Council of the Trust and Estate Section of the Colorado Bar Association
Notice of and Agenda for the August 16, 2018 Meeting

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

From: Spencer J. Crona
Brown & Crona, LLC
7900 E Union Ave #1012
Denver, CO 80237
Telephone: (303) 339-3750
scrona@brownandcrona.com

Notice of Meeting

The first meeting of the 2018-2019 Council of the Trust and Estate Section of the Colorado Bar Association will be held:

Date and time:	***Thursday, August 16, 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 May 17, 2018 meeting of the Council
2. Trust and Estate Section Financial Reports as of July 2018

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
August 16, 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 May 17, 2018 meeting of the Council

2. Chair's Report and Administrative Matters (Leia Ursery).

- Formal Appointment of Section Liaisons
- Higher Logic roll-out (Shanna Montoya – CBA to present)
- New Member Welcome Letter
- Kickball Tournament with YLD
- Report on Silent Auction Fundraiser
- New CRPP Rules
- Website Review/Updates

3. Secretary/Treasurer's report (Spencer J. Crona)

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 (Tim Bounds/Molly Zwerdlinger)

8. Legislative Liaison (Stephen M. Brainerd)

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

10. CLE/Estate Planning Retreat (Josie M. Faix)

11. Orange Book Forms Committee (Kim Raemdonck/Heidi Gassman)

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 (Zach Schlichting and Jody Pilmer)

16. Colorado Estate Planning Handbook (David K. Johns and Julia G. McVey)

17. Green Book (David K. Johns)

18. New T&E Lawyers Committee (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

Council of the Trust and Estate Section of the Colorado Bar Association
Minutes of the May 17, 2018 Meeting

Council met on Thursday, May 17, 2018, at the Colorado Bar Association offices, 1900 Grant Street, Denver, Colorado. The meeting was called to order at approximately 2:50 p.m.

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

Kelly Dickson Cooper, Chair
Leia Ursery, Vice Chair
Josie M. Faix, Secretary/Treasurer
Nicole E. Brown, Second Year Member (phone)
Peter W. Bullard, First Year Member
Jessica Broderick, First Year Member
Tim Bounds, First Year Member
Casey Williams, Second Year Member
Zach Schlichting, Second Year Member

Also in attendance were: Elizabeth Akalin (CBA); Georgine Kryda (Tax Section Liaison); Melissa Schwartz, David Kirsch, Patrick Thiessen, Darla Daniel, Spencer Crona; Jarod Balson.

1. Approval of Minutes of Prior Meeting

The Minutes of the April 19, 2018 Council meeting were approved unanimously.

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

Kelly reported the CBA is still working on the website and content.

Kelly shared the committee chair expectation document. Help committees think about succession, and not that the Council wants to run committees. Attendees agreed it was appropriate and liked the content. Voted to approve. There was discussion on how it can be shared. Decided to email it to committee chairs, ask them to pass on to next chair, or review for upcoming chairs.

Elizabeth reported that the social media piece is ongoing in and in discussion.

Ethics committee representation is still an issue. The committee discussed trying to increase committee membership, but the ethics committee is trying to shrink membership.

Council unanimously approved section jobs and liaison.

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

No report.

4. Tax Section Liaison (Georgine M. Kryda)

Georgine had no report.

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

Patrick reported remote notary coming back. Uniform Guardian and Conservatorship committee meetings are being planned. Marco said Sorensen committee is complete. Judge Pratt in Arapahoe County assigned to sit in probate. Magistrate Hurst will continue to serve.

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

David reported that the RE section is willing to review practitioner forms to make sure no technical problems. Like supplementary affidavit, important to review. Bargain and sale deed need consideration, which would invalidate PR deeds. Discussion of LPC.

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

Leia reported the committee on abandoned document committee. They will be meeting over the summer, and discussing changes to ethical rules. Hope to get approved by August meeting. Part 5 of CUTC is starting in August.

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

Session wrapped up and brief discussion of next year.

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

Gearing up for the June issue, and always looking for articles!

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

Leia reported work on the silent auction planned for the Retreat. Bar Foundation will handle the funds and distribution. Leia described the party and how it will work.

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

Elizabeth reported plugging along. Subcommittee working on retirement asset language. Updating beneficiary deed form. Marital Agreement form may be ready by end of calendar year.

12. Rules & Forms Committee (Jarod Balson)

There will be a meeting at the supreme court with rule changes. On their website. 700 pages. June 27 at 3pm. Heirship forms are on there too.

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

See Senior Law Day will be July 28 in Denver. June 2 in Jeffco, and over 100 registrants so far.

14. Diversity Committee (Melissa R. Schwartz)

Melissa reported good meeting and discussed next year events with other sections. Working with the bar association to coordinate.

15. Probate Trial and Procedure Committee (Aaron Evans)

Herb and Alison presented to the committee.

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

No report.

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

No report.

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

Lauren said small turn out, but doing a prelunch happy hour at the retreat.

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

David said there will be a three part article re POAs. Peggy and Morgan will do article re decanting.. David did article re ethics opinions. Frank Hill has promised article on the history of The Orange Book.

ANNUAL MEETING

Reviewed the bylaw changes. Pete Bullard had a friendly amendment, changing “that” to ‘who” in article 5, page 7. Approved. Approved the bylaws.

Approved slate, and Leia as Chair; Josie as Vice Chair; Spencer as Sect/Treasurer.

20. Communications Representative (Mark D. Masters)

No report.

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

No update, but only one male ambassador at this time. Need more guys!

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

Melissa reported Greg Martin is retiring from CBA. No replacement yet. Jim Coyle retiring. Ending the pre-meeting breakfast, eventually. For now, it will only be held when specific issues.

23. GAL Subcommittee (David W. Kirch)

Marco attended the meeting, and discussed status.

24. Miscellaneous/FYI

None.

25. Adjournment

The meeting was adjourned at or about 3:45 p.m.

Respectfully submitted,

Josie M. Faix

Colorado Bar Association

Trust & Estate

For the Month Ending July 31, 2018

		July	YTD	Budget	Variance	%	Last FY
Beginning balance	**01-3160-31600**		**($441.96)**		**($441.96)**		**($441.96)**
Trust & Estate Section							
Revenue							
Dues Income Section	01-4050-31600	27,210.00	27,210.00		27,210.00		25,995.00
Total Revenue Trust & Estate Section		**27,210.00**	**27,210.00**		**27,210.00**		**25,995.00**
Expenses							
Meals (Not travel related)	01-5491-31600						(334.80)
Administration Fee	01-5494-31600	(503.75)	(503.75)		(503.75)		(494.58)
Total Expenses Trust & Estate Section		**(503.75)**	**(503.75)**		**(503.75)**		**(829.38)**
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

Expenses

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							
Beginning Balance	**01-3160-31600**		**(441.96)**		**(441.96)**		**(441.96)**
Total Revenue All Sources	**01-4???-316??**	**27,210.00**	**27,210.00**		**27,210.00**		**25,995.00**
Total Expense All Sources	**01-5???-316??**	**(503.75)**	**(503.75)**		**(503.75)**		**(829.38)**
Ending Balance		**26,706.25**	**26,264.29**		**26,264.29**		**24,723.66**

		July	YTD	Budget	Variance	%	Last FY
Beginning balance	**01-3160-31600**		**($441.96)**		**($441.96)**		**($441.96)**
Trust & Estate Section- General							
Revenue	**01-4???-31600**	**27,210.00**	**27,210.00**		**27,210.00**		**25,995.00**
Expenses	**01-5???-31600**	**(503.75)**	**(503.75)**		**(503.75)**		**(829.38)**
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							
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							
Beginning Balance	**01-3160-31600**		**(441.96)**		**(441.96)**		**(441.96)**
Total Revenue All Sources	**01-4???-316??**	**27,210.00**	**27,210.00**		**27,210.00**		**25,995.00**
Total Expenses All Sources	**01-5???-316??**	**(503.75)**	**(503.75)**		**(503.75)**		**(829.38)**
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Ending Balance	**26,706.25**	**26,264.29**	**26,264.29**	**24,723.66**

Colorado Bar Association

Trust & Estate Summary

For the Two Months Ending August 31, 2019

		August	YTD	Budget	Variance	%	Last FY
Beginning balance	**01-3160-31600**		**$22,262.87**		**$22,262.87**	**0%**	**$7,804.88**
Trust & Estate Section- General							
Revenue	**01-4???-31600**	**1,890.00**	**29,820.00**		**29,820.00**	**0%**	**30,115.00**
Expenses	**01-5???-31600**	**(1,943.81)**	**(10,492.97)**		**(10,492.97)**	**0%**	**(2,142.09)**
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							
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							
Beginning Balance	**01-3160-31600**		**22,262.87**		**22,262.87**	**0%**	**7,804.88**
Total Revenue All Sources	**01-4???-316??**	**1,890.00**	**29,820.00**		**29,820.00**	**0%**	**30,115.00**
Total Expenses All Sources	**01-5???-316??**	**(1,943.81)**	**(10,492.97)**		**(10,492.97)**	**0%**	**(2,142.09)**
Ending Balance		**(53.81)**	**41,589.90**		**41,589.90**	**0%**	**35,777.79**

Colorado Bar Association

Trust & Estate

For the Two Months Ending August 31, 2019

		August	YTD	Budget	Variance	%	Last FY
Beginning balance	**01-3160-31600**		**$22,262.87**		**$22,262.87**	**0%**	**$7,804.88**
Trust & Estate Section							
Revenue							
Dues Income Section	01-4050-31600	1,890.00	29,820.00		29,820.00	0%	30,115.00
Total Revenue Trust & Estate Sect		**1,890.00**	**29,820.00**		**29,820.00**	**0%**	**30,115.00**
Expenses							
Telephone	01-5412-31600					0%	(9.87)
Internet/E-Mail Access	01-5413-31600		(544.99)		(544.99)	0%	(322.68)
Meals (Not travel related)	01-5491-31600	(1,439.64)	(1,439.64)		(1,439.64)	0%	(802.04)
Administration Fee	01-5494-31600	(504.17)	(1,008.34)		(1,008.34)	0%	(1,007.50)
Grants/Contributions	01-5500-31600		(7,500.00)		(7,500.00)	0%	
Total Expenses Trust & Estate Sec		**(1,943.81)**	**(10,492.97)**		**(10,492.97)**	**0%**	**(2,142.09)**
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							

Colorado Bar Association

Trust & Estate

For the Two Months Ending August 31, 2019

	August	YTD	Budget	Variance	%	Last FY
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						

Colorado Bar Association

Trust & Estate

For the Two Months Ending August 31, 2019

	August	YTD	Budget	Variance	%	Last FY
Expenses						
Admin. Chair						
Revenue						
Expenses						
Estate Planning Handbook						
Revenue						
Expenses						
Admin Council Dinner						
Revenue						
Expenses						
Legislative Liaison						
Revenue						
Expenses						
Internet Editor						
Revenue						
Expenses						
Technology Committee						
Revenue						
Expenses						
Real Estate Liaison						
Revenue						
Expenses						
Green Book						
Revenue						

Colorado Bar Association

Trust & Estate

For the Two Months Ending August 31, 2019

		August	YTD	Budget	Variance	%	Last FY
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							
Beginning Balance	**01-3160-31600**		**$22,262.87**		**$22,262.87**	**0%**	**$7,804.88**
Total Revenue All Sources	**01-4???-316??**	**1,890.00**	**29,820.00**		**29,820.00**	**0%**	**30,115.00**
Total Expense All Sources	**01-5???-316??**	**(1,943.81)**	**(10,492.97)**		**(10,492.97)**	**0%**	**(2,142.09)**
Ending Balance		**(53.81)**	**41,589.90**		**41,589.90**	**0%**	**35,777.79**

KIRCH ROUNDS BOWMAN & DEFFENBAUGH PC

MEMORANDUM

TO: **Council of the CBA Trust and Estate Section**

FROM: **Chad Rounds**

RE: **Summary of 8/20/19 CBA Real Estate Section Council Meeting**

DATE: **8/21/19**

I attended the CBA Real Estate Section Council ("RESC") meeting on 8/20/19. The following is my report on matters discussed which the CBA Trust and Estate Section Council ("TESC") might find of interest:

#1) Miscellaneous Items:

The Real Estate Section had a successful symposium (its annual "retreat") in July. There were over 400 attendees, which has been a consistent number for the last five years or so. Over 100 members of that section have not renewed their section membership as of now. Reminders and follow-ups will begin soon to try to reduce that number.

#2) New Liaison Positions:

One initiative proposed by the new chairperson of the Real Estate Section was to create new liaison positions: regional liaisons and professional organization liaisons. The purpose of a regional liaison would be to engage section members outside the Denver metro area by providing a designated channel to the RESC for bringing forth and addressing regional and local issues. Ideally, the position would also be a way to identify good future candidates from outside the Denver metro area to serve on the RESC, with regional diversity in mind. The hope with the professional organization liaisons is to open collegial communications with non-attorney organizations which are involved in Colorado real estate matters to try to get ahead of the game in avoiding conflicts on future proposed legislation. One organization targeted would be the Colorado Association of Realtors. The RESC voted to approve the creation of these positions. Would this be something the TESC would want to consider in the trust and estate area?

#3) Stakeholder Meetings on Colorado Protected Proceedings:

The new chairperson of the Real Estate Section has asked that I attend the stakeholder meetings on Colorado Protective Proceedings and report back on proposals that might affect real estate such as the concept of receiverships. I was at the July stakeholder meeting and plan to attend the September one.

Council of the Trust and Estate Section, Colorado Bar Association

Notice of and Agenda for the September 4, 2019, Meeting

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

From: Timothy D. Bounds
Secretary/Treasurer
1660 S. Albion St., Suite 1100
Denver, CO 80222
(303) 757-8300
Bounds@evanscase.com

Notice of Meeting

The next monthly meeting of the 2019-2020 Council of the Trust and Estate Section of the Colorado Bar Association will be held:

Date and time: ***Wednesday, September 4, 2019, 3:00 p.m.****

Place: Colorado Bar Association
1290 Broadway, Suite 1700
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 August 7, 2019, meeting of the Council

2. Financial spreadsheets as of July 31, 2019

Trust and Estate Section Council Agenda
September 4, 2019

In an attempt to adhere to the allotted meeting duration of one (1) hour and thirty (30) minutes, the Chair will exercise 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 August 7, 2019, meeting of the Council
2. Chair's Report and Administrative Matters (Josie Faix)
3. Secretary/Treasurer's report (Tim Bounds)
4. Tax Section Liaison (Georgine M. Kryda)
5. Elder Law Section Liaison (Patrick Thiessen)
6. Real Estate Section Liaison (Chad Rounds)
7. Family Law Section Liaison (Kim Willoughby)
8. Statutory Revisions Committee (Molly Zwerdlinger)
9. Legislative Liaison (Darla Daniel)
10. Council Notes (Kristin Dittus)
11. CLE/Estate Planning Retreat (Spencer Crona)
12. Orange Book Forms Committee (Heidi Gassman)
13. Rules and Forms Committee (Gordon Williams)
14. Civic and Community Affairs Joint Committee of the Elder Law Section (Sandra Sigler)
15. Diversity & Inclusivity Committee (Melissa Schwartz)
16. Probate Trial and Procedures Committee (Kathy Seidel & Norv Brasch)
17. Colorado Estate Planning Handbook (David Johns)
18. Green Book (David Johns)
19. New T&E Lawyers Committee (Alison Leary)

20. The Colorado Lawyer (Emily Bowman)

21. Communications Representative (Mark Masters)

22. Communications Representative/Ambassador Program (Melissa Schwartz)

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 August 7, 2019, Meeting

Council met on Wednesday, August 7, 2019, at the Colorado Bar Association offices, 1290 Broadway, Suite 1700, Denver, Colorado. The meeting was called to order at approximately 3:02 p.m. by Josie Faix, Chair.

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

Josie Faix, Chair
Spencer Crona, Vice Chair
Tim Bounds, Secretary
Leia Ursery, Chair Pro-Tem
Katie Null (CBA Staff)
Gordon Williams
Georgine Kryda
Peggy Gardner
Elizabeth Meck
Kristin Dittus
Steve Brainerd
Chad Rounds
Sandra Sigler
David Kirch
Lauren da Cunha
Molly Zwerdlinger
Jeremy Shupbach
Kathy Seidel
Jonathan Haskell
Melissa Schwartz
Bette Heller
Louisa Ritsick
Joe Hodges
Charles Spence
Gene Zuspann

1. Approval of Minutes of Prior Meeting

The Minutes of the May 1, 2019, Council meeting were approved unanimously.

2. Trust & Estates Listserv (Gene Zuspann and Joe Hodges)

Gene Zuspann and Joe Hodges circulated a memorandum to Council in February 2019 in response to Council's prior vote to shut down the Trust & Estates Listserv. The costs to operate the Listserv are approximately $1,200.00 per year. The software company that operates the Listserv does not charge for storing digital archives. Gene Zuspann discussed the amount of traffic on both the Listserv and the CBA Community software. Traffic on the Listserv remains generally constant, while the CBA Community has not seen a dramatic increase in usage. Both Joe and Gene would like more time to facilitate the transfer of the digital archives to the CBA Community platform. **A motion to extend the Listserv until December 2019 was unanimously approved by Council.**

3. Practice Area Ethics Advisory (Melissa Schwartz)

Melissa Schwartz updated council on the Advisory's progress through the summer. Meetings in June and July were held via phone, and Melissa circulated a memorandum to Council regarding the topics that were the subject of the Advisory. Melissa's group submitted their comments to the CBA Ethics Committee. The Committee is generally in agreement with the advisories; however, the memorandum circulated by Melissa during the meeting outlined the Committee's concerns. **Council agreed to review the memorandum in detail and further discuss at the September 2019 meeting.**

4. Chair's Report (Josie Faix)

Josie gave a report about the silent auction at the Estate Planning Retreat in June. The auction raised approximately $6,000.

5. Secretary/Treasurer Report (Tim Bounds)

Tim reviewed the financial statements for June and July 2019.

6. Tax Section Liaison (Georgine M. Kryda)

Georgine reported that the Section is on break until the end of September. Justin Mills is the incoming Chair of the Section, and Georgine will serve as Vice Chair.

7. Elder Law Section Liaison (Patrick Thiessen)

Patrick Thiessen gave a report. Colorado Fund for People with Disabilities has requested to form a subcommittee of ELS to review current Medicaid regulations regarding the age limit for pooled trust candidates. If anyone is interested in joining the subcommittee please contact Patrick or Megan Brand, who is the president of

CFPD. ELS will also be forming a new subcommittee to review regulation of professional fiduciaries.

