

**NOTICE OF MEETING FOR THE PROBATE TRIAL AND PROCEDURE
COMMITTEE OF THE TRUST AND ESTATE SECTION AND ELDER LAW SECTION
OF THE COLORADO BAR ASSOCIATION**

January 6, 2021 at 10 a.m.

<https://cba-cle.zoom.us/j/91827848116?pwd=VEFQRms3VHYyaFpXSDJmN1ROcVp0UT09>

Meeting ID: 918 2784 8116

Passcode: 620136

Call-in: 1 (312) 626 6799

Meeting ID: 918 2784 8116

Find your local number: <https://cba-cle.zoom.us/u/aiYe3oM0k>

AGENDA

1. Welcome and Introductions
2. Review of Minutes from November 4, 2020/Approval
3. Chair's Report
 - a. Probate Bench Book – Kathy Seidel
4. New Business or Requests
5. Updates/Reports
 - a. CRPP Rule 40(d). Submitted to Supreme Court for approval? Marcie McMinimee
 - b. Cost Recovery and Compensation Act; C.R.S. § 15-10-604 re procedure and process. Marc Darling/Marcie McMinimee
 - c. Due process concerns re “substantiated perpetrator” list maintained by Departments of Human Services. Kathy Seidel/Norv Brasch
 - d. C.R.S. §§15-14-708(2) and 421(6)(a) Powers of Attorney when fiduciary appointed. Marcie McMinimee
 - e. Virtual Court Proceedings. Norv Brasch
 - f. Conservator's Annual Report - Tabled.
6. Adjournment

NEXT MEETING: February 3, 2021 @ 10 a.m.

REMINDER: Join the Committee through CBA Membership Department – email membership@cobar.org

Probate Trial and Procedure Committee
Minutes of the December 2, 2020 Meeting

The Probate Trial and Procedure Committee met virtually on December 2, 2020. The meeting was called to order at approximately 10:00am.

The following members were present or participated by phone:

Lindsay Andrew – Landrew@steenrodlaw.com
Norv Brasch – norv@tealaw.com
Lynne Bruzzese – lynne@lbdurangolaw.com
Gary Clexton – gclcxton@m-s-lawyers.com
Gunther Goetz – gunther@goetzlawoffice.com
Keith Lapuyade – keith.lapuyade@overtonlawfirm.com
Marcie McMinimee – mmcinimee@steenrodlaw.com
Theresa Moore – tmoore@tmmmpc.com
Sal Quintana – s.quintana@qlegalservices.com
Patricia Rankin – prankin99@gmail.com
Catherine Seal – cas@kirtlandseal.com
Sandra Sigler - sandra@siglerlawco.com

1 Approval of Minutes of Prior Meeting

The minutes of the November 4, 2020 meeting were approved.

2 Chair's Report

- a. Probate Bench Book – Project is moving forward slowly. May need to find additional authors. Need completed sections to submit to Judge Leith.

3 New Business or Requests

- a. Norv Brasch raised issues regarding the quality of virtual court proceeding, ranging from basics such as virtual etiquette, technological issues, diminution of advocacy, difficulty communicating with clients virtually as well as procedural hurdles in raising objections and submitting evidence to the court. Several committee members shared their virtual court experiences, the good the bad and the ugly. Many opined that they believe that judges are also very frustrated with the virtual experience.

Committee members thought it would be helpful if the judiciary could establish uniform basic procedures for virtual hearings and trials.

Next Steps: Marcie McMinimee agreed to reach out to state judicial court administration personnel to address the problem

4 Updates/Reports

- a. CRPP Rule 40(d) – No Update.
- b. Cost Recovery and Compensation Act. The Committee is not currently meeting, however, Marc Darling has proposed language to change the statutory provisions. Committee members are gathering comments.
- c. DHS/APS “substantiated perpetrator” list. Kathy Seidel reported that there were no additional meetings with DHS in November, but hopes to have another meeting in December to address issues. A potential CLE with an employee of DHS to discuss the CAPS process has been suggested.
- d. C.R.S. §§ 15-14-708(2) and 15-14-421(6)(a) re Powers of Attorney. Proposed changes were submitted at Elder Law meeting and will also be discussed today at SRC and T&E Council meeting.
- e. Conservator’s Annual Report – Tabled.

5 Adjournment

The meeting adjourned at approximately 11:00 am.