focus on diversity. Sections 6 and 7 deal with these issues. The slate is due April 1st. The section must have the ability to nominate their own slate. There has to be 25 section members to propose an alternate slate. Annual meeting will

move to April from May. Section 8 is new in asking sections to look at diversity issues, and preservation of institutional knowledge. Section 9 changes the annual meeting and changing the notice requirements. 21 days, not 30 days, to get things done. Section 10 needs certain representatives, but wants those representatives term limited. Members can make recommendations to Council, and Council will vote. An individual may be reappointed, and multiple people can have the same job, such as the communications representative. Members can serve together and divvy up the tasks. Section 11 allows a Section to appoint additional positions if needed. Section 4 states unexcused absences will result in being removed from Council. Maybe want to get rid of this? Leia thinks we should keep, but change to “may” not “shall” in the bylaw. Section 1, the annual meeting, move to May and the program and order of business by the chair, not council. Remove requirement for an annual report. Council will have to call special meeting for the bylaw change, and need to do it by the 1st of the year. Agreed to hold the special meeting at the same time as Council meets, probably in December. There are no radical changes, but want to give folks time to review before a vote. Gene asked about the duties of the communication representative. Welcome members to the Section, Ambassadors program, social media presence, quarterly newsletter, etc. Gene asked that Council would determine if someone not fulfilling duties, and then Council can act. Any changes or suggestion should be sent to Kelly.

Section leaders got emails about Patrick from the CBA coming to meet with Section leaders, but Kelly declined since he addressed our Section at the Retreat. Also, there will be training for legislative liaison, and Steve is aware. Kelly is working on the sample “welcome letter”, and we will review and discuss next month. Council agreed the welcome letter should be on the website, even it not sent out to new members.

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

Josie discussed the T&E Section dinner, and list serv cost. Leia discussed an email from Lucy Marsh to discuss funding for the Tribal Wills project. The T&E Section traditionally helps fund this program (\$2000), but Leia told her that we may not be able to help at that level.

4. Tax Section Liaison (Georgine M. Kryda)

Georgine reported the tax section executive council will meet September 28 and will vote on CTC, and no questions or problems are anticipated.

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

Patrick indicated there is still uncertainty with the “Uniform Guardianship and Protective Proceedings Act” and still don’t know how much time there will be for review.

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

No report.

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

Leia said her committee discussed the Public Administrator issues, the “Uniform Guardianship and Protective Proceedings Act”, and the deposit of documents legislation continues to move along with the Secretary of State’s office.

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

No additional report.

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

Josie reported working to replace Julie with Sumi Lee. They are always looking for good articles, and plan to ask presenters from the T&E and Elder Law Retreat to consider writing something based on their presentation.

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

Leia reported that she has been very busy planning CLEs. More lunches planned through November, and some for the spring. She is also lining up Retreat speakers and spring updates. Leia listed some of the possible topics. The retreat is in Beaver Creek in 2018, June 7-9. Always wants new topics, and thinking of adding a retreat session for newer T&E lawyers. Folks were open to specialized sessions for them.

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

Susie said the committee is still working on premarital agreement form, and that is it still contentious, still problematic. Folks continue to ponder if it is appropriate to a form with a cross over with an other area of law.

12. Rules & Forms Committee (Jarod Balson)

Casey reported via email that Jarod Balson voted in as Chairperson today; Laurence Gendelman will serve as Secretary; effective November 18, 2017. New “checkbox issue” on JDFs—without an official policy statement or administrative rule, this is apparently the compromise between JDFs being totally locked or editable. The committee is gathering Committee Member’s experiences and applications so far with the new box. Casey anticipates the need for a request for a formal rule or policy request on the use. During transition to Jarod and moving forward, the committee is working with Susie on “Standard Operating Procedures” for the Committee, including leadership change timing and submission “steps” for specific projects, as Susie believes it is better to have input from another sections before completing a project, and then another section gets involved.

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

Boulder Senior Law Day was good, smaller, but good. There are left over handbooks available, and can be used by individuals and firms. Pitkin county has a small SLD with 125 folks attending.

Mark Masters raised the issue of lawyers being shoved out of the events. The Larimer County event had a lack of transparency regarding finances, and what funds were used for the rest of the year. What enforcement mechanism do we have? Only carrot is to have the handbooks. Fund-raising for the SLH is underway, and the cover is done. Fielder color page with, leaving three color pages left to sell. Grant underway for the Next 50 group, to get funding for the Handbook. They have a full packet ready for folks to use to solicit advertising. Outreach planned to banking, real estate, finance, and the medical communities. Sandra asking for money from the T&E Section. We gave \$2800 the last few years, and they would ask for the same this next year. Elder law often matches us.