8. Real Estate Section Liaison (Chad Rounds)

The Section met in June to continue discussing the *Cohen* decision. The 10th Circuit decision deals with bankruptcy and joint tenancy. Suzanne Leff is the incoming Chair for the Section. Chad also reported that he submitted a summary of the new abandoned estate planning documents leglislation to the Section.

9. Family Law (Kim Willoughby)

There was no report for this Committee.

10. Statutory Revisions Committee (Molly Zwerdlinger)

There was a brief discussion about moving the first meeting of Statutory Revisions to September. Such a move would interfere with the scheduling of the Estate Planning retreat. Council did not entertain any motions to move the meetings. Gordon Williams would like to move forward with presenting the recommendations from his subcommittee re. disclosure of fiduciary fees to Council for approval.

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

There was no report from the Legislative Liaisons.

12. Legislative Update (Jeremy Schupbach)

The Legislature is not currently in session. Jeremy anticipates a relatively active legislative year for Trust & Estates.

13. Council Notes (Josie Faix/Kristin Dittus)

Josie and Kristin both reported that Council Notes is looking for articles to publish in upcoming editions. Please contact either Josie or Kristin if interested.

14. Continuing Legal Education & Estate Planning Retreat (Spencer Crona)

Spencer gave a report. The CLE agenda for the annual fall update is nearly finalized. Spencer continues to work on the agenda for the Estate Planning Retreat in June 2020.

15. Orange Book Forms Committee (Heidi Gassman)

The Orange Book Committee continues to review the article, sample beneficiary designation, and draft language submitted by the subcommittee on retirement assets.

16. Rules & Forms Committee (Gordon Williams)

The Committee is reviewing the most recent changes to the JDF forms in response to the comments which Rules & Forms submitted to the Supreme Court Administrator's Office in May 2019. Rules & Forms will also be reviewing the form for affidavits to correct a conveyance to a fiduciary, life estate deeds, and the verification statement on conservator's reports.

17. Civic & Community Affairs (Sandra Sigler)

Sandra gave a report. Six "Senior Law Day" events have already occurred in 2019; three more events are still scheduled for Summit, Boulder, and Mesa counties. Anyone interested can visit seniorlawdaycolorado.com to view upcoming dates and to register. Sandra also reported that the brochures concerning decedent's estates, estate planning, and joint tenancy are moving along.

18. Diversity & Inclusivity Committee (Melissa Schwartz)

Melissa gave a report. The Committee will be meeting virtually going forward. The Committee's Action Plan has been approved by the Colorado & Denver Bar Associations. The Section will have a meeting on September 5, 2019. Location will be announced closer to the meeting date.

19. Probate Trial & Procedures Committee (Kathy Seidel):

Kathy gave a report. The Bench Books subcommittee will meet with Justice Boatwright for his comments and for finalization. Tom Rodriguez discussed forming a subcommittee to look into regulation of professional fiduciaries. Kathy also reported that subcommittees were formed to look into the *Feldman* case, which is a recent CO Supreme Court opinion concerning the "slayer statute."

20. Colorado Estate Planning Handbook (David Johns)

There was no report for this Committee.

21. Green Book (David Johns)

There was no report for this Subcommittee.

22. New T & E Lawyers Committee (Alison Leary)

Alison gave a report. The Committee needs volunteers for the group study call. The Committee is also expanding to include older lawyers who are entering new fields of practice for the first time, not just younger lawyers. The Committee is also conducting a survey regarding topics for future presentations.

23. The Colorado Lawyer (David Kirch)

David reported that Council member Jonathan Haskell's article will be published in the October edition. An article by Dylan Metzger and Jeffrey Kadavy will be published in the November edition. An article discussing powers of appointment and marital property will be published in December.

24. Communications Representative (Mark Masters)

There was no report from Mark. Council agreed to extend the position for another year.

25. Ambassador Coordinator (Lindsey Andrew)

Lindsey gave a report. She has received two requests for ambassadors, is continuing to work on additional requests.

26. Board of Governors Representative (Jonathan Haskell)

Jonathan gave a report. The Board of Governors met in June and discussed several topics. Membership in the BOG continues to increase, while the dues remain some of the lowest in the country. Jonathan also reported on the recent addition of 15 new district court judges in Colorado. The new President of the CO Bar Assoc. is Kathleen Croshal.

27. Other Business

Tim Bounds is working on scheduling the 2019 Council Dinner. Details will be forthcoming.

ADJOURNMENT

The meeting was adjourned at 4:52 p.m. The next Council meeting will be held on Sept 4, 2019.

Respectfully submitted

/s/ Timothy Bounds, Secretary

Council of the Trust and Estate Section, Colorado Bar Association, Notice of and Agenda for March 6, 2019, Meeting

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

From: Spencer J. Crona
Brown & Crona, LLC
7900 E Union Ave., #1012
Denver, CO 80237
Telephone: (303) 339-3750,
scrona@brownandcrona.com

Notice of Meeting

The sixth meeting of the 2018-2019 Council of the Trust and Estate Section of the Colorado Bar Association will be held:

Date and time: ***First Wednesday, March 6, 2019, 3:00 p.m.****

Place: Colorado Bar Association
1290 Broadway, Suite 1700
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 (see Chair Report below)

1. Minutes of the February 6, 2019, meetings of the Council

2. Financial spreadsheets as of February 28, 2019

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

Trust and Estate Section Council Agenda
March 6, 2019

In an attempt to adhere to the allotted meeting duration of one (1) hour and thirty (30) minutes, the Chair will exercise 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 February 6, 2019, meetings of the Council

2. Chair's Report and Administrative Matters (Chair Leia Ursery): Various matters, including but not limited to CBA Pledge of Diversity (see accompanying materials), discussion of HB 19-1045 (copy of bill, see accompanying materials), proposed Practice Area Ethics Advisory and potential formation of a T & E Section Committee to Review, Chad Rounds' memorandum regarding Real Estate Section meeting (see accompanying materials).

3. Secretary/Treasurer's report (Spencer J. Crona)

4. Tax Section Liaison (Georgine M. Kryda)

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

6. Real Estate Section Liaison (Chad Rounds)

7. Family Law Section Liaison (Kim Willoughby)

8. Statutory Revisions Committee (Tim Bounds/Molly Zwerdlinger)

9. Legislative Liaison (Stephen M. Brainerd)

10. Council Notes (Josie M. Faix/Kristin Dittus)

11. CLE/Estate Planning Retreat (Josie M. Faix)

12. Orange Book Forms Committee (Kim Raemdonck/Heidi Gassman)

13. Rules and Forms Committee (Gordon Williams)

14. Civic and Community Affairs Joint Committee of the Elder Law Section (Sandra Sigler): Kayla Nelson may present regarding newly revised proposed CBA brochure, "What to Do When Someone Dies"

15. Diversity & Inclusivity Committee (Melissa R. Schwartz)

16. Probate Trial and Procedures Committee (Zach Schlichting/Jody Pilmer)

17. Colorado Estate Planning Handbook (David K. Johns/Julia G. McVey)

18. Green Book (David K. Johns)

19. New T&E Lawyers Committee (Alison Leary)

20. The Colorado Lawyer (Emily Bowman)

21. Communications Representative (Mark D. Masters)

22. Communications Representative/Ambassador Program (Melissa R. Schwartz)

23. Board of Governors Representative (Jonathan Haskell)

24. GAL Subcommittee (David W. Kirch)

25. Miscellaneous/FYI

26. Adjournment

Council of the Trust and Estate Section of the Colorado Bar Association
Minutes of February 6, 2019, Meeting

Council met on Wednesday, February 6, 2019, at the Colorado Bar Association offices, 1290 Broadway, Ste 1700, Denver, Colorado. The Special Meeting was called to order at approximately 3:30 p.m. The Council meeting was called to order at 3:35 p.m.

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

Leia Ursery, Chair
Josie Faix, Vice Chair
Kelly Cooper, Immediate Past Chair
Spencer Crona, Secretary/Treasurer
Jessica Broderick, Second Year Member (Phone)
Tim Bounds, Second Year Member (Statutory Revisions Committee Liaison)
Elizabeth Meck
Kristin Dittus (Council Notes – Phone)
Jeremy Schupbach (CBA Director of Legislative Relations)
Jonathan Haskell (Board of Governors Liaison) (Phone)
Zach Schlichting (Probate Trial & Procedures Committee Liaison) (Phone)
Melissa Schwarz (Diversity & Inclusivity Committee)
Chad Rounds (Real Estate Liaison)
Kim Willoughby (Family Law Liaison)
Steve Brainerd (Legislative Liaison)
Kim Raemdoenk
Patrick Thiessen (Elder Law Liaison) (Phone)
Joe Hodges (Phone)

1. Approval of Minutes of Prior Meeting

The Minutes of the December 20, 2018, Council meeting were approved by unanimous voice vote.

2. Chair's Report, Administrative Matters, Special Meeting (Leia Ursery)

- Determination of quorum for Special Meeting. Motion to Approve Amended Bylaws Seconded, Approved by voice vote. Meeting adjourned.
- Walt Kelly, Rikke Liska, Josie Faix, Kelly Cooper, constituted New Executive Committee member nominations. Diversity criteria list noted. At-Large Nominee Kristin Dittus present. Mallory Hasbrook is the YLD

representative nominee. Deadlines: March 1 for nominations; proposed slate due March 15; April 1 for any group to submit an alternative slate; April 10 for the Notice of Annual Meeting to vote on nominations; May 31 to announce the Executive Committee roster. Melissa reported that the CBA Diversity Steering Committee will be circulating a list, and Melissa will consult on that. Suggestions for diverse folks to be added to list, contact Melissa. Jonathan Haskell announced he would like to serve as Board of Governors Liaison again.

- New Section Roles: Real Estate Liaison Chad Rounds, Real Estate & Legislative Liaison nominee Karina Thomas (available with minor exceptions, but Leia notes must attend LPC meetings & attend to many e-mails from Jeremy, need noted for permanent co-liaison, two people as permanent with the expectation that appointee should be available to attend fully). Legislative Co-Liaison nominees Brad Frigon, Susan Fox Buchanan, Mallory Hasbrook. Jeremy comments in support of someone new; Steve recommends experience, institutional knowledge for dealing with legislators & LPC, historical familiarity with legislative developments past six years or so. Nobody on nominee list actually qualifies under those criteria. Jeremy agrees, so suggests perhaps a new approach, such as no experience but trainable. Kelly Cooper: Mallory would be great but insufficient experience. Leia asks Jeremy & Steve to reach out to Brad, Susan & Karina for more information. Jeremy: LPC a presidential appointee, by Kathleen Croshal. If Leia is unavailable, there is more need for someone with T & E experience as Legislative Liaison. Kelly: Brad Frigon is more Elder Law-focused. Steve, meanwhile, had significant tax and estate planning background upon his appointment. Karina a T & E member for 15 years, with estate planning, estate administration experience. Steve suggests he will reach out to a couple of potential nominees. Leia willing to do reach out as well. Presidential re-appointment decision due each early summer, Jeremy notes. Presidents urged to maintain as much continuity as possible and have LPC members who represent significant practice areas with expertise. The CBA is the chief source of law expertise for legislators. Leia: defer issue until March.
- Rules & Forms nominee: Gordon Williams. Gordon's name moved, seconded, approved. Council decides whether a Committee continues. Leia suggests appointment, then discussion of whether Committee should exist.
- Chad as nominee for Real Estate Liaison: Chad notes his interest in real estate, took Willis Carpenter class, professional experience in real estate transactions, ability to attend both R. E. & T & E. Motion to approve Chad, seconded, approved.

- Zach reports on New Member welcome letter. It is PDF ready. Higher Logic Committee descriptions not on platform yet. Leia ask, check with Shanna Montoya. Kelly revision suggestions: Third paragraph, correct CBA address, First Wednesday, update fourth paragraph. Zach: If within Higher Logic a group would be created for each standing committee, then Welcome Letter would include link to those groups. If not, then Welcome Letter would go out with attach page with summary description of each committee. Status?

  Shanna Montoya report re Higher Logic: The goal is to create subcommittee groups, and people could join on Higher Logic. Currently not created. Still working on development of member comfort with use of platform. Groups would be part of Phase Two of roll-in of Higher Logic, in three to four months. Automated e-mail to members with Welcome Letter can be done. Shanna to check on whether attachment can be accomplished. Zach: What about a longer Welcome Letter with descriptions of committees at the end? That previously was suggested, made letter two-three pages long, so omitted upon reversion to shorter letter. Longer Welcome Letter simpler than attachment. Shanna: Meantime, upload PDFs about committees and links to that in automated e-mail. Zach will send Leia committee descriptions, if OK to upload into platform library, letter will reference. Melissa: Letter needs to go out. Leia: With corrections, Motion to Approve Letter with attachments. Moved & seconded, approved by vote.

- List Serve: Costs section $$$ to maintain. Joe Hodges on line. Leia: Costs to upload old content List Serve $5,000. Do we pay annual fee to maintain existing List Serve to salvage searchable content of prior List Serve? Shanna: We would have to create a file to maintain. Joe's input: He has run ABA List Serve since 1975. There should be a true discussion regarding the List Serve. As you discuss, question would be whether to maintain, archived and searchable. We have Colorado archives. Ask what recipients think about it? Leia: $1,900+ for year. Should we pay for something where we have an option for free? If not, can we salvage content? Concern always has been the archives, Kelly notes. Kirstin finds the List Serve helpful, offers immediate feedback. Josie: move to community the way the Bar is moving. If we can save $2,000, provide further service for members, move will happen. Kelly likes ListServe, more usable for community. Josie: Expensive to archive, and how readily can people use it? Melissa & Kristin: Can the section be polled? Leia: Will it change the decision if 100 people are on fire about eliminating List Serve? Instead, we just need to educate frequent users to use the new communicating platform. Melissa: Just poll people for use of archives, was the suggestion. Tim: large budget item ahead. Joe, if we phase out, Leia asks, can people still search archives? Joe, "Not really." Joe: Could section members be surveyed, since they pay for it? Leia notes: A few years ago, budget deficit, membership declining over time & spending did not keep pace. Kelly moves to cancel subscription at next expiration date, Josie seconds. Tim: Follow-up to membership, need warning to archive what you want, now. Also, people should be advised to start working now with community platform. Leia: Webinar next week on how to use. Motion approved to terminate at next expiration. Kelly moves to refrain from spending money to maintain archives but advise membership the archives are going away, so search now and preserve. Moved & seconded, approved. Sincere thanks of all conveyed to Joe for his dedicated work on List Serve over many years.

- Notice to committee chairs: update your websites.

3. Secretary/Treasurer Report (Spencer Crona)

- Financials look good, approximately $27,000.00+ on hand, $8,600+ more than last year.
- Budget requests $4,000 as noted in spreadsheet + Josie notes Bridgett of CLE requested $2,500 for the Retreat (as last year), suggests review of past five years' contributions – she will check, also check on speaker cost, more info. on sponsorships for Thursday night dinner. Discussion:

Josie: CLE history $7,500 and $5,000 recent years. Out-of-state speaker + a Santa Fe Retreat means more expense. CLE has diversified sponsorships, so more money than in past, but CLE cost to run Retreat has increased as well. Also, scholarship for law student. Also, this is a Retreat for 200 members & section has more than 1,000. It's the biggest T & E event of year, with materials available. Tim: Other than dollar figures, any data year-to-year as to % of budget? Josie: Just dollar amount provided by CLE. With CLE soft costs, Josie reports, they're not making money, but they love the Retreat. Tim: $7,500 enough. Josie: $7,500 typically more, usually $5,000-$7,500. CLE told Kelly they made money on some Retreats but lose on most. Leia: In past, haven't had to pay for plenary speakers, but we have to pay the speaker this year. If approve higher amount, no indication the same would be done every year. $2,500 approved already, so proposal would be another $5,000. Josie: Also sponsors for Thursday dinner, so more costs for sponsors. Moves for $5,000 more. Leia: Let's also elicit breakdown of costs from CLE for next-year's discussion. Kelly: Have attending members pay more for attendance. Most sections do not contribute to Retreat, CLE foots bill. Josie: Other retreats aren't as nice. Motion for $5,000 more to Retreat seconded, approved. Four ayes, two nay. Tim offered friendly amendment at $4,000. Denied, as Josie's motion passed 4-2.

4. **Tax Section Liaison (Georgine M. Kryda)**

No report.

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

- Busy legislative session
- Opposed behavioral health orders scope of treatment, approved advance directives, OPG financial support, opposition to ward Bill of Rights, Support for Duran amendment, HB 1054 disability trusts would not terminate upon beneficiary move out of state. Also, with new AG, Marco approached by AG officials for discussion of how they could work more cooperatively with Elder Law to address Medicaid issues. AG office now more receptive to social conscience than prior HCPF sole authority over Medicaid issues.

6. **Real Estate Section Liaison (Chad Rounds)**

- Discussed increasing section fees, $30 is 2d highest rate but Section thinking of raising it to reimburse members for parking for meetings. Decided to hold off to see how members reacted to parking arrangement at new location. Alternative idea, free CLE lunch for members as offset for parking.
- Legislation on amending Colorado Deed Statute. Significant discussion on amending deed forms to transfer risk more to buyer with title insurance and away from seller. Concluded will not oppose bill as is. Proposed legislation also allows title companies to prepare most deeds: General, Special, Bargain & Sale, Warranty, but not fiduciary. Proposed Legislation will not affect fiduciary deeds.

7. **Family Law (Kim Willoughby)**

- Working on marital agreement – Orange book forms
- Jim Bailey to assist with expertise on child support & probate issues
- First meeting with Connie & Darla – family law position

8. **Statutory Revisions Committee (Tim Bounds)**

- Also heavily focused on current legislation. Ward Bill of Rights, Directed Trust, Advance Directives repository, Rep. Chrisanta Duran amendment to remote notary bill (excludes wills & codicils – vendor fighting to sell data, as they argue they're covered by federal law, so state need not intrude), Safe Family Option delegate to intermediary care of children, abandoned estate documents (new Sec'y of State doesn't like that bill).

- Holder regarding proposed amendments to disability trusts: no trigger to pay lien if trust terminated rather than by death.
- Principal & Income Act: Georgine reported progress
- James Bailey will be the new Family Law Liaison to the Child Support Enforcement Committee, introduced by Pat Mellon.
- Subcommittees: Carl Stephens noted that living wills & anatomical gift forms should require only a notary for execution, not witnesses like wills.
- New subcommittee with Elder Law Section regarding CAPS, new Human Services-APS system listing a "finding" of mistreatment, as defined by Mandatory Reporting Act, and the mistreatment perpetrator, without any proof or due process beforehand, but accessible to potential employers of fiduciaries, care providers. Tim will provide forms for establishing the subcommittee. CPS a new entity based on regulations promulgated from Mandatory Reporting Statute.
- Duran amendment moved & seconded, approved.

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

- Directed trust advancing
- Family safe bill advancing

10. Legislative Update (Jeremy Schupbach, CBA)

[Reported above]

11. Council Notes (Josie Faix/Kristin Dittus)

- Articles in for next couple of issues

12. CLE/Estate Planning Retreat (Josie Faix)

- Ready to produce Retreat brochure
- Looking to fill brown bag lunch schedule, but booked now through end of year.

13. Orange Book Forms Committee (Kim Raemdonck)

Kim reports making progress on marital agreement.

14. Rules & Forms Committee (Gordon Williams)

No report

15. Civic & Community Affairs (Sandra Sigler)

No report.

16. Diversity & Inclusivity Committee (Melissa R. Schwartz)

- Lunch with diverse students at CU
- Trying to schedule an event with DU students
- ABA Steering Committee ABA devising better tools for activities
- Action plan in process for CBA

17. Probate Trial & Procedures Committee (Zachary Schlichting) Kelly reported:

- Discussed of case involving certain privilege issues for PR, Successor PR, arising from a Garfield County District Court Order destroying original will
- CAPS issue discussed

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

No report.

19. Green Book (David K. Johns)

No report.

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

- Allison: Bette Heller presented on joint trusts
- Kristin will be presenting next month on planning for blended families
- Spring plan: An in-person discussion of drafting pointers for hypotheticals
- Melissa: solicitation for a Retreat seminar actor volunteer from New Lawyers

21. The Colorado Lawyer (David W. Kirch/Emily Bowman)

- Article by Melissa Schwartz upcoming on new Public Administrator guidelines & related statutory amendments.

22. Communications Representative (Mark D. Masters)

No report.

23. Ambassador Coordinator (Melissa R. Schwartz/Lindsey Andrew

No report

- David Struthers planning to attend Happy Hour, soliciting Young Lawyer for Retreat Play

24. Board of Governors Representative (Jonathan Haskell)

- Next meeting June

25. GAL Subcommittee (Kim Willoughby)

- Supreme Court Rules Committee denied proposed change to C.R.C.P. Rule 17 regarding guardians ad litem.

26. Miscellaneous/FY1

Rikke Liska: Subcommittee on well-being for small-firm attorneys, invitation for counsel to call in for resources.

Nominating Committee formed, Leia reports, for next year's counsel: Alison Zinn, Walt Kelly, Rikke Liska.

27. ADJOURNMENT

The meeting was adjourned at 5:32 p.m.

Respectfully submitted,

Spencer J. Crona

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0648.01 Conrad Imel x2313 **HOUSE BILL 19-1045**

HOUSE SPONSORSHIP

Snyder,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

CONCERNING FUNDING FOR CARRYING OUT DUTIES RELATED TO THE OFFICE OF PUBLIC GUARDIANSHIP.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

Current law requires the public guardianship commission (commission) to appoint a director for the office of public guardianship (office) to establish and administer the office within one month after the public guardianship cash fund (cash fund) has received $1,700,000 in gifts, grants, and donations. The director is required to administer the office in 3 specified judicial districts within 5 months after the cash fund

reaches the same threshold.

The bill removes the condition that the commission and director wait to carry out certain duties until the cash fund has received the specified amount of gifts, grants, and donations.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 13-94-104, **amend** (3) as follows:

13-94-104. Public guardianship commission created - office of public guardianship created - appointment of director - memorandum of understanding. (3) ~~Not more than one month after receiving at least one million seven hundred thousand dollars in gifts, grants, and donations to the office of public guardianship cash fund created in section 13-94-108,~~ The commission shall appoint a director to establish, develop, and administer the office of public guardianship, which office is hereby created within the judicial department. The director serves at the pleasure of the commission.

SECTION 2. In Colorado Revised Statutes, 13-94-105, **amend** (1) as follows:

13-94-105. Office of public guardianship - duties - report. (1) The director shall establish, develop, and administer the office to serve indigent and incapacitated adults in need of guardianship in the second, seventh, and sixteenth judicial districts and shall coordinate its efforts with county departments of human services and county departments of social services within those districts. ~~Not more than five months after receiving at least one million seven hundred thousand dollars in gifts, grants, and donations to the office of public guardianship cash fund created in section 13-94-108,~~ The director shall administer the office in accordance with the memorandum of understanding described in section 13-94-104 (4).

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

THE NATIONAL LAW JOURNAL

Want to Improve Law Firm Diversity? Hint: Start Upstream

A novel initiative in Colorado focuses on the pipeline of entry-level diverse candidates to address the perennial complaint from employers that only a limited pool of diverse candidates exists.

By **Jennifer Jaskolka and CiCi Cheng** | March 07, 2018

Promoting diversity and inclusion in our legal profession is not a new concept. Law firms and legal departments alike have tried various approaches to improve diversity in their ranks, including an emphasis on recruiting and hiring, implementing internal affinity and resource groups, and formalizing mentoring programs—all with little progress.

Newer initiatives, such as Diversity Lab's Mansfield Rule, measure whether law firms have affirmatively considered women and minority lawyers for promotions, senior-level hiring and significant leadership roles in the firm, and is intended to diversify law firms at the highest levels. Still in its infancy, its success has yet to be measured. Other initiatives, such as the Colorado Pledge to Diversity, focus upstream on organically building a pipeline of entry-level diverse candidates to address the perennial complaint from employers that only a limited pool of diverse candidates exists. The Colorado Pledge connects participating employers with diverse students right out of the gate in the students' 1L/rising 2L summer.

The Colorado Pledge to Diversity began as a "pledge" between 23 leading Denver law firms averring their commitment to diversity. While the Pledge was originally signed in 1993, it wasn't until 2000 that the Pledge developed its cornerstone 1L Summer Clerkship Program. Since then, that 1L Pledge program has directly fueled the pipeline of diverse attorneys by matching into paid clerkships hundreds of 1L students from historically underrepresented backgrounds.

The impetus for the Pledge came from pressure that Colorado companies were exerting on firms to hire more diverse attorneys, and from the Pledge's desire to tackle that pressure by creating early and direct access to employment for diverse students. Unpaid internships for law students had become more and more commonplace. And students financially able to accept those unpaid internships in their 1L summer became more competitive during the on-campus interview process with firms during fall of their 2L year. The culture of unpaid internships had a disproportionately negative effect on diverse students.

Enter the 1L Pledge program, which allows 1L students to undergo a rigorous application and interview process for the opportunity of a paid clerkship with a firm or in-house department in the private sector. The program is incentive to keep in Colorado diverse students from University of Denver Sturm College of Law, University of Colorado Law School and University Wyoming College of Law (newly added this year).

The 1L Pledge program's primary purpose is educational, seeking to:

- Expose diverse students to the work, requirements and culture of law firms and legal departments of organizations.
- Help those students develop professional skills, confidence and resume credentials, and make professional contacts.
- Introduce corporate employers to talented diverse students early on and provide access for recruitment and training of those students.

The application process is straightforward but demanding. Diverse students with a minimum 2.85 GPA may apply after their 1L fall semester. After reviewing the applications (which includes the unique aspects of a personal statement and a confidential evaluation from a legal writing instructor), the employers hold panel interviews to cultivate the students' interviewing skillset; for many students, this is their first professional interview. Following the panel interviews is a "kick-off" reception where students interact with employers, the Pledge executive committee, and judges and other legal community leaders. This is again many students' first intensive networking opportunity. Employers then evaluate the students and proceed through a "draft" process (much like a fantasy sport draft) to select students for traditional callback interviews. After all interviews are complete, employers and students both rank each other and are "matched" for the summer (much like a medical school residency match).

The 1L Pledge program has made significant strides in the last two years, dramatically increasing employer participation from 27 firms and legal departments (29 clerkship positions) in 2016, to now an astounding 44 employers (46 clerkship positions) in 2018. A parallel rise in student applications happened: from 63 students in 2016 to 81 in 2018.

With this momentum, the Pledge also began collaborations with other local organizations, including Law School Si Se Puede and the Center for Legal Inclusiveness, funding scholarships to promote similar goals for the advancement of diversity.

The Pledge's recent success has everything to do with the diverse executive committee working behind the scenes: CiCi Cheng (Holland & Hart), Jennifer Jaskolka (Xcel Energy), Matt Douglas (Arnold & Porter), Ana Gutierrez (Hogan Lovells), Ben Ross (Jackson Kelly), Sara Sharp (Sparkman + Foote), Rachel Jennings (White and Steele), Jennifer Allen (Davis Graham & Stubbs), Lily Ramirez (McElroy, Deutsch, Mulvaney & Carpenter), Laura Lopez (Denver City Attorney's Office), Andrew Bennett (Energy Outreach Colorado) and Liz Titus (Hogan Lovells). Six executive committee members are themselves 1L Pledge alumni.

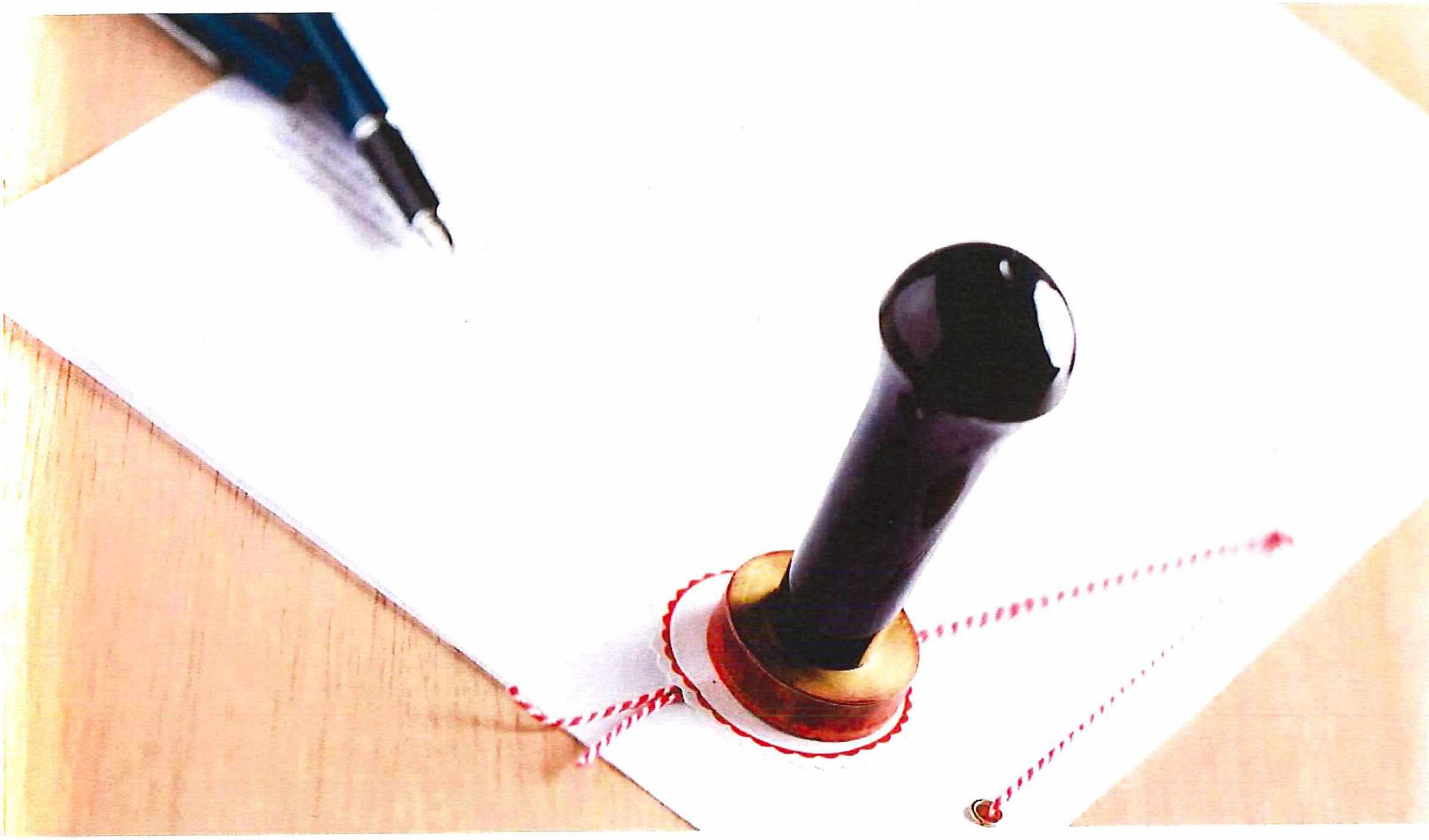
The benefits of the Pledge have paid off and show what true collaboration between law schools and legal employers can achieve. The number of diverse students attending the schools has increased. For example, Colorado Law has seen a dramatic increase in its incoming diverse student population, rising from 17 percent in 2015 to 29.4 percent in 2017, with several citing the Pledge program as a draw to the law school. Importantly, a vast majority of Pledge alumni remain in Colorado to "pay it forward" by advocating for the Pledge as employers. Four Pledge executive committee members, Cheng, Gutierrez, Jennings and Ramirez, accepted full-time offers of employment from their Pledge employers. Another Pledge graduate, Judge Don Jesse Toussaint (2007), has used the skillset, experience and connections received during the Pledge to accomplish his dream of becoming a judge. While diversity remains a difficult hurdle for our field, particularly in Colorado, the Pledge has demonstrated actual advancement by providing unique and early access for diverse students in its efforts to build the pipeline.

Jennifer Jaskolka is assistant general counsel at Xcel Energy, a Fortune 500 company providing gas and electric services to customers in eight states. She can be reached at jennifer.l.jaskolka@xcelenergy.com (mailto:jennifer.l.jaskolka@xcelenergy.com).

CiCi Cheng, a Pledge alumna, is a commercial litigator at Holland & Hart and handles a wide array of contractual and business tort disputes. She can be reached at ccheng@hollandhart.com (mailto:ccheng@hollandhart.com).

COLORADO PLEDGE TO DIVERSITY SUMMER CLERKSHIP:
Helping with the Big Picture

By Satvir Kaur



At the end of the first year of law school many students are left with an overwhelming — yet unsatisfied — desire to understand "the big picture." While first year classes give an introduction into what law students may encounter as to the law, rarely do these classes acquaint them with the practicalities of a legal career. I also was in that boat. I craved to understand the world of law, but my knowledge was limited to the theoretical applications in my 1L casebooks.

My journey began in January of that first year when I submitted my application for the Colorado Pledge to Diversity Summer Clerkship program sponsored by the Colorado Pledge to Diversity. The Colorado Pledge to Diversity is a nonprofit organization that promotes diversity and inclusion by exposing under-represented minorities who are 1L students to opportunities within the legal profession. The members are signatories to the Pledge to Diversity, and include law firms, corporate legal departments, and non-profit organizations. As signatories, these law firms and legal departments pledge to promote diversity and inclusion in the legal profession through the Summer Clerkship program. The Summer Clerkship program's primary purpose is to educate diverse law students on the expectations of law firms and corporate legal departments for the summer. This seemed like a perfect introduction to "the big picture" that I was searching for.

It was early February when I learned that I had passed the first round, which consisted of an application process and an interview before representatives of the Pledge to Diversity. In the second round, individual interviews were held with the specific potential employers that had an interest in me based on my application. Finally, after these interviews, the committee began creating matches. Along with many other students, I anxiously awaited my results to see if I had been matched.

In mid-March, I learned that I was paired with not one, but two employers for a two-part joint internship: Xcel Energy and Gordon & Rees, LLP. There was no end to my happiness and relief. Happiness that I had been paired, and relief that I had secured my first summer clerkship. With no experience to formulate expectations on, my only knowledge about the clerkship was based on what I learned during the interview process. Hence, on my first day as a summer clerk, instead of expectations of what I would do, I brought with me questions that I hoped would bring me closer to "the big picture."

Working at Xcel Energy and Gordon & Rees taught me more than I could have ever contemplated. During my internship, I worked with multiple attorneys and each attorney was more than willing to help me when I came across a road block in my search for the answer to a legal question. However, first and foremost, I learned that it was okay to fear what I did not know. They taught me that fear is natural and even the most experienced attorneys fear what they do not know. However, this fear should not hold us back, but encourage us to move forward. Hence, while I was expected to give my hundred percent to researching and answering legal questions, I was not expected to be perfect. The attorneys expected and in fact encouraged me to ask questions when I did not know what to do. The Pledge to Diversity Summer Clerkship program was not about what I knew or did not know, but what I came away with. And while I came in with little knowledge of the differences and similarities in the work, expectations and culture of a corporate in-house department versus a law firm, in the end I walked away with a better understanding of both.

I discovered that in many ways an in-house legal department functions just as a law firm. At both Xcel Energy and Gordon & Rees, the expectations were mostly similar. Each employer had

I LEARNED THAT IT WAS OKAY TO FEAR WHAT I DID NOT KNOW

legal questions that needed answers. The only difference was that at Xcel Energy there was only one client, whereas at Gordon & Rees there were many clients. Additionally, on a micro-level, attorneys had different expectations for how they expected me to deliver my work. For instance, while some attorneys preferred a brief emailed memo, others liked a formal IRAC (Issue, Rule, Application, and Conclusion) formatted memo. I recall the first memo that I had submitted during the clerkship. The attorney had asked a rather simple legal question, and when I eventually emailed my memo it was an eight-page long analysis that was probably not what the attorney wanted. It was somewhat comical, but this experience taught me a very valuable lesson.

Another key difference was the actual work. Xcel Energy is a public utility company and much of the work I did was associated with legal issues that a utility company would address such as land use, regulatory compliance, as well as other related areas of law. In contrast, at Gordon & Rees, I worked on legal issues in various areas of law such as employment, healthcare and commercial law.

Another slight difference between an in-house legal department and a law firm is their culture. Each setting had its own unique culture. At Xcel Energy, although the work schedule was generally similar to standard office hours, the atmosphere was sophisticated. There was room for small talk, but everyone understood the significance they played in making sure the corporation was "legally compliant." At Gordon & Rees the biggest difference was the hours. I learned that when trial dates were near even Sundays were work days. In fact, there was no real concept of work hours, because the attorneys had various clients, and their schedules depended on them. Similar to Xcel, Gordon & Rees was also sophisticated, because the attorneys had the responsibility of multiple clients on their shoulders. The biggest and most obvious difference was the hierarchy. At Gordon & Rees attorneys had different titles based on rank and experience; for example, partner, of-counsel, and associate. On the other hand, at Xcel the hierarchy was different; for example, general counsel, assistant general counsel, and senior attorney.

Nevertheless, the overall culture was similar in both environments. Both employers encouraged an open-door policy and face-to-face communication. For a 1L summer associate, this really reduced the fear and stress associated with talking to the attorneys. Finally, Xcel Energy and Gordon & Rees made sure that I not only learned about the various practice areas and legal issues that they encounter, but also gave me the opportunity to observe trials, contract negotiations, mediation and depositions to better understand what attorneys do as part of "the big picture."

The start of my summer was filled with uncertainties, but both of my employers' support and my own determination to make this clerkship a fulfilling experience gave me confidence in the future ahead. Now, although I am not by any means an expert, I have found that I often have "aha I know this" moments thanks to my 1L summer clerkship. I have been told that a good teacher will answer many questions, but also spark a curiosity in the student to find answers to new questions. My experience with Xcel Energy and Gordon & Rees was just that. The clerkship gave me understanding regarding the different components within both legal departments and law firms, my first step in understanding the big picture. Now I am eager to answer new unsolved questions regarding the particular areas of law I was fascinated with during the clerkship, such as healthcare, regulatory compliance and employment. I know the differences and similarities between a corporate legal department and law firm, and I have also learned how to work with and under various attorneys. Now I am eager to refine my skills and expand my knowledge in those areas of law that sparked my interest. A new journey begins where an old one ends, and in my new journey I have with me the skills and confidence that I learned from my journey in the 1L Pledge to Diversity Summer Clerkship. The big picture is filling in. D

Satvir Kaur is a 2L at University of Denver Sturm College of Law. To learn more about the Colorado Pledge to Diversity, please go to: coloradopledge.com.

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LAW WEEK COLORADO

Pledge to Diversity Kicks Off

Law students mingle after day of panel interviews

BY **JULIA CARDI**
LAW WEEK COLORADO

After a long day of panel interviews for summer positions, first-year law students had the chance to socialize and network with employers taking part in the Colorado Pledge to Diversity at the program's kickoff reception on Jan. 25.

This year, 67 students are competing for 47 summer positions total with 45 employers, which run the gamut from law firms to in-house legal departments to nonprofits. It's a significant jump from two years ago, when participating companies hired for 26 positions. DaVita, Dorsey & Whitney, Wheeler Trigg O'Donnell and DISH Network are among companies new to the Pledge to Diversity this year.

CiCi Cheng, an associate at Wheeler Trigg O'Donnell who's a co-president of the initiative, said it's significant for her firm to participate in the Pledge to Diversity because WTO doesn't otherwise have a summer associate program. Typically the firm hires attorneys who have clerkship or prior litigation experience.

The law students participating said they wanted to join the program after seeing how homogenous the legal profession tends to be. CU Law student Emma Hancock said she wants to bring a "feminist voice to criminal defense." But she and several other students said they're open-minded about different career paths, and they saw the value in the opportunity to network and interview even if they ultimately didn't land a position with one of the companies. CU student Joanna Roob said the companies' commitment to increasing representation in their ranks counts for a lot. "It's the thought that counts," she said. •

— Julia Cardi, JCardi@circuitmedia.com

WTO is thrilled to participate for the first time in the Colorado Pledge to Diversity and to support such a longstanding diversity and inclusion program.

—CiCi Cheng, Pledge to Diversity co-president

TOP: CU Law students Eric Barnum (left) and Jaron Quarles (center) talk to Clark Yeh (right) of Dorsey & Whitney. Law students from the University of Colorado, the University of Denver and the University of Wyoming had the chance to socialize with employers after a day of panel interviews. **BOTTOM:** CU Law students Kenneth Shiau (center) and Anjie Zhi (right) mingle with Pledge to Diversity co-president and Wheeler Trigg O'Donnell associate CiCi Cheng (left). WTO is participating in the initiative for the first time this year. / **JULIA CARDI, LAW WEEK**

Colorado Pledge to Diversity

The **Colorado Pledge to Diversity** ("CPTD") focuses on building a **pipeline** of entry-level diverse candidates to Colorado law firms and other organizations' legal departments. The CPTD's 1L Pledge Program **connects participating employers with diverse law students** right out of the gate in the students' first summer.

The 1L Pledge Program exposes diverse students to real legal work and business culture, **helping those students develop professional skills, confidence, and resume credentials and establish professional contacts**. The 1L Pledge correspondingly allows participating employers to recruit and train that diverse talent pool early on.

How It Works

Apply > **Interview** > **Network** > **Draft** > **Match**

Apply: Diverse students with a minimum 2.85 GPA may apply after their 1L fall semester.

Interview: Employers hold panel interviews to assess students and cultivate the students' interviewing skillset; for many students, this is their first professional interview.

Network: Following the panel interviews is a "kick-off" reception where students interact with employers, the Pledge Executive Committee, judges and other legal community leaders.

Draft: Employers then evaluate the students and proceed through a "draft" process (much like a fantasy sport draft) to select students for traditional callback interviews.

Match: After all interviews are complete, employers and students both rank each other and are "matched" for the summer (much like a medical school residency match). The student then completes a ten week paid clerkship with the matching employer.

Why My Organization?

TALENT

The CPTD introduces legal employers to talented diverse students and facilitates a unique recruitment opportunity to connect with these students early on in their legal careers.

DIVERSITY & INCLUSION

Participation in the CPTD will allow your organization to widen its traditional recruitment base and further its goals to improve diversity and inclusion.

LEADERSHIP

Diversity and inclusion are no doubt buzz words in today's legal community. The CPTD offers its employer participants the opportunity to "walk the walk" and be at the forefront of diversity and inclusiveness efforts throughout the Colorado legal community.

Active for nearly two decades in Denver since 2000, the 1L Pledge Program has directly fueled the pipeline by matching into paid clerkships *hundreds* of 1L students from historically underrepresented backgrounds.

For more information, visit **www.coloradopledge.com**
Or send a note to CPTD Co Presidents

Jennifer Jaskolka Jennifer.L.Jaskolka@xcelenergy.com
CiCi Cheng Cheng@wtotrial.com
Ana Gutierrez Ana.Gutierrez@hoganlovells.com

KIRCH ROUNDS BOWMAN & DEFFENBAUGH PC

MEMORANDUM

TO: **CBA Council of the Trust and Estate Section**

FROM: **Chad Rounds**

RE: **Summary of 2/19/19 CBA Real Estate Section Council Meeting**

DATE: **2/26/19**

I attended the CBA Real Estate Section Council ("RESC") meeting on 2/19/19. The following is my report on matters discussed which the CBA Trust and Estate Section Council ("TESC") might find of interest:

#1) Revisions to CRS 38-35-101 (Acknowledgments)

The Real Estate Section has been working on revisions to the real estate acknowledgment statute to fix discrepancies with the notary statute which went into effect last year. The goal is to avoid the potential for a different standard for real estate documents than for other notarized documents. It might be too late, but RESC will try to get it introduced in this year's legislative session. Otherwise, it will be a matter for next year.

A question for TESC: Should a similar review of Title 15 be done in light of the recent notary law to look for any discrepancies?

#2) Legislation to Amend Deeds Statute (House Bill 19-1098):

In the last month, this deeds bill has made it through the legislative chambers and is close to being sent to the governor for signature. Some recent revisions made to it include:

- Now that title companies can draft deeds in accordance with the statutory forms, they cannot release themselves from liability for drafting errors.
- Prohibiting title companies from starting a "side business" in drafting deeds for transactions in which they are not issuing title insurance policies.

- The exception portion of the model deeds in the statute is now blank instead of stating "statutory exceptions." The language in the bill now makes clear that a description of exceptions negotiated by grantor and grantee can also be used in lieu of the "statutory exceptions."

However, RESC recently discovered an omission in the language of the bill regarding warranties to grantee's "successors" and not just grantee's "heirs and assigns." RESC took a neutral position on this bill which will make it harder to accomplish this change now that the bill is almost on the governor's desk. The change might have to wait until another year.

3) Drafts of Trust and Estate Practitioner Forms Related to Real Estate

At the RESC meeting, I reminded everyone that a subcommittee of T&E Section is making progress on drafts of new practitioner forms related to real estate (e.g. personal representative's deed) and the hope is to send drafts over to the RESC for comments in the near future.

probate court in the county where the deceased lived or owned real property. If a will cannot be found, an attorney can help guide you through the intestate probate process. Also look for a copy of the will, a handwritten list of instructions, a letter to family or other similar documents. In Colorado, these documents may constitute a will.

Entry into Safe Deposit Box: Any person whose name is on the account for the box may enter it at any time. An heir or beneficiary in a will can ask the bank to search for the will, a deed to a burial plot, or burial instructions. A representative of the bank will open the box in the presence of the heir or beneficiary, remove any will that is found, and deliver it to the court directly. You can ask for a copy of the will before it is send to the court.

Search for Other Documents: The personal representative is appointed by the court to administer the estate and has the authority to search for any important documents. The search should include the home, office, place of business, and any safe deposit boxes. Any information indicating that an asset exists or that bills are unpaid should be kept for use in the administration of the estate.

Items to Look for:

- funeral and burial plans
- safe deposit rental agreement and keys
- trust and nuptial agreements
- life insurance policies or statements
- pension, IRA, retirement statements
- income tax returns for several years
- marriage, birth and death certificates
- divorce papers
- military records and discharge papers
- bank statements and checkbooks
- motor vehicle titles
- deeds, deeds of trust, mortgages
- stock or bond certificates or CDs
- partnership or corporate agreements
- health insurance papers
- and unpaid bills.

Powers of Attorney

A power of attorney is a document that allows the agent to act on behalf of the principal during the principal's lifetime. An agent does not have any authority to act if the principal has died.

Take Care against Unethical Persons

In the period following the loss of a loved one, be careful before accepting any telephone or mail solicitation. Carefully scrutinize invoices for validity, as it is possible to receive fraudulent invoices. Avoid lifestyle changes for a period to allow for reflection on how the loss will affect the surviving family and friends. Do not distribute assets or personal property of the deceased until you consult with an attorney.

Avoid Immediate Collection of Benefits

Avoid transferring title to assets or making claims as a beneficiary until considering whether either a tax or non-tax reason exists for refusing to receive an asset. Even though the account executive wants to be helpful, you may lose an important tax advantage if you accept an asset. An attorney can help you find the best approach.

Social Security

The mortuary may assist you with the paperwork for Social Security benefits. For Social Security benefits, call the Social Security Administration immediately. Call (800) 772-1213. Be prepared to identify the deceased's:

- Social Security or VA claim number
- date of birth
- date and place of death
- surviving spouse or next of kin
- medical history that bears on whether the death is service related or not

Social Security monthly benefits are available to the surviving spouse and to children under 18 and certain disabled children. Benefits include a lump sum death benefit. Ask for the "Survivors Benefits" publication from the Social Security Administration.

Veterans Benefits

The mortuary may also assist you with the paperwork for VA benefits. For additional information, call the nearest VA listing for Benefits Information and Assistance. If you do not know the VA claim number, then provide:

- service number
- dates of active service

Your call will stop the monthly payments from the VA. Usually the VA will automatically withdraw any payments made via direct deposit after the date of death. If this does not happen, you must return the check for the month of death.

Veteran's benefits may be available to the surviving spouse. Benefits may include a lump sum death benefit. If the death was service connected, benefits may include a continuing monthly payment to the surviving spouse, financial assistance with funeral expenses and cemetery plot, or burial in a national cemetery. Ask for the "Federal Benefits for Veterans, Dependents and Survivors" publication from the Department of Veterans Affairs.

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 **February 2019.** 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.

WHAT TO DO WHEN SOMEONE DIES

Coping with the loss of a loved one is difficult. We hope this basic information will assist you to know what you need to do and what you may wish to delegate to friends and family. Seeking a professional's advice before you act can assure that matters are properly addressed and may avoid more costly legal services later.

At Time of Death

If the Death Occurred in a Hospital, Nursing Home, or Assisted Living Facility: You do not need to do anything. The medical or facility staff will make the pronouncement of death, will prepare paperwork for organ or body donations, will turn off and remove any equipment attached to the body, and will coordinate with the mortuary or crematory for transport of the body.

If the Death Occurred at Home- Pronouncement of Death: Colorado requires a qualified medical professional to be notified and to make the official pronouncement of death. If the death is unattended, call the family physician, hospice provider, or the Coroner's Office for the county in which the death occurs. Some counties also need you to notify law enforcement.

Organ and Body Donations: You will need to notify the medical professional of any organ or body donations so the professional can assist in making appropriate arrangements. Leave the medical equipment turned on or in place unless you are instructed otherwise by medical or hospice personnel.

Arrange for the Deceased Person's Body: Arrange for the body to be picked up:

- according to the Coroner's instructions
- according to the instructions from a hospital if the body or organs are donated
- by the mortuary or crematory

One to Three Days after Death

Notify Family and Friends: Ask them to help you with some tasks, including notification of other family and friends. (The Red Cross will help notify family members if the deceased was in the military or if the relative to be notified is in the military.)

Deceased's Instructions: Look through the deceased's papers (and potentially his or her safe deposit box, see below) to find if she or he:

- had a prepaid burial plan
- belonged to a memorial or funeral society
- had written instructions regarding her/his funeral arrangements

Complete the Funeral and Burial Arrangements: Arrangements may include transfer to another location, burial, cremation, funeral, or memorial service. You may ask a clergy member to assist you. If the deceased was a member of a memorial or funeral society, you can obtain a lower rate on cremation or funeral services. Ask a trusted friend or family member to go with you to the mortuary or crematory to advise and support you in making the funeral and burial arrangements.

Federal law requires that price information be given over the phone, if requested, so consider calling the mortuary or crematory before you go in person.

Financial Assistance: If the deceased was on public assistance, burial assistance may be available. You should contact your local county Department of Social Services as soon as possible. Total expenses for burial will be limited in order to qualify for the financial assistance so you should investigate this possibility before signing a contract for funeral arrangements.

Contact fraternal and religious organizations that may conduct funeral services and other organizations of which the deceased was a member. If the deceased was in the military or is the spouse or dependent child of a person in the military, contact the VA cemetery or VA office about possible burial benefits. The mortuary will call the VA at your request.

If you have concerns that you cannot resolve with the management of the funeral home, contact the Colorado Funeral Directors Association at: (303) 791-2336.

Other Assistance: Choose someone you know and trust to help with the following:

- answer the phone
- collect mail
- care for pets
- stay at the home during the funeral to guard against potential break-ins while the family is at the funeral
- take care of perishable property
- provide food for family and friends after the funeral

One to Ten Days after Death

Death Certificates: The most common and quickest way to obtain death certificates is through the funeral director. The cost is usually higher for the first death certificate. Additional certificates can be obtained at a lower price. In order to know how many to order, you should estimate the number of different assets held by the deceased or institutions that will require a death certificate. If you do not order enough, you can get more death certificates later through the Vital Statistics Department in the county where the death occurred, or through the Colorado State Department of Public Health and Environment, Vital Records Office.

Contact the following persons or institutions:

- police, to occasionally check the house of deceased, if vacant
- attorney, to learn how to transfer assets and assist with probate issues
- accountant or tax preparer, to determine whether to file an estate tax return or final income tax return
- investment professionals and banks, to obtain information on assets and safe deposit box
- insurance agent, to obtain claim forms
- Social Services, to learn of benefits
- Social Security and Veterans Affairs, to stop monthly check and learn of any benefits
- pension services, to stop monthly check and obtain claim forms
- guardian, conservator, agent under a durable power of attorney, to notify of death and the end of their responsibility
- utility companies, to alter or discontinue service
- employer, to notify of death and learn of benefits
- newspaper, to stop subscription and/or submit an obituary
- post office, if necessary, to forward mail

Personal Representative: If you are nominated as personal representative in a will, you have the power, before you are appointed by the court, to carry out written instructions of the deceased relating to the body, funeral and burial arrangements. You may begin to protect and safeguard the deceased's assets. **Do not remove or distribute assets before opening the estate.** Other brochures are available from the Colorado Bar Association to explain the duties of the personal representative and how the personal representative is appointed when there is no will.

Search for the Will: The original will is often in a safe place in the deceased's home or in a safe deposit box. When the original signed will is found, lodge it within 10 days with the

Welcome to the CBA's Trust & Estate Section!

Thank you for choosing to join our section. I'm writing 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 Trust & Estate Section's webpage at http://www.cobar.org/trust. Here you will find information about the Section including monthly meeting schedules, newsletters and other professional and educational resources.

The Section has multiple committees. Committees generally meet on "First Wednesday~~Day~~," which occurs on the first Wednesday of each month during the spring, fall and winter. Meetings are held at 1290 Broadway, Ste. 1700, Denver, CO 80203. A calendar of upcoming committee meetings is available at http://www.cobar.org/probateday . Detailed explanations of these committees can be found at update link to entry in higher logic library.

The Section also has an Ambassador Program. If you would like to have an Ambassador who can help answer questions, introduce you to other members of the Section, help you navigate through "First Wednesday", and/or serve as a Section mentor, please contact Lindsay L. Andrew at landrew@steenrodlaw.com.

Finally, the Section also hosts CLE events, and an annual retreat. A list of upcoming events is available at http://www.cobar.org/trust.

We look forward to meeting you in person at our next event.

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

Cordially,

Mark D. Masters
Communication Representative

Colorado Bar Association

Trust & Estate

For the Seven Months Ending January 31, 2019

		January	YTD	Budget	Variance	%	Last FY
Beginning balance	**01-3160-31600**		**$7,804.88**		**$7,804.88**	**0%**	**($441.96)**
Trust & Estate Section							
Revenue							
Dues Income Section	01-4050-31600	105.00	32,080.00		32,080.00	0%	31,995.00
Meal Income	01-4051-31600		1,040.00		1,040.00	0%	
Total Revenue Trust & Estate Sect		**105.00**	**33,120.00**		**33,120.00**	**0%**	**31,995.00**
Expenses							
Other Expense	01-5000-31600		(25.80)		(25.80)	0%	
AWARDS	01-5007-31600		(633.14)		(633.14)	0%	(356.78)
Travel	01-5102-31600					0%	(1.00)
Postage	01-5304-31600		(11.32)		(11.32)	0%	(0.92)
Telephone	01-5412-31600	(67.86)	(244.36)		(244.36)	0%	(482.90)
Internet/E-Mail Access	01-5413-31600		(980.20)		(980.20)	0%	(772.18)
Meals (Not travel related)	01-5491-31600		(7,770.77)		(7,770.77)	0%	(8,740.67)
Administration Fee	01-5494-31600	(503.75)	(3,526.25)		(3,526.25)	0%	(3,462.06)
Grants/Contributions	01-5500-31600					0%	(500.00)
Total Expenses Trust & Estate Sec		**(571.61)**	**(13,191.84)**		**(13,191.84)**	**0%**	**(14,316.51)**
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							

Colorado Bar Association

Trust & Estate

For the Seven Months Ending January 31, 2019

	January	YTD	Budget	Variance	%	Last FY
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						

Trust & Estate

For the Seven Months Ending January 31, 2019

		January	YTD	Budget	Variance	%	Last FY
Expenses							
Transfer Deposits							
Revenue							
Expenses							
Admin. Chair							
Revenue							
Expenses							
Estate Planning Handbook							
Revenue							
Expenses							
Admin Council Dinner							
Revenue							
Meal Income	01-4051-31612					0%	$1,720.00
Total Revenue Admin Council Din						**0%**	**1,720.00**
Expenses							
Legislative Liaison							
Revenue							
Expenses							
Internet Editor							
Revenue							
Expenses							
Technology Committee							
Revenue							
Expenses							
Real Estate Liaison							

Colorado Bar Association

Trust & Estate

For the Seven Months Ending January 31, 2019

		January	YTD	Budget	Variance	%	Last FY
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							
Meals (Not travel related)	01-5491-31629		($160.80)		($160.80)	0%	
Total ExpensesT7E YLS			**(160.80)**		**(160.80)**	**0%**	
Beginning Balance	**01-3160-31600**		**7,804.88**		**7,804.88**	**0%**	**(441.96)**
Total Revenue All Sources	**01-4???-316??**	**105.00**	**33,120.00**		**33,120.00**	**0%**	**33,715.00**
Total Expense All Sources	**01-5???-316??**	**(571.61)**	**(13,352.64)**		**(13,352.64)**	**0%**	**(14,316.51)**
Ending Balance		**(466.61)**	**27,572.24**		**27,572.24**	**0%**	**18,956.53**

Colorado Bar Association

Trust & Estate Summary

For the Seven Months Ending January 31, 2019

		January	YTD	Budget	Variance	%	Last FY
Beginning balance	**01-3160-31600**		**$7,804.88**		**$7,804.88**	**0%**	**($441.96)**
Trust & Estate Section- General							
Revenue	**01-4???-31600**	**105.00**	**33,120.00**		**33,120.00**	**0%**	**31,995.00**
Expenses	**01-5???-31600**	**(571.61)**	**(13,191.84)**		**(13,191.84)**	**0%**	**(14,316.51)**
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**					**0%**	**1,720.00**
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**		**(160.80)**		**(160.80)**	**0%**	
Beginning Balance	**01-3160-31600**		**7,804.88**		**7,804.88**	**0%**	**(441.96)**
Total Revenue All Sources	**01-4???-316??**	**105.00**	**33,120.00**		**33,120.00**	**0%**	**33,715.00**
Total Expenses All Sources	**01-5???-316??**	**(571.61)**	**(13,352.64)**		**(13,352.64)**	**0%**	**(14,316.51)**
Ending Balance		**(466.61)**	**27,572.24**		**27,572.24**	**0%**	**18,956.53**

Council of the Trust and Estate Section, Colorado Bar Association, Notice of and Agenda for initial "First Wednesday" February 6, 2019, Meeting

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

From: Spencer J. Crona
Brown & Crona, LLC
7900 E Union Ave., #1012
Denver, CO 80237
Telephone: (303) 339-3750,
scrona@brownandcrona.com

Notice of Meeting

The sixth meeting of the 2018-2019 Council of the Trust and Estate Section of the Colorado Bar Association will be held:

Date and time: ***First Wednesday, February 6, 2019, 3:00 p.m.****

Place: Colorado Bar Association
1290 Broadway, Suite 1700
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

https://www.cobar.org/For-Members/CBA-Sections/Trust-Estate/Probate-Day/Call-In-Instructions

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Minutes of Previous Meeting, Financial Reports & Attachments

1. Minutes of the December 20, 2018 meeting of the Council.
2. Financial spreadsheets as of January 31, 2019

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

____ **Trust and Estate Section Council Agenda**

February 6, 2019

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 December 20, 2018, meeting of the Council

2. Chair's Report and Administrative Matters (Chair Leia Ursery)

3. Secretary/Treasurer's report (Spencer J. Crona)

   CBA-CLE Budget Request of $7,500 for 2019 Estate Planning Retreat

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 (Tim Bounds/Molly Zwerdlinger)

8. Legislative Liaison (Stephen M. Brainerd)

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

10. CLE/Estate Planning Retreat (Josie M. Faix)

11. Orange Book Forms Committee (Kim Raemdonck/Heidi Gassman)

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 Procedures Committee (Zach Schlichting/Jody Pilmer)

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

17. Green Book (David K. Johns)

18. New T&E Lawyers Committee (Alison Leary)

19. The Colorado Lawyer (David W. Kirch/Emily Bowman)

20. Communications Representative (Mark D. Masters)

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

22. Board of Governors Representative (Jonathan Haskell)

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 December 20, 2018 Meeting

Council met early on Thursday, December, 2018, at the current Colorado Bar Association offices, 1900 Grant Street, Denver, Colorado. The meeting was called to order at approximately 2:45 p.m.

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

Leia Ursery, Chair
Josie Faix, Vice Chair
Kelly Cooper, Immediate Past Chair
Spencer Crona, Secretary/Treasurer
Lauren de Cunha, First Year Member (New T & E Lawyers Committee Liaison)
Georgine Kryda (Tax Section Liaison - Phone)
Peter W. Bullard, Second Year Member (Phone)
Jessica Broderick, Second Year Member
Tim Bounds, Second Year Member (Statutory Revisions Committee Liaison)
Elizabeth Meck (Phone)
Kristin Dittus (Council Notes – Phone)
Jarod Balson (Rules & Forms – Phone)
Jeremy Schupbach (CBA Director of Legislative Relations)
David Kirch (Real Estate Liaison, Colorado Lawyer)
Sandra Sigler (Civic & CommunityAffairs)
Georgine Kryda (Tax Section Liaison)
Jonathan Haskell (Board of Governors Liaison)
Zach Schlichting (Probate Trial & Procedures Committee Liaison)
Melissa Schwarz (Diversity Committee)
Lindsey Andrew (Ambassador Co-Coordinator)
Amy Sreenen (CBA Staff)
Charles Rounds
Kim Willoughby (Family Law Liaison)

1. **Approval of Minutes of Prior Meeting**

The Minutes of the November 15, 2018, Council meeting were approved by unanimous vote.

2. Chair's Report, Administrative Matters (Leia Ursery)

- Madam Chair formally moved the appointment of Kim Willoughby as Family Law Liaison. Motion seconded, approval voted;
- Dave Kirch announced he is cutting back on professional commitments, so Charles Rounds is nominated to become new Real Estate Liaison. Leia called attention to future meeting for official determination;
- Colorado Legal Community Fair, scheduled January 11. Melissa Schwartz & Ayo Labode plan to attend, meet students, and others may if interested;
- CBA staff Amy Sreenen discussed Higher Logic. Various questions: What do we do about the ListServe? Maintain the old or retire it and use the new? Discussion. Just section members in the loop on the new. Dave Kirch asks, Is it user friendly? Features: Daily, weekly, monthly digest; archiving; can respond to poster or group, can attach documents. Shanna Montoya serves as the Community Manager. Question: If historical archive is unavailable on new platform, would it still be otherwise accessible? Amy: If saved somewhere, technically can upload content. Kelly Cooper suggests a transition period. Jonathan Haskell: CBA must inform members the time for transition. It is noted that transition to the Communities likely is inevitable.
- New Member Welcome Letter will be revised to be segmented with links. Vote on it at February meeting (copy submitted herewith).
- Vote of approval on new title for probate day CBA meetings: "First Wednesday;"
- There will be no executive council meeting in January due to the CBA's move.
- CBA is hosting open houses the last week of January to introduce members to the new space.

3. Secretary/Treasurer Report (Spencer Crona)

- Financials look good, approximately $35,000.00 on hand;
- Budget requests $4,000 as noted in spreadsheet + Josie notes Bridgett of CLE requested $2500 to for Retreat (as last year), suggests review of past five years' contributions – she will check, also check on speaker cost, more info. on sponsorships for Thursday night dinner. Discussion:

Kelly Cooper notes that it's a large section for CLE, and previously paid honoraria, travel for speakers. Leia suggests more scrutiny on what's actually needed, also notes indicators for greater attendance, especially in view of the success of new Thursday event for attendees.

Trouble before was standing amounts reflexively were approved each year, rather than checking for actual need. Suggestion of adding $2,500 minimum to CLE for 2019 Retreat. Jonathan Haskell suggests revisit for assistance money for law students; Melissa Schwartz notes that is part of the Diversity group request. Vote on 2018-2019 Budget: Approved, with $2,500 for Retreat.

- Tim Bounds: Gene Zuspann has business obligations First Wednesday, can no longer attend starting February. Gene has made substantial contributions to our section, other sections and the CBA. Should be awarded token of appreciation. Tim moves for distribution for engraved plaque for Gene. Kelly notes Ambler Award was put in place to recognize special contributions. Josie Faix: If ListServe indeed is being retired, might be a timely commemoration. Leia: Recognize Gene & Joe Hodges both regrarding ListServe contribution. Jeremy Schupbach: Gene is not retiring, but a long-standing business commitment takes him to Kansas on the designated day. Tim amends motion: To formally recognize Gene & Joe, upon retirement of the ListServe, for their substantive contributions to T & E, to take place at the next T & E Dinner. Kelly: note when notice goes out via ListServe. Amended Motion seconded & approved.

4. Tax Section Liaison (Georgine M. Kryda)

No report. For UFPIA, met & approved Article 2.

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

- Medicaid subcommittee
- Marcie McMinimee working on Financial Plan revision (easier amendment)
- Discussion of Advance Directives bill, statewide system of recording them
- EL takes no position on APS-CPS information sharing

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

No report.

7. Statutory Revisions Committee (Tim Bounds)

- UFPIA being discussed
- Jeremy Schupbach gave a detailed report about the Advance Directives Repository
- Busy session of Colorado General Assembly expected
- Pat Mellon offered conference room near Capitol for strategy meetings

- Reminder to monitor inboxes, check to assure quorum for any vote
- CUTC effective January 1st
- Abandoned EP Documents bill moving forward, awaiting Senate sponsor, effective date if passed unknown.
- The next official meeting for SRC likely will be in February 2019, possible meeting January.

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

- No report, but . . .
- Leia will send an email seeking a Co-Liaison to serve with Steve.

9. Legislative Update (Jeremy Schupbach, CBA):

- Latest Senator to resign ("me too"), Randy Baumgartner, effective 1/21/18
- Laura Woods possible replacement candidate, as she has moved
- Possible other candidate, Rep. Rankin of Carbondale, lone House Republican on JBC
- Bills to watch (new legislators with ideas, constituent input, but early in January, realistic pragmatic weening process): GS and T & E bills expected. Objective in response will be to be organized to think through them as a Council rather than have a panicked reaction. Advance Directives Bill, driven by Colo. Hosp. Assoc. & Health Info. Exchange + Rep. Ginal. Extended discussion: Doctors & hospitals don't want to be liable for accidentally following the wrong document. Questions: Definition of an Advance Directive. Thinking of working with Hosp Assoc + Health Law Section to identify docs that qualify (distinguish which definition controls), thinking of drafting medically oriented document in system, but a person must opt-in, besides current documents/old documents. If patient wants to be on system, see doctor to reauthorize form. Timing: Not one of Rep. Ginal's first bills. Andy McCollough of Health Law; Brooke Brestel can review. Leia will help. Jeremy: A person cannot belong to new system without the system document. Leia: Question about effect of new document signed. MOST revokes PoA/supersedes, Jonathan notes. Hosp. Assoc. likes bill (reduced liability risk); physicians want predictability. Some other states have this. Hosp Assoc info. on other states to come. Only way into proposed Adv. Dir. database, per bill concept, would be to visit physician to complete form for online filing. Kelly: What about effect of patient's future EP, guardianship decisions? Sandra Sigler: same questions. Leia: Concern expressed regarding priority of database, narrowed to certain types of care? Rep. Ginal possibly would consider a new version of the bill restricted

to MOST (like a living will). Health Law Section would oppose bill, but members' client Hosp. Assoc. would support.

- Leia: New solicitation needed for Legislative Co-Liaison
- Kim Willoughby notes appellate opinion regarding C/L marriage, argues legislature should abolish C/L marriage. Any bill? No, not expected this session.
- Bill expected to be introduced to fund Office of Public Guardian. OPG Executive Committee presented to JBC. JBC can request money from Legislature, expected figure-setting hearing February or March for Judicial Branch, when JBC will decide, per legislative procedure, on a placeholder for OPG.

10. Council Notes (Josie Faix/Kristin Dittus)

- Articles for next couple of issues

11. CLE/Estate Planning Retreat (Josie Faix)

- Louisa Ritsick to discuss tax law issues, guidelines, on tap for brown bags luncheon presentations; planned through April. Josie is looking for a luncheon presentation for May.
- Solicitation of sponsors for Thursday dinner at EP Retreat. Will circulate to Council sponsor levels
- Contact Josie if there are any first-time attendees or newer attorneys who would like to be partnered with a mentor at the 2019 Estate Planning Retreat.

12. Orange Book Forms Committee (Kim Raemdonck)

Leia: Kim noted expectation that marital agreement will be finished by May

13. Rules & Forms Committee (Jarod Balson)

- Leia reports Jarod wants to step down. New Chair needed.
- Executive Council role is to approve appointee. Nominees solicited, for submission to Jarod & Leia.

14. Civic & Community Affairs (Sandra Sigler)

- Handbook will be published for 2019, 5000 copies
- Meets @ 1 p.m. First Wednesday, no requests for fundraising for a few months
- Working on brochures February; hope to submit proposed drafts mid-January

- In 2018, 20 Senior Law Days took place

15. Diversity & Inclusion Committee (Melissa R. Schwartz)

- Ayo & Melissa going to JD Pathways January 11 at CU Law
- Spring event for DU Law campus
- No meeting until February

16. Probate Trial & Procedures Committee (Zachary Schlichting)

- Discussed Garfield County Dist Ct Order destroying original will
- December 4 holiday event Panel Judge Terry, Supreme Court Justice Gabriel and Marcie discussed new Probate Rules
- Discussed Court of Appeals opinion regarding ex-spouse's standing to seek will reformation

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

No report.

18. Green Book (David K. Johns)

No report.

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

- Lauren: Happy hour today at Randolph's

***20. The Colorado Lawyer* (David W. Kirch/Constance Smith)**

- Connie Smith has stepped down. David asked Emily Bowman to replace her.
- Jim Walker January issue article on equity
- Mike Holder article on new Probate Rule 24 for February

19. Communications Representative (Mark D. Masters)

No report.

20. Ambassador Coordinator (Melissa R. Schwartz/Lindsey Andrew

Lindsey reported:

- David Struthers planning to attend Happy Hour, soliciting Young Lawyer for Retreat Play

21. Board of Governors Representative (Jonathan Haskell)

- Met December 7
- Paid CBA membership up 3%, possibly related to people moving into state
- Justice Coats spoke: criminal filings up 40% last five years; State Judicial to request funding for 15 new judges (county and district court)
- CBA President John Vaught spoke on topic of access to justice, focus on broadband in rural areas as sig. issue for access
- Melissa spoke on Diversity

22. GAL Subcommittee (David W. Kirch)

Trying to find out status.

23. Miscellaneous/FY1

This is our last meeting in 1900 Grant.

Nominating Committee formed, Leia reports, for next year's counsel: Alison Zinn, Walt Kelly, Rikke Liska.

24. ADJOURNMENT

The meeting was adjourned at 4:31 p.m.

Respectfully submitted,

Spencer J. Crona

Colorado Bar Association

Trust & Estate Summary

For the Seven Months Ending January 31, 2019

		January	YTD	Budget	Variance	%	Last FY
Beginning balance	**01-3160-31600**		**$7,804.88**		**$7,804.88**	**0%**	**($441.96)**
Trust & Estate Section- General							
Revenue	**01-4???-31600**	**105.00**	**33,120.00**		**33,120.00**	**0%**	**31,995.00**
Expenses	**01-5???-31600**	**(571.61)**	**(13,191.84)**		**(13,191.84)**	**0%**	**(14,316.51)**
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**					**0%**	**1,720.00**
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**		**(160.80)**		**(160.80)**	**0%**	
Beginning Balance	**01-3160-31600**		**7,804.88**		**7,804.88**	**0%**	**(441.96)**
Total Revenue All Sources	**01-4???-316??**	**105.00**	**33,120.00**		**33,120.00**	**0%**	**33,715.00**
Total Expenses All Sources	**01-5???-316??**	**(571.61)**	**(13,352.64)**		**(13,352.64)**	**0%**	**(14,316.51)**
Ending Balance		**(466.61)**	**27,572.24**		**27,572.24**	**0%**	**18,956.53**

Colorado Bar Association

Trust & Estate

For the Seven Months Ending January 31, 2019

		January	YTD	Budget	Variance	%	Last FY
Beginning balance	**01-3160-31600**		**$7,804.88**		**$7,804.88**	**0%**	**($441.96)**
Trust & Estate Section							
Revenue							
Dues Income Section	01-4050-31600	105.00	32,080.00		32,080.00	0%	31,995.00
Meal Income	01-4051-31600		1,040.00		1,040.00	0%	
Total Revenue Trust & Estate Sect		**105.00**	**33,120.00**		**33,120.00**	**0%**	**31,995.00**
Expenses							
Other Expense	01-5000-31600		(25.80)		(25.80)	0%	
AWARDS	01-5007-31600		(633.14)		(633.14)	0%	(356.78)
Travel	01-5102-31600					0%	(1.00)
Postage	01-5304-31600		(11.32)		(11.32)	0%	(0.92)
Telephone	01-5412-31600	(67.86)	(244.36)		(244.36)	0%	(482.90)
Internet/E-Mail Access	01-5413-31600		(980.20)		(980.20)	0%	(772.18)
Meals (Not travel related)	01-5491-31600		(7,770.77)		(7,770.77)	0%	(8,740.67)
Administration Fee	01-5494-31600	(503.75)	(3,526.25)		(3,526.25)	0%	(3,462.06)
Grants/Contributions	01-5500-31600					0%	(500.00)
Total Expenses Trust & Estate Sec		**(571.61)**	**(13,191.84)**		**(13,191.84)**	**0%**	**(14,316.51)**
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							

Colorado Bar Association

Trust & Estate

For the Seven Months Ending January 31, 2019

	January	YTD	Budget	Variance	%	Last FY
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						

Colorado Bar Association

Trust & Estate

For the Seven Months Ending January 31, 2019

		January	YTD	Budget	Variance	%	Last FY
Expenses							
Transfer Deposits							
Revenue							
Expenses							
Admin. Chair							
Revenue							
Expenses							
Estate Planning Handbook							
Revenue							
Expenses							
Admin Council Dinner							
Revenue							
Meal Income	01-4051-31612					0%	$1,720.00
Total Revenue Admin Council Din						**0%**	**1,720.00**
Expenses							
Legislative Liaison							
Revenue							
Expenses							
Internet Editor							
Revenue							
Expenses							
Technology Committee							
Revenue							
Expenses							
Real Estate Liaison							

Colorado Bar Association

Trust & Estate

For the Seven Months Ending January 31, 2019

		January	YTD	Budget	Variance	%	Last FY
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							
Meals (Not travel related)	01-5491-31629		($160.80)		($160.80)	0%	
Total ExpensesT7E YLS			**(160.80)**		**(160.80)**	**0%**	
Beginning Balance	**01-3160-31600**		**7,804.88**		**7,804.88**	**0%**	**(441.96)**
Total Revenue All Sources	**01-4???-316??**	**105.00**	**33,120.00**		**33,120.00**	**0%**	**33,715.00**
Total Expense All Sources	**01-5???-316??**	**(571.61)**	**(13,352.64)**		**(13,352.64)**	**0%**	**(14,316.51)**
Ending Balance		**(466.61)**	**27,572.24**		**27,572.24**	**0%**	**18,956.53**

Welcome to the CBA's Trust & Estate Section!

Thank you for choosing to join our section. I'm writing 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 Trust & Estate Section's webpage at http://www.cobar.org/trust. 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 by following the instructions at http://www.cobar.org/For-Members/CBA-Sections/Trust-and-Estate/T-E-Listserv. The listserv is very active and a valuable source of information, updates and referrals.

The Section has multiple committees. Committees generally meet on "Super Thursday," which occurs on the third Thursday of each month during the spring, fall and winter. Meetings are held at 1900 Grant St, 9th Floor, Denver, CO 80203. A calendar of upcoming committee meetings is available at http://www.cobar.org/probateday . A list of the Section's committees appears below:

- **Executive Council:** 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. Executive Council meets at 3:15 PM on Super Thursday in the CBA Executive Conference Room. Executive Council's webpage is available at http://www.cobar.org/For-Members/CBA-Sections/Trust-and-Estate/T-E-Executive-Council.

- **Rules & Forms Committee:** The Rules & Forms Committee reviews and suggests revisions to the probate Judicial Department Forms (JDF), the Colorado Rules of Probate Procedure (CRPP), and practioner forms. Suggested JDF and C.R.P.P. revisions are sent to the Supreme Court's Probate Rules Committee for their consideration. The Rules & Forms Committee meets at 11:00 a.m. on Super Thursday in the CBA Executive Conference Room. Lunch is provided. The committee encourages everyone to attend and provide input. The committee's webpage appears at http://www.cobar.org/For-Members/CBA-Sections/Trust-and-Estate/Rules-and-Forms-Subcommittee---.

- **Orange Book Forms Committee:** The Orange Book Forms Committee of the Trust and Estate Section meets on the third Thursday of every month at 12:15-1:30 p.m. in the Executive Conference Room on the ninth floor of the CBA offices, located at 1900 Grant Street.

Members of the Orange Book Forms Committee draft, review, and revise forms and notes on use for the Colorado Bar Association CLE publication "Colorado Estate Planning Forms," also known as the "Orange Book Forms."

The Orange Book Forms and its companion publication, the Colorado Estate Planning Handbook, also known as the "Orange Book Handbook," are designed to assist Colorado practitioners who provide estate planning services. Although the Orange Book Forms and the Orange Book Handbook periodically make reference to issues that arise in probate, trust, or estate administration, those topics are more fully addressed in another Colorado Bar Association CLE publication, "Colorado Law of Wills, Trusts, and Fiduciary Administration" (also known as the "Wade/Parks Book.")

The committee's webpage appears at http://www.cobar.org/For-Members/CBA-Sections/Trust-and-Estate/Orange-Book-Forms-Subcommittee--. If you would like to be placed on the Orange Book Forms distribution list, please contact Susan Hoyt at shoyt@cobar.org or 303-860-0608.

- **Probate Trial and Procedure Committee:** The Probate Trial and Procedure Committee is a joint venture between the Trust & Estate and Elder Law Sections of the CBA. It held its first meeting in January 2013. The Committee's initial goal is to bring together practitioners who regularly litigate probate issues (i.e. any issue raised under Title 15) to discuss concerns unique to this area of practice.

  The membership of this Committee is managed by the CBA. If you wish to join or be on the email list for this Committee, please contact the CBA's Membership Department. This is done by sending an email to Membership@cobar.org. You must be a member of the Elder Law or Trust & Estate Sections to be a member of this Committee. Other questions can be directed to the Chair or the two liaisons listed below.

  The Committee meets on Super Thursday at 10am in the Terrace Conference Room. A link to the committee's webpage appears at http://www.cobar.org/For-Members/CBA-Sections/Trust-and-Estate/Probate-Trial-and-Procedure-Committee-litigation.

- **Statutory Revisions Committee:** The Statutory Revisions Committee ("SRC") is the largest standing committee of the Trust & Estate Section of the Colorado Bar Association. As its name suggest, the primary function of the committee is to preserve and enhance the practice of trust and estate law in Colorado by participating in the statutory revision process.

Throughout the year, the committee actively monitors proposed legislation in effort to determine its potential effect on the trust and estate practice. If a connection is determined, the committee will work with sponsors and other interest groups to ensure that consistency and cohesion with existing law is achieved. Additionally, the committee will often propose legislation if statutory changes are needed or desired. With permission of the Colorado Bar Association's Legislative Policy Committee, members of the committee may testify in support or opposition of proposed legislation. The committee is particularly proud of its work on Uniform Acts relating to the trust and estate practice, which are proposed for adoption by the Uniform Law Commission (f/k/a The National Conference of Commissioners on Uniform State Laws).

The committee's work is accomplished through various subcommittees. The subcommittees are charged with reviewing, revising and drafting legislation and their work product is ultimately subject to approval by the committee as a whole. The committee seeks and considers input from trust and estate lawyers throughout the State of Colorado. Its general approach and philosophy is to build consensus on clarifying, improving and promoting trust and estate law in Colorado.

The committee meets between 1:30 p.m. and 3:15 p.m. on the third Thursday of each month (with the exception of June and July). A link to the committee's webpage appears at http://www.cobar.org/For-Members/CBA-Sections/Trust-and-Estate/Statutory-Revisions-Subcommittee-Homepage-.

- **New T&E Lawyers Committee:** The New Lawyers Committee was formed to provide a forum for lawyers new to trust and estate practice. The Committee focuses on issues and education relevant to new trust and estate attorneys and provides an introduction to more experienced trust and estate attorneys. The Committee meets on Super Thursday from 3:15 to 5:00 PM in the Terrace Room at the CBA. The Committee's webpage appears at http://www.cobar.org/For-Members/CBA-Sections/Trust-and-Estate/New-T-E-Lawyers-Subcommittee.

- **Diversity and Inclusion Committee:** The Diversity & Inclusion Subcommittee is dedicated to promoting full and equal participation in the Trust & Estate Section of the CBA by all attorneys and law students, including those historically under-represented groups such as women, racial and ethnic minorities, persons with disabilities, and lesbian, gay, bi-sexual, and transgender persons. Each year, the Diversity & Inclusion Subcommittee hosts two events focusing on law students and attorneys to increase trust and estate diversity. The committee also encourage members of the trust and estate section to participate in events in the community that promote diversity and inclusion. The Diversity & Inclusion Subcommittee also collaborates with local minority, LGBT, disability, and professional organizations as well as other sections of the Bar and universities to put on networking events and CLEs that promote an inclusive environment and recognizes the value of diversity. The committee meets on Super Thursday at 9:00 AM in the CBA Terrace Conference Room. The committee's webpage appears at http://www.cobar.org/For-Members/CBA-Sections/Trust-and-Estate/Diversity-and-Inclusion-Committee.

- **Civic and Community Affairs:** The Civic & Community Affairs Committee provides information and resources to the community on Trust & Estate and Elder Law topics. Our committee works on various projects including: coordinating and arranging sponsors for the Colorado Senior Law Handbook; promoting Senior Law Day events throughout the state; providing presentations to the public on Trust & Estate and Elder Law topics; and revising Trust & Estate and Elder Law brochures published by the Colorado Bar Association.
  The committee meets at 1:00 p.m. in the CBA Stratum Room on the third Thursday of each month, from August through May. All Trust & Estate and Elder Law members are welcome to attend. If you would like to participate in the meeting via telephone, please email the committee chair for call-in instructions.
  Chair: Sandra M. Sigler Sandra@ZumaltSigler.com (mailto:)

- **CLE Committee:** The CLE Committee is responsible for planning the Section's CLE programming throughout the year. Among others, the Committee plan the annual Estate Planning Retreat, the Fall and Spring Updates (full-day), and the monthly CLE lunch programs (one-hour). Each year, the Committee is chaired by the Vice-Chair of the Section and all Section members are welcome to participate and serve as Committee members. The Committee encourages the submission of ideas for program content and presenters as it hopes to provide Section members with relevant, desired and helpful content. The CLE Committee meets on Super Thursday at 12:00 PM in the CBA Terrace Conference Room.

Finally, the Section also hosts CLE events, and an annual retreat. A list of upcoming events is available at http://www.cobar.org/trust.

We look forward to meeting you in person at our next event.

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

Cordially,

Mark D. Masters
Communication Representative

Ursery, Leia G.

From:	Brad Frigon <bfrigon@bjflaw.com>
Sent:	Friday, January 25, 2019 2:59 PM
To:	Ursery, Leia G.
Cc:	'Liz OBrien (lizeeto@msn.com)'; Vicki McKay
Subject:	CBA Trust and Estate Section Legislative Liaison Position
Attachments:	Resume.pdf; Letter to L. Ursery re Trust and estate Legislative Liaison.pdf

Ms. Ursery,
Attached is my application letter and Curriculum Vitae regarding the Trust and Estate Legislative Liaison position noted in the Call for Volunteers in the Trust and Estate Section Digest dated January 12, 2019.

Thank you and the committee for considering my application.

Sincerely,

Bradley J. Frigon, JD, LLM (Tax), CELA
Certified Elder Law Attorney
Law Offices of Bradley J. Frigon
6500 S. Quebec Street, Suite 330
Englewood, Colorado 80111
(720) 200-4025 - Telephone
(720) 200-4026 - Fax
bfrigon@bjflaw.com
bjflaw.com

BRADLEY J. FRIGON, JD, LLM (Tax), CELA, CAP

EDUCATION

University of Denver, Denver, Colorado, Master of Law in Taxation (LLM), 1982
Washburn University School of Law, Topeka, Kansas, Juris Doctor (JD), 1981
University of Kansas, Lawrence, Kansas, Bachelor of Arts (BA), 1978

EXERIENCE

Owner of Law Offices of Bradley J. Frigon, LLC, 2001 to present.

Adjunct Professor of Law, Stetson University College of Law in the Masters of Elder Law Program, 2010 to present.

National Advisory Board Member and Co-Content Editor for the Special Needs Planning Modules, ElderCounsel, 2012 to 2017.

Visiting Professor, University of Colorado-Boulder, School of Law, Elder Law Program.

AREAS OF PRACTICE

Trust and estate matters, including probate, trust administration and probate litigation, guardian and conservator matters, wills and trusts, elder law advice including protecting your assets from long term care and nursing home costs and special needs planning. Nationally recognized for expertise in special needs planning and tax matters. Consulting services provided to attorneys and other professionals on public benefit and tax issues related to personal injury settlements including Medicare set aside, first party special needs trusts, Medicare claims , Medicaid liens and qualified settlement funds.

EXPERT WITNESS

Dunlap vs, T.A.W., Inc, Case No.CIV. 08-385-D, United States District Court, Western District Oklahoma.

In the Matter of the Trusts Created by the Will of Dodds L. Buchanan, 05 PR 625, Boulder County District Court.

Peter H. Blair, Debtor. 15-15008-TBM, U.S. Bankruptcy Court for the District of Colorado.

Verebelyi v. Verebelyi, 16 DR 371, Douglas County District Court.

PROFESSIONAL AFFILIATIONS

Past President, National Academy of Elder Law Attorneys, 2015-present.

President, National Academy of Elder Law Attorneys, 2014-2015.
President-Elect, National Academy of Elder Law Attorneys, 2013-2014.
Treasurer, National Academy of Elder Law Attorneys, 2011-2012.
Secretary, National Academy of Elder Law Attorneys, 2010-2011.
Board of Directors National Academy of Elder Law Attorneys, 2006 to 2016.
Fellow, National Academy of Elder Law Attorneys.
Fellow, American College of Trust and Estate Counsel.
Colorado Bar Association.
Kansas Bar Association.
Wyoming Bar Association.
Arapahoe County Bar Association.
Special Needs Alliance.
Treasurer, Special Needs Alliance, 2010, 2011, 2012, 2013.
Board of Directors, Special Needs Alliance, March 2009 to 2013.
Uniform Law Commission, Decanting Committee, 2013.
Fee Dispute Resolution Committee, Kansas Bar Association.
Board of Directors, Colorado Fund for People with Disabilities, 2010 to Present.
Appointed by Governor to Colorado Advisory Council for People with Disabilities, 2010-2011

PROFESSIONAL RATINGS

SuperLawyer, 2012, 2013, 2014, 2015, 2016, 2017.
Martindale Hubbell, rated AV Preeminent 5.0 out of 5.0.
Avvo rated "10" for superb professional conduct and experiences.

STATE LICENSES

State of Colorado, Attorney registration number 27883
State of Kansas, Supreme Court Registration number 11032
State of Wyoming, Attorney registration number 7-5428

CERTIFICATIONS

Certified Elder Law Attorney (CELA) by the National Elder Law Foundation
Council of Advance Practitioners (CAP), National Academy of Elder Law Attorneys
Fellow, National Academy of Elder Law Attorneys

PUBLICATIONS

ABLE Across the Board, by Bradley J. Frigon and Megan Brand, Council Notes (Fall 2018).

MAGI and its Importance for Special Needs Clients, by Bradley J. Frigon, The Elderlaw Report (Aspen Publishers 2015).

Fundamentals of Special Needs Trusts, by Stuart D. Zimring, Rebecca C. Morgan and Bradley J. Frigon (Matthew Bender, 2012 through 2018).

Colorado Personal Injury Practice - Torts and Insurance, Appendix 1 Taxation of Damages, by Bradley J. Frigon (West Publishing, 2012).

2011 Elder Law in Colorado 4th Edition, June 2011, Managing Editors John C. Campbell and D. Wayne Stewart. CBA-CLE Books. Contributing author Bradley J. Frigon.

Fundamentals of Special Needs Trusts, by Stuart D. Zimring, Rebecca C. Morgan and Bradley J. Frigon (Matthew Bender, 2009)

Which Special Needs Trust, When and Why?, Bradley J. Frigon and W. Eric Kuhn, NAELA Journal, 2009, vol. 5, number 1.

Special Needs Trusts and Individual Retirement Accounts, Elder Law Advisor, June 2007.

Amendments to Medicare Secondary Payer Statute: Broader Authority for Government Recovery,
New Case Limits Government Recovery under the Medicare Secondary Payer Statute, NAELA E-Bulletin, March 4, 2003.

Tax Basis Rules, Elder Advisor, The Journal of Elder Law and Post-Retirement Planning, Marquette University Law School, Spring 2003.

Tax Rules Relating to the Sale of a Principal Residence, Elder's Advisor, The Journal of Elder Law and Post-Retirement Planning, Marquette University Law School, Spring 2002.

New Proposed Regulations on Sale of Principal Residence, NAELA News, April 2001.

Taxation of Disability Trusts, Research Institute of America, Practice Alert, June 1998.

SEMINARS AND PRESENTATIONS

"Estate Planning 101: What You Need to Know About the Tax Cuts and Jobs Act," ABA Webinar, December 2018.

"New Tax Law on Pass Through Entities," Colorado Fund for People with Disabilities, December 2018.

"New Tax Law on Pass Through Entities," NAELA Summit, November 2018.

"How to Put Your Legal Affairs in Order" Lutheran Church of the Missouri Synod Foundation, September 2018.

"The Impact of Tax Cuts and Jobs Act on Special Needs Trusts," and " Tax Reform and Year End Tax Planning for Self-Settled and Third Party Trusts." 2018 Special Needs Trusts-The National Conference, October 2018.

"ABLE Across the Board," Colorado Bar Association, Trust and Estate Section, October 2018.

"Which Special Needs Trust, When and Why?" AMG National Bank, June 2018.

"Grantor Trust Malfunctions and Fixes," NBI, June 2018.

"Approval of Minor's Settlements" and Government Benefits Plannings: What You Should Know," Society of Settlement Planners, March 2018.

"Which SNT, When and Why?" ABA Webinar, November 2017.

"Trust Income, Trust Expenses and Calculating Distributable Net Income," and "Saving Income Taxes with Qualified Disability Trust," 2017 Special Needs Trusts-The National Conference, October 2017.

"The ABLE Act," Colorado Bar Estate Law Retreat, August 2017.

"The Key to Solid Power of Attorney Documents," Certified Senior Advisors Leaders Network, June 2017.

"The ABLE Act," Colorado Bar Estate Planning Retreat, June 2017.

"IRA Trust Planning from a Practical Perspective," South Dakota Estate Planning Council, May 2017.

"What is Elder Law and Special Needs Planning," Certified Senior Advisors Leaders Network, March 2017.

"Wills, Trusts, Guardianships," Estes Park Senior Center, February 2017.

"Defining Income" and "SNT as an Employer – Tax Issues," 2016 Special Needs Trusts-The National Conference, October 2016.

"Trust as a Beneficiary of an IRA" and "Legislative Update and Future of ElderLaw," Michigan 2016 Fall Elder Law and Disability Rights Conference, October 2016.

"Using the MSA Option for Special Needs Trusts," ElderCounsel webinar, August 2016.

"Estate Planning and Administration," Colorado Bar Elder Law Basics CLE, June 2016.

"5 Tips to Creating a Multi-State Practice," NAELA webinar, June 2016.

"SNTs as Beneficiaries of IRAs," NAELA podcast, February 2016.

"Taxation of SNTs – Plain and Simple," University of Texas 12th Annual Changes and Trends Affecting Special Needs Trusts, February 2016.

"Trust Planning for Individuals with Disabilities or on Public Benefits," Estate Planning Council, November 2015.

"IRA/Qualified Plans/Pensions with Special Needs Trusts as Beneficiary," and "ABLE Act," 2015 Special Needs Trusts-The National Conference, October 2015.

"National Aacademy of Elder Law Attorneys Public Policy Update," 2015 Elder Law Retreat, August 2015.

"Estate Planning and Administration," Colorado Bar Elder Law Basics CLE, July 2015.

"Creating a Tax Wise Investment Portfolio for a Third Party Special Needs Trust," Webinar, https://www.youtube.com/watch?v=LzL4gpygV-8, July 2015.

"Strategic Trusts for Elderly-Disabled Clients," Colorado Bar Association, April 2015.

"How to Leave an IRA-Qualified Plan to a SNT," and "Medicare Set Aside Update," WisPACT Pool Trust of Wisconsin and Wisconsin Bar Association CLE Meeting, March 2015.

"To Stretch or Not to Stretch IRA Planning for Owners and Beneficiaries," 2015 NAELA Summit, January 2015.

"Overview of IRA and Retirement Plans," 2015 NAELA Advanced Elder Law Review Program, January 2015.

"Self-Settled Special Needs Trust," ElderCounsel Draft Camp, December 2014.

"Legal Planning for Carepartners and People with MS", National Multiple Sclerosis Society webinar, November 2014.

"It's All About the MAGI Under the Affordable Care Act," "How Do You Leave an IRA/Qualified Plan to a SNT?," and "Taxation of SNTs - Plain and Simple," 2014 Special Needs Trusts-The National Conference, October 2014.

"Special Needs Planning on the Ground Floor," ElderCounsel National Symposium Planning for the Generations, July 2014.

NeuroMatters: The Brink of Alzheimer's Radio Show with Dr. Sam Brinkman, Ph.D., June 2014.

"Overview of IRA-Retirement Plans," NAELA Advanced Elder Law Review, May 2014.

"Investment & Tax Strategies for Special Needs Trust," Steve Dale Webinar, May 2014.

"Special Needs Trusts Tax Issues," Academy of Special Needs Planners, March 2014.

"Special Needs Trusts Tax Issues," NAELA Webinar, January 2014.

"Special Needs Trusts Tax Issues," Washington State Bar Association, November 2013.

"Complex Planning with IRA's," NAELA Advanced Elder Law Review, November 2013.

"Understanding Medicare Set Aside Trusts" and "Understanding Medicare Set Aside Trusts - Drafting a Medicare Set Aside Subtrust into a First Party Special Needs Trust" ElderCounsel Webinar, October 2013.

"How Do You Leave an IRA/Qualified Plan to a SNT?," Pre-Conference: The Tax Intensive, and "MSA, Liens and the *Ahlborn* Progeny-What Attorneys and Trustees Need to Know," 2013 Special Needs Trusts-The National Conference, October 2013.

"Top 5 Practice Tips for the Special Needs Practitioner," ElderCounsel National Symposium Planning for the Generations, July 2013.

"Special Needs Trust Planning" and Tax Panel Discussion, Pennsylvania Association of Elder Law Attorneys, February 2013.

"Special Needs Trusts and Qualified Retirement Accounts - What You Need to Know to Maximize Your Benefits" ElderCounsel Webinar, January 2013.

"Roles of an Elder Law Attorney in the Case," Washington State Bar Association, November 2012.

"How to Leave Retirement Benefits to a Trust," NAELA Advanced Elder Law Review, November 2012.

"Taxations of Special Needs Trusts" and "Medicare Set Aside Update and Medicare Secondary Payer Law Update," 2012 Special Needs Trusts - The National Conference, October 2012.

"Medicare Set Aside Trusts," ElderCounsel National Symposium Planning for the Generations, July 2012.

“Drafting and Using the Special Needs Trust," Washington State Bar Association - Credit Legal Education, WSBA-CLE Conference Center, November 2011.

"Employment and Retirement," National Aging and Law Institute, NAELA Advanced Elder Law Bootcamp, November 2011.

"Taxation of SNT's," and "Drafting a Medicare Set Aside Sub Trust into a SNT." 2011 Special Needs Trusts, The National Conference, October 2011.

“How to Develop and Implement a Financial Plan for Trustees,” 2010 Special Needs Trust National Conference, October 2010.

“Tax Issues Related to Special Needs Trusts,” presented to Tampa Bay Estate Planning Council, October 2010.

“Medicare’s Interest in a Personal Injury Settlement: What Every Elder Law Attorney Needs to Know About Medicare Set Aside Requirements and Medicare Secondary Payer Rules,” Colorado Bar Association, August 2010.

“Advanced Tax Planning with Special Needs Trust”, NAELA Annual Program, May 2010.

“Retirement Planning”, Advanced Elder Law Review Course, May 2010.

“Strategic Trusts for Elderly and Disabled Clients”, Colorado Bar Association, March 2010.

“Special Needs Planning for Wealthy Families”, Wealth Strategies Laureate Gathering, February 2010.

“The Battle Between Special Needs Trusts, Qualified Retirement Plans and Tax Rules”, 2010 Changes and Trends Affecting Special Needs Trusts, University of Texas School of Law, February 2010.

“2010 Estate Tax Update”, “Taxation of Special Needs Trusts”, and “How To Leave Retirement Benefits to a Trust”, Utah Elder Law Conference, December 2009.

“Selected Income Tax Issues for the Elder Law and Special Needs Law Practitioner”, Colorado Bar Association-CLE Elder Law Retreat, October 2009.

“Special Needs Planning for Wealthy Families”, Chicago Wealth Counsel: Planning for the Generations Symposium, August 2009.

“Special Needs Trusts Part II”, ALI-ABA Telephonic Conference, June 2009.

“Medicaid and Special Needs Trusts”, Colorado Bar Association Estate Planning Retreat, June 2009.

“The Battle Between Special Needs Trusts, Qualified Retirement Accounts and Tax Rules”, NAELA Summer Special Needs Program, May 2009.

“How to Leave Retirement Benefits to a Trust”, NAELA Telephonic Training Program, May 2009.

“Special Needs Trust Tax Update”, Special Needs Alliance Spring Meeting, March 2009.

“Avoiding Liability and Adding Value: What Every Personal Injury Attorney and Estate Planning Attorney Must Know About Special Needs Trusts,” ALI-ABA Webcast Seminar, Special Needs Trusts: What Every Personal Injury Attorney and Estate Planning Attorney Must Know, February 2009.

“Recovering for Personal Injury: Successful End or Just the Beginning? Medicare’s Interest in a Personal Injury Settlement,” ALI-ABA Webcast Seminar, Medicaid Set Aside Trusts: Critical Issues Surrounding Personal Injury, December 2008.

“Taxes, SNTS and Retirement Accounts,” Special Needs Trust IX, Stetson University College of Law, October 2007.

“Which SNT, When and Why,” Special Needs Trusts - The National Conference, October 2007.

“Which SNTs, When and Why,” National Association of Structured Settlement Brokers, October 2007.

“Special Needs Trusts and Retirement Accounts,” Elder Law Conference, State Bar of Georgia, April 2007.

Special Needs Trust Administration Review Course presentation, Wealth Counsel, February 2007.

“Special Needs Trusts and Retirement Plans,” Special Needs Trust VIII, Stetson University College of Law, October 2006.

Member National Academy of Elder Law Attorneys
** Certified Elder Law Attorney by the National Elder Law Foundation

Member Special Needs Alliance
www.specialneedsalliance.com

LAW OFFICES OF BRADLEY J. FRIGON, LLC

ATTORNEYS AT LAW

Bradley J. Frigon, JD, LL.M. - Taxation, CELA**
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Joe Hartwig, JD
jhartwig@bjflaw.com
Admitted in Colorado

January 25, 2019

Leia Ursery
Section Chair
Trust and Estate Section

Re: Trust and Estate Legislative Liaison

Dear Ms. Ursery:

The purpose of this letter is to apply for the Trust and Estate Legislative Liaison position. I have attached my Curriculum Vitae for your review.

As the Past-President of the National Academy of Elder Law Attorneys (NAELA), I attended and testified at Senate hearings, administrative proceedings and was interviewed multiple times by national news organizations on current issues related to current legislative proposals and new laws and regulations.

I am interested in serving as the Trust and Estate Legislative Liaison because I have two strong beliefs, advocating for the clients I serve and advocating for my fellow trust and estate attorneys. I will faithfully advocate for both groups in my position as legislative liaison.

As detailed on my Curriculum Vitae, I have practiced law for 38 years. My practice areas encompass both trust and estate work, elder law and special needs planning. I have a Master of Law in Taxation and am a Certified Elder Law Attorney (CELA). I have regular communications and interactions with the Department of Health Care Policy and Financing. My office does probate and trust litigation in addition to traditional Will and Trust planning for clients of moderate wealth to high net worth. My practice area also includes guardian and conservatorship work and long term care and Medicaid planning. Special needs planning is one of my main practice areas.

I have been a trust and estate and elder law member since I moved to Colorado in 1997. I regularly present at the Elder Law Retreat and Trust and Estate Section Retreat. I have not regularly attended Section meetings due to my involvement at the national level with NAELA. Now that I have finished my service to NAELA, I am ready to accept this important challenge as the Trust and Estate Legislative Liaison.

I can make myself available for weekly and monthly committee meetings.

One final note, I have known Steve Brainerd for many years and would enjoy working with him and the other committee members.

Please let me know if I can provide any additional information to assist with the selection process. Thank you for your consideration.

Sincerely,

LAW OFFICES OF BRADLEY J. FRIGON, LLC

Bradley J. Frigon

Enclosure

From:	David Kirch <DKirch@dwkpc.net>
Sent:	Monday, January 14, 2019 1:46 PM
To:	Ursery, Leia G.
Subject:	Trusts and Estates Section Council

Dear Ms. Ursery:

I would like to nominate my partner, Chad Rounds, to serve as a member of the Trusts and Estates Section Council. Chad's temperment and good judgment will be a great asset to the Council. His expertise in our area of practice and 12 years of experience, as well as his good relationship with many of our Section members, will help him represent the Section in a manner that will strengthen our section and help it grow and improve as a congenial and dynamic organization.

David W. Kirch
Attorney
Kirch Rounds & Bowman PC
3131 S. Vaughn Way, Ste. 200
Aurora, CO 80014
(303) 671-7726
(303) 671-7679 (Fax)
dkirch@dwkpc.net
www.dwkpc.net

Colorado Metro Ranking
Tier 1 in Elder Law and Tier 1 in Trusts & Estates Law

KIRCH ROUNDS BOWMAN & DEFFENBAUGH PC
MEMORANDUM

TO: **CBA Council of the Trust and Estate Section**

FROM: **Charles Rounds**

RE: **Summary of 1/15/19 CBA Real Estate Section Council Meeting**

DATE: **1/21/19**

I attended the CBA Real Estate Section Council ("Real Estate Council") meeting on 1/15/19. It met at the Colorado Supreme Court Conference Room at 1300 Broadway, Denver. Two topics discussed which I feel the CBA Trust and Estate Section Council ("Trust and Estate Council") might find of interest are the following:

#1) CBA Section Fees:

The Real Estate Council addressed the issue of whether to increase its section fee. It is currently at $30 per member like the Trust and Estate Section. This is the second highest rate charged by any section. The thought was to raise the fee to help pay for reimbursing members for parking to attend section meetings at the new CBA location. It was estimated that without an increase in fees, reimbursement of parking for the year would decrease the section's financial reserve. Historically, parking was validated, but this is no longer the case at the new CBA location. It was concluded that the commitment to reimburse for parking would be put on hold to see how members react to the new parking arrangement (meter, garage, or public transit options) and so a decision not to raise the section fee at this time was made. The idea was circulated possibly to reimburse members for parking in an indirect manner by providing a free CLE luncheon.

#2) Legislation to Amend Deeds Statute (House Bill 19-1098):

In 2019, a bill was introduced that amends the Colorado deed statute and forms by adding "statutory exceptions" to the general warranty deed and the special warranty deed. These exceptions weaken the warranties in these two deeds given by the seller to the buyer and thereby transferring more risk from the seller to the buyer and buyer's title company. The reasoning is that the buyer's risk is covered by title insurance, while the seller might not have title insurance or it might have become insufficient to cover the current risk.

Some on the Real Estate Council expressed concern that this legislation will in effect end the use of the traditional warranty deeds in most residential conveyances in which attorneys are rarely involved to raise the possibility of opting out of these "statutory exceptions." Also, deeds which reference "statutory exceptions" might place in the future a heavy burden of analyzing past statutes on those trying to determine the exact nature and extent of the interests conveyed. However, it appears that the Real Estate Council will support or at least not oppose this legislation. The bill is being promoted by Land Title Association of Colorado, while the Real Estate Council has made recommendations to this bill during the drafting process.

Also of interest to Trust and Estate practitioners is the fact that the legislation authorizes title companies to officially draft deeds, instead of just relying on the current "scrivener" fiction. It appears the authority is limited to the statutory forms of a general warranty deed, special warranty deed, bargain and sale deed, and quitclaim deed, but not necessarily "fiduciary" deeds. According to a representative of a title company at the meeting, this new legislation would not change the practice of title companies requesting that attorneys prepare "fiduciary" deeds for real estate closings. This could be of importance to the Trust and Estate Section as deed preparation results in the need for the sellers of Trust and Estate attorneys, as well as serving as a means for them to be more closely involved in real estate transactions involving their fiduciary clients.

Ursery, Leia G.

From: gordlaw@aol.com
Sent: Friday, January 11, 2019 10:22 AM
To: Ursery, Leia G.
Subject: Rules & Forms Chair

Leia,

Will you please put my name in the hat for R&F Chair? Here are my responses to the requested information:

Why are you interested in serving? The state of Colorado's forms has declined since Admin took substantial control over the forms. Also, the probate rules have a few problems in that they vaunt the forms over common-sense practice. Clerks are making decisions about the forms (rejection) that should be left to attorneys, and judges seem to be confused as to whether a form should be accepted. I know of at least one court that rejects pleadings if they are not precise to a "t". Form over substance is replacing substance over form, and this is of great concern, because a refusal to accept a pleading deprives our clients of their right to redress of grievances. I would like to have R&F routinely confer with Admin, discuss the current application of the forms, attempt to clean up the forms, including removing redundant "Verification" clauses, amend the probate rules so the forms are not canonized as they are now, and create combined forms for certain proceedings. My goal would be to connect with Admin, take them out for a drink, maybe a ball game, schmooz, ply them with Banjo Billy's Bus Tour tickets, and convince them to Make R&F Great Again.

How many years in practice (including description of practice)? 24 (10/14/94)-- estate planning (wills, trusts, powers, etc.), probate of estates, trust administration, guardianships, conservatorships, and acting as personal representative and trustee.

How many years of active Section involvement (e.g. attending monthly meetings, etc.)? Either 20 or 21 years. I have served as SRC co-chair and chair, chaired the Disclaimer Act committee, and have been on numerous other committees over the years.

Confirm the following:

Availability to attend the following:

Monthly meetings for our Section's Rules and Forms Committee (first Wednesday of each month between August and May at 11:00 a.m.); **YES**

Monthly meetings for our Section's Executive Council (first Wednesday of each month between July through June, excluding December, at 3:00 p.m.) **YES**

Very truly yours,

Gordon J. Williams
Gordon J. Williams, P.C.
Attorney at Law
320 E. Costilla
Colorado Springs, CO 80903
Ph. (719) 471-9300

Ursery, Leia G.

From: Karina Thomas <kthomas@stmlawfirm.com>
Sent: Monday, February 4, 2019 12:04 PM
To: Ursery, Leia G.
Subject: RE: liason committe volunteers

Leia – Please accept my application for either committee described below.

Why are you interested in serving? [*KMT: I enjoy reading legislation and considering the possible impacts to specific areas that may not have been considered by the drafters. Also I have wanted to contribute to a bar activity that may be of service to our membership].*

- How many years in practice (including description of practice)? [*KMT: I have practiced as an attorney since 1994, initially as an environmental attorney in private practice (after working as a regulatory consultant for several environmental consulting firms after college) and then starting in 2000, as a trust and estates attorney with the same firm I still work for]*,
- How many years of active Section involvement (e.g. attending monthly meetings, etc.)? [*KMT: I have attended monthly section meetings sporadically over the last 10 years*]
- Confirm the following:
  - Legislative Co-Liaison
    - please indicated your experience, if any, with legislative matters [*KMT: In my former position as a regulatory consultant, I spent about a quarter of my time for several years on such matters, including reading and evaluating the impact of federal statutes and regulations on cleanup projects our firm's clients were involved in, and also writing regulations and public comment documents for EPA's Office of Underground Storage Tanks. More recently I reviewed and provided comment (based on personal experience with a construct defect claim impacting my condo building) on various construction defect laws being proposed in Colorado.]*
    - your availability to attend the following:
      - CBA Legislative Policy Committee meetings (every Friday morning between January and May at 7:30 a.m.) [*KMT: Yes, I am available with minor exceptions relating to prior commitments*];

- monthly meetings for our Section's Statutory Revisions Committee (first Wednesday of each month between August and May at 1:30 p.m.) [*KMT: Yes, I am available*];
- monthly meetings for our Section's Executive Council (first Wednesday of each month between August and May at 3:00 p.m.) [*KMT: Yes, I am available*]; and
- legislative hearings and/or meetings with legislators, often on very short notice and/or at odd hours. [*KMT: Yes I am available. I live in central Denver about 10 minutes from the state capitol*];

- Real Estate Section Liaison
  - please confirm you are members of both the Trust and Estate Section and the Real Estate Section [*KMT: yes*]; and
  - your availability to attend the following:
    - monthly meetings for our Section's Executive Council (first Wednesday of each month between August and May at 3:00 p.m.) [*KMT: Yes I am available*];; and
    - monthly meetings for Real Estate Section's Executive Council (third Tuesday of each month between August and May at 3:00 p.m.) [*KMT: Yes I am available*]

Thank you.

Karina M. Thomas
SCHAFER THOMAS MAEZ PC
4 Garden Center, Suite 200
Broomfield, CO 80020
O: 303.469.7367
F: 303.466.3235
kthomas@stmlawfirm.com
www.stmlawfirm.com

From: Ursery, Leia G. (LG) [mailto:lursery@lathropgage.com]
Sent: Friday, February 01, 2019 7:43 PM
To: Karina Thomas
Subject: RE: liason committe volunteers

Hi Karina,

Thank you so much for your email. If you can send me your interest for the positions you noted below by Monday at 12:00 p.m., that would be great. We have a few nominees for those position but I think I can get you in for consideration as well.

Thanks and have a good weekend.

Leia Ursery
Of Counsel
Lathrop Gage LLP
1515 Wynkoop Street, Suite 600
Denver, CO 80202
Direct: 720.931.3250 | Fax: 720.931.3201
lursery@lathropgage.com

From: Karina Thomas [mailto:kthomas@stmlawfirm.com]
Sent: Friday, February 1, 2019 11:24 AM
To: Ursery, Leia G. <lursery@lathropgage.com>
Subject: liason committe volunteers

Leia –

If any liason committee volunteers are still needed, let me know. The "call" for them got buried in my inbox. I know it's after the deadline.

My preference is in the following order: legislative (I have leg/reg law experience in another practice area and know Steve), real estate (I am member of both sections), and rules and forms.

I'll answer the below questions relating to any position that still needs help. If none, I'll watch for the notice next year. Thanks.

Karina M. Thomas
SCHAFER THOMAS MAEZ PC
4 Garden Center, Suite 200
Broomfield, CO 80020
O: 303.469.7367
F: 303.466.3235
kthomas@stmlawfirm.com
www.stmlawfirm.com

From: Trust And Estate [mailto:eakalin@cobar.org]
Sent: Friday, January 11, 2019 9:37 AM
To: Karina Thomas
Subject: Call for Volunteers

CBA
Est. in 1897
Colorado Bar Association

Call for Volunteers

Interested in taking a more active role in the Trust and Estate Section? If so, we need you! The Trust and Estate Section needs to fill the following roles:

- Legislative Co-Liaison – The Co-Liaison would work with our esteemed colleague, Stephen M. Brainerd, and the CBA Director of Legislative Relations, Jeremy Schupbach, in representing our Section during the legislative session. Legislative Liaisons are generally responsible for helping to identify, review and respond to (as needed) proposed legislation that will or may affect our practice in Colorado.

- Real Estate Section Liaison – The Liaison serves as a vital link between the Trust and Estate Section and the Real Estate Section when matters and issues arise that affect both Sections.

- Rules and Forms Committee Chair – The Rules and Forms Committee reviews and suggests revisions to the probate Judicial Department Forms, the Colorado Rules of Probate Procedure and other practitioner forms. Suggested revisions are sent to the Supreme Court's Probate Rules and Forms Committee for their consideration. The Chair runs the monthly meetings and proactive manages the work of the Committee.

Those who wish to be considered for any of the above position should provide the following information:

- Why are you interested in serving?
- How many years in practice (including description of practice)?
- How many years of active Section involvement (e.g. attending monthly meetings, etc.)?
- Confirm the following:
    - Legislative Co-Liaison
        - please indicated your experience, if any, with legislative matters; and
        - your availability to attend the following:
            - CBA Legislative Policy Committee meetings (every Friday morning

between January and May at 7:30 a.m.);
    - monthly meetings for our Section's Statutory Revisions Committee (first Wednesday of each month between August and May at 1:30 p.m.);
    - monthly meetings for our Section's Executive Council (first Wednesday of each month between August and May at 3:00 p.m.); and
    - legislative hearings and/or meetings with legislators, often on very short notice and/or at odd hours.
- Real Estate Section Liaison
  - please confirm you are members of both the Trust and Estate Section and the Real Estate Section; and
  - your availability to attend the following:
    - monthly meetings for our Section's Executive Council (first Wednesday of each month between August and May at 3:00 p.m.); and
    - monthly meetings for Real Estate Section's Executive Council (third Tuesday of each month between August and May at 3:00 p.m.)
- Rules and Forms Committee Chair
  - your availability to attend the following:
    - monthly meetings for our Section's Rules and Forms Committee (first

Wednesday of each month between August and May at 11:00 a.m.); and

- monthly meetings for our Section's Executive Council (first Wednesday of each month between July through June, excluding December, at 3:00 p.m.).

If you are interested in serving in any of these positions, please email Leia G. Ursery, Section Chair, lursery@lathropgage.com, with the above information no later than **Friday, January 25, 2019, at 5:00 p.m.**

CBA® Est. in 1897 Colorado Bar Association

COLORADO BAR ASSOCIATION
1290 BROADWAY, SUITE 1700
DENVER, COLORADO 80203
MEMBERSHIP@COBAR.ORG
COBAR.ORG

Ursery, Leia G.

From: Joi Kush <joi@johnsonkush.com>
Sent: Thursday, January 31, 2019 5:24 PM
To: 'Jeremy Schupbach'; Ursery, Leia G.
Cc: Mallory Hasbrook
Subject: FW: YLD Liaison for the T&E Section and the Legislative PolicyCommittee
Attachments: MHasbrook_Resume_2019 (00688118).PDF

Hi Jeremy and Leia—

I reached out to one of the CBA YLD board members, Mallory Hasbrook, regarding the possibility of serving as a YLD liaison to T&E Section and the LPC. She is cc'd on this e-mail and her resume is attached. She currently serves as the YLD liaison for the Elder Law Section and the Natural Resources and Energy Law Section. She attends the Statutory Revisions Committee, but doesn't have any experience with the LPC. That said, she is happy to help if you're interested.

Joi

Sent from Mail for Windows 10

MALLORY HASBROOK

1620 Platte St., Apt. B233, Denver, Colorado • (405) 819-3011 • malloryhasbrook@gmail.com

EDUCATION

University of Oklahoma College of Law — Norman, OK
Juris Doctor, With Distinction — May 2016

Honors: Order of Scribes; Dean's Honor Roll (all semesters); Phi Delta Phi; Chesapeake PEAK mentor program
Law Review: AMERICAN INDIAN LAW REVIEW, Editor in Chief (2015-2016); Article: *Coalbed Methane Development in Wyoming and Montana: The Potential Impacts of Montana v. Wyoming, CBM Development, and Water Quality on the Tribes of the Powder River and Wind River Basins* (published in AILR Issue 39-2)
Moot Court: 1L Moot Court Top 20 Speaker; Board of Advocates - Scoring Assistant and Scoring Director
Activities: Alpha Omicron Pi Alumni Advisory Council, Ruth Bader Ginsburg Inn of Court, Phi Alpha Delta, Energy Resources Law Student Association, Organization for the Advancement of Women in Law

University of Oklahoma — Norman, OK
Bachelor of Science in Geology, Magna Cum Laude — May 2013

Honors: President's Honor Roll (three semesters); University College Dean's Honor Roll (two semesters); Mewbourne College of Earth & Energy Dean's Honor Roll (six semesters)
Experience: Oklahoma Geological Survey, Research Assistant (2011-2013); United States Geological Survey, Oklahoma Water Science Center, Hydrology Student Intern (2013-2014)
Activities: Alpha Omicron Pi Leadership Council; Alpha Lambda Delta Honor Society, National Society of Collegiate Scholars, University of Oklahoma Honors College, University of Oklahoma Honors Student Association, Girls State Alumna, Oklahoma Foundation for Excellence Academic All-State Alumni

WORK EXPERIENCE

Welborn Sullivan Meck & Tooley, P.C. — Denver, CO
Attorney — July 2017 – present
Examine oil and gas mineral title for fee, state, and federal minerals and prepare drilling division order title opinions. Prepare Last Wills and Testaments, Trusts, Powers of Attorney, Living Wills, Beneficiary Deeds and other estate planning documents. Represent clients in formal and informal probates, ancillary probates, determinations of heirship, conservatorships, and guardianships. Assist clients with preparation of documents for title curative, including Personal Representative's deeds and beneficiary deeds.

Legend Title Company — Englewood, CO
Associate General Counsel/Escrow Officer — August 2016 – July 2017
Review and advise on escrow and title issues and title commitments. Prepare escrow agreements, deeds, and closing disclosures and documents for purchase and refinance transactions. Communicate with brokers, realtors, and lenders to coordinate transactions.

University of Oklahoma College of Law — Norman, OK
Law Library Student Reference Assistant — March 2015 – May 2016
Conduct legal research and compile documents and summaries, for professors on a variety of topics. Assist law students and public patrons with research. Provide tours of the University of Oklahoma College of Law for prospective students.

Doerner, Saunders, Daniel & Anderson, LLP — Oklahoma City, OK
Summer Associate — June 2015 – August 2015
Assist with review of discovery documents related to current inverse condemnation case. Attend various court proceedings and agency meetings including mental health determinations, and Oklahoma Water Board meetings regarding groundwater permits, and motion hearings. Research issues of water law related to master conservancy districts in Oklahoma.

Logan & Lowry, LLP — Vinita, OK
Summer Associate — May 2015 – June 2015
Conduct legal research pertaining to current cases on issues including jurisdiction over corporations incorporated under tribal law. Draft contract for sale of real estate, and Agreement Amongst Stockholders pertaining to sale of corporation and its assets. Attend court proceedings, client meetings, and mediations.

PROFESSIONAL DEVELOPMENT

Denver Association of Oil and Gas Title Lawyers — 2017 – present
Secretary, 2017-2018
Treasurer, 2018-2019

Colorado Bar Association — 2017 – present
Young Lawyer's Division
Executive Council Member (2018 - present)
Elder Law Section, *Member*
Section Liaison, Young Lawyers Division (2018 - present)
Executive Council, Outreach Coordinator (2018 - present)
Trust and Estates Section, *Member*
Natural Resources and Environmental Law Section, *Member*
Section Liaison, Young Lawyers Division (2018 - present)

Colorado Guardianship Association, *Member* — 2017 – present

PUBLICATIONS AND PRESENTATIONS

Denver Association of Division Order Analysts May 2018

Co-Presenter, "You Can't Take It With You: Analyzing Estate-Related Title Issues in Texas"

Special Institute: The Law of Fracking, Rocky Mountain Mineral Law Foundation January 2019

Co-Author and Presenter, "Contractual Holes in the Right to Drill and Hydraulically Fracture Horizontal Wells"

BAR ADMISSIONS

Colorado, 2016
Wyoming, 2017
North Dakota, *pending*

Ursery, Leia G.

From:	Susan Fox <sfb823@gmail.com>
Sent:	Friday, January 25, 2019 3:47 PM
To:	Ursery, Leia G.
Subject:	Legislative Co-Liaison for T&E Section
Attachments:	CBA liaison.docx

Dear Leia;

My application to serve as Co-Liaison for the Trust and Estate Section is attached in response to the Call for Volunteers circulated by the CBA. I offer this "eleventh hour" submission with admiration for your leadership and appreciation for your service.

For your convenience, I will attempt to paste the contents of the attachment into the space below. You are welcome to contact me directly if you further communication would be helpful.

With best regards,
Susan Fox, Esq.

Application of Susan Fox for the Position of Legislative Co-Liaison

I'm interested in serving because I love the law. In this alarming "post truth" era when allegations of "fake news" scorch the landscape of public discourse, sound and just laws are more important than ever. The Bar Association plays a unique role in their development. I want to contribute to the Trust and Estate Section's critical and constructive engagement in the legislative process. I hold Mr. Brainerd and Mr. Schupbach in high esteem, and it would be a privilege to interface with them.

I've been a member of the Colorado Bar since 1988 with a practice focused on end-of-life matters. Most of my work involves advance care planning, straightforward wills, trusts, and guardianships.

In the early 1990s I was a member of what was then known as the estate planning council and co-chair of a legislative task force on advance directives. Since that time I've been a member of various task forces relating to durable powers of attorney and proxy decision making for incapacitated persons. As a contributing author to the Orange Book Chapter on Revocable Trusts and the Orange Book form for Medical Durable Powers of Attorney, I've worked with Bar Association sections and attended meetings of various sections. By no stretch can I compete with many CBA members who have contributed thousands of hours in leadership roles: I can only hope to serve them. I enjoy being useful as a team player.

My experience with legislative matters began in 1990 developing a proposed statute addressing end-of-life decision-making. The Bar Association's first year efforts in "right to die" legislation didn't survive (no pun intended), but the following year I was privileged to work closely with former State Senator Dottie Wham and a small interdisciplinary group who undertook a second effort. I was responsible for drafting legislation which ultimately became adopted as the Colorado Patient Autonomy Act (15 C.R.S. 15-14-503, et. seq.) and ushered into practice health care powers of attorney, resuscitation, and proxy decision-making. During the following legislative term (1993) we steered an amendment to the statute through highly charged debate and I then served on the Department of Public Health and Environment's task force for developing and adopting regulations to implement the Act.

Many aspects of the legislative and regulatory process were daunting and some were disillusioning, but all of them were instructive. Ever since then, as a sense of responsibility and follow-through, I've served on hospital ethics committees and have been involved throughout the state as implementation progresses. It has been enlightening and quite humbling to take the long view as I've seen legislation evolve into statutes and statutes unfold in practice and have an impact on "real life."

Attending numerous meetings at unconventional or inconvenient hours poses no problem: Indeed, it's expected. I'm no stranger to "on demand" services as attested by countless house calls to clients in distress and gallons of midnight oil.

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Council of the Trust and Estate Section, Colorado Bar Association

Notice of and Agenda for the April 3, 2019, Meeting

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

From: Spencer J. Crona
Brown & Crona, LLC
7900 E Union Ave., #1012
Denver, CO 80237
Telephone: (303) 339-3750,
scrona@brownandcrona.com

Notice of Meeting

The sixth meeting of the 2018-2019 Council of the Trust and Estate Section of the Colorado Bar Association will be held:

Date and time: ***First Wednesday, April 3, 2019, 3:00 p.m.****
Place: Colorado Bar Association
1290 Broadway, Suite 1700
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 March 6, 2019, meeting of the Council

2. Financial spreadsheets as of March 31, 2019 (including expenses report as directed)

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

Trust and Estate Section Council Agenda
April 3, 2019

In an attempt to adhere to the allotted meeting duration of one (1) hour and thirty (30) minutes, the Chair will exercise 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 March 6, 2019, meeting of the Council

2. Chair's Report and Administrative Matters (Chair Leia Ursery): Various matters, including but not limited to updates on CBA Pledge of Diversity Internship Program, HB 19-1045, and proposed Practice Area Ethics Advisory.

3. Secretary/Treasurer's report (Spencer J. Crona): March 31 financials and expenses report as directed.

4. Tax Section Liaison (Georgine M. Kryda)

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

6. Real Estate Section Liaison (Chad Rounds)

7. Family Law Section Liaison (Kim Willoughby)

8. Statutory Revisions Committee (Tim Bounds/Molly Zwerdlinger)

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

10. Council Notes (Josie M. Faix/Kristin Dittus)

11. CLE/Estate Planning Retreat (Josie M. Faix)

12. Orange Book Forms Committee (Kim Raemdonck/Heidi Gassman)

13. Rules and Forms Committee (Gordon Williams)

14. Civic and Community Affairs Joint Committee of the Elder Law Section (Sandra Sigler)

15. Diversity & Inclusivity Committee (Melissa R. Schwartz)

16. Probate Trial and Procedures Committee (Zach Schlichting/Jody Pilmer)

17. Colorado Estate Planning Handbook (David K. Johns/Julia G. McVey)

18. Green Book (David K. Johns)

19. New T&E Lawyers Committee (Alison Leary)

20. The Colorado Lawyer (Emily Bowman)

21. Communications Representative (Mark D. Masters)

22. Communications Representative/Ambassador Program (Melissa R. Schwartz)

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 March 6, 2019, Meeting

Council met on Wednesday, March 6, 2019, at the Colorado Bar Association offices, 1290 Broadway, Ste 1700, Denver, Colorado. The meeting was called to order at 3:05 p.m.

The following members of Council were present or participated by phone and constituted a quorum [* = present in person/by phone]:

*Leia Ursery, Chair
*Josie Faix, Vice Chair
*Kelly Cooper, Immediate Past Chair
*Spencer Crona, Secretary/Treasurer
*Elizabeth Akalin (CBA Staff)
*Jessica Broderick, Second Year Member (Phone)
*Tim Bounds, Second Year Member (Statutory Revisions Committee Liaison)
*Elizabeth Meck
*Darla Daniel
*Pete Bullard
*Sandra Sigler (Civic & Community Affairs)
*Jeremy Schupbach (CBA Director of Legislative Relations)
*Zach Schlichting (Probate Trial & Procedures Committee Liaison) (Phone)
*Melissa Schwartz (Diversity & Inclusivity Committee)
*Chad Rounds (Real Estate Liaison)
*Kim Willoughby (Family Law Liaison)
*Peggy Gardner
*David Kirch (*Colorado Lawyer*)
*Kayla Nelson
*Lindsay Andrew
*Lauren DeCunha (Young Lawyers)
*Laura Lopez, Pledge to Diversity

1. Approval of Minutes of Prior Meeting

The Minutes of the February 6, 2019, Council meeting were approved without objection.

2. **Chair's Report (Leia Ursery)**

- **Pledge to Diversity Internship Program:**

  Leia introduced Laura Lopez, representing Pledge to Diversity. Laura meets law students at the University of Colorado, the University of Denver and the University of Wyoming to inform them about the opportunity the Pledge program offers to be matched with law firms and governmental entities. The Pledge helps foster diversity in the legal workplace by linking employers with students with different backgrounds and, perhaps, different ways of thinking about the work of the profession.

  Students in the Pledge work on application materials for employers, including résumés and personal statements, and attend panel interviews. There is a determination process for who makes the cut for panel interviews. The panels are from different firms. Advancement to the next phase requires, among other criteria, a 2.85 GPA, then there is a "draft" process, like the NFL. Firms choose different students they might want, and interviews follow.

  The Pledge serves the purpose of connecting students with firms and thus helps to diversify the legal workplace and community. Last year 40-50 employers completed the pledge matching process. Only 11 students of approximately 50 participating were not matched, but they will proceed to an alternate program. Those admitted receive compensation with a 1st-year associate salary or equivalent hourly rate.

  Final pledge determinations are due by December of each year.

  Leia asks: Is there something informational we could publish on our website, such as, "Looking for volunteers, application deadline in December?"

  Laura: An infographic is available; she will e-mail it.

  Melissa Schwartz: The program is important because diverse student numbers in law schools actually fell last year.

  Laura: These are highly qualified students, so compensated internships are warranted. Pledge program students have "extra grit" and are highly motivated to become great lawyers.

  E-mail address for more info. **laura.lopez@joneskeller.com**

- Update on Section Leadership, nominee slate:
  Josie Faix, Chair;

Spencer Crona, Vice Chair;
Jonathan Haskell, Board of Governors Representative;
Mark Masters, Communications Representative;
Lindsay Andrew and Melissa for Ambassador;
Darla Daniel, Co-Legislative Liaison with Steve Brainerd;
Alison Leary, Young Lawyers Representative;
At-Large Member: Charles Spence, Kristin Dittus, Louisa Ritsick.

Slate announced March 15; April 3, alternative-slate deadline; May 31, new roster announcement.

- **Ethics Advisory Opinion:**

  CBA Ethics Committee current and proposed draft of advisories that would apply to T & E. Committee to work on proposed-measures feedback due Summer or Fall.

  Melissa reports she and Tammy Conover worked on this a few years ago. Melissa is willing to serve on the committee. Mark