14. Diversity Committee (Melissa R. Schwartz)

Melissa said the coffee event was well attended and fun. Three attendees asked for Ambassadors, folks who haven't been in the bar, and now may attend Super Thursday. Trying to get pictures from the event in the CO lawyer, and the event came in under budget. Ruben Hernandez forwarded diversity pledge, and Melissa will circulate.

15. Probate Trial and Procedure Committee (Aaron Evans)

Tim Bounds reported Tim Swanson came and spoke about bankruptcy issues and the intersection with bankruptcy.

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

No report, but Susie said editor working on the revised edition this year. Made a minor change to titles to make less confusing. Blame Frank!

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

No report, but Susie said David got it to her, and expects it back from the printer in November.

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

The committee will be planning an event soon. Good turnout today, and next month Kerri Johnson will talk about mandatory reporting for elder abuse. First Tuesday of the month new lawyer study group is being revived. Please forward ideas to Leia regarding ways to target newer attorneys. Perhaps a few CLEs next year and more social events.

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

David said he is looking for articles.

20. Communications Representative (Mark D. Masters)

No report

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

Paige attended for Melissa. The issue of the breakfast came up, and Dick Armstrong asked why the breakfast was still going. Last few years, nothing controversial has come up. The CBA pays for the breakfast, but planned by Melissa's office. Lots of focus on what the point of the BOG representative, and last few meetings there were speakers talking about the role of the BOG rep.

22. Ambassador Coordinator (Melissa R. Schwartz)

Melissa stressed the ambassadors are crucial for the development of the new lawyers.

23. GAL Subcommittee (David W. Kirch)

Actively being reviewed, and hoping complete by end of the year.

24. Miscellaneous/FYI

None.

25. Adjournment

The meeting was adjourned at or about 4:27 p.m.

Respectfully submitted,

Josie M. Faix

Welcome to the CBA's [insert section name here]!

Thank you for choosing to join our section. I wanted to take the time to introduce you to some of the great resources the section has to offer. These will allow you to make the most of your section membership.

You can access the [insert section name here] webpage here [insert URL or hyperlink]. Here you will find information about the Section including monthly meeting schedules, newsletters and other professional and educational resources.

Please consider joining the Section's listserv. You can join here [insert URL or hyperlink.] The listserv is very active and a valuable source of information, updates and referrals.

The section's monthly CLE date is [insert date here] at the [insert location and time]. We have lined up some impressive speakers for the year. We would love to see you there.

You will also be hearing from your section ambassador in the next few weeks. [Insert name here] is available to attend events, introduce you to members and answer any section questions you may have.

We look forward to meeting you in person at our next event [insert event date and time or registration link].

Please do not hesitate to contact me with any questions. I am here to help.

Trust & Estate

For the Four Months Ending October 31, 2017

		October	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	930.00	31,335.00		31,335.00		26,600.00
Total Revenue Trust & Estate Section		930.00	31,335.00		31,335.00		26,600.00
Expenses							
AWARDS	01-5007-31600						(325.34)
Travel	01-5102-31600						(5.00)
Postage	01-5304-31600	(0.46)	(0.92)		(0.92)		(1.86)
Telephone	01-5412-31600	(76.04)	(231.14)		(231.14)		(248.33)
Internet/E-Mail Access	01-5413-31600	(403.27)	(403.27)		(403.27)		(338.61)
Meals (Not travel related)	01-5491-31600	(500.14)	(1,469.17)		(1,469.17)		(2,670.30)
Administration Fee	01-5494-31600	(494.58)	(1,978.32)		(1,978.32)		(1,960.00)
Grants/Contributions	01-5500-31600	(500.00)	(500.00)		(500.00)		
Total Expenses Trust & Estate Section		(1,974.49)	(4,582.82)		(4,582.82)		(5,549.44)
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	
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	880.00	880.00	880.00	1,400.00
Total Revenue Admin Council Dinner		880.00	880.00	880.00	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

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??	1,810.00	32,215.00	32,215.00	28,000.00
Total Expense All Sources	01-5???-316??	(1,974.49)	(4,582.82)	(4,582.82)	(11,538.48)

Ending Balance		(164.49)	27,190.22	27,190.22	22,120.41

		October	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	930.00	31,335.00		31,335.00		26,600.00
Expenses	01-5???-31600	(1,974.49)	(4,582.82)		(4,582.82)		(5,549.44)
Statutory Revisions Committee							
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	880.00	880.00		880.00		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							
Judicial Liaison							
Member Vouchers							
Uniform Trust Code							
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??	1,810.00	32,215.00	32,215.00	28,000.00
Total Expenses All Sources	01-5???-316??	(1,974.49)	(4,582.82)	(4,582.82)	(11,538.48)
Ending Balance		(164.49)	27,190.22	27,190.22	22,120.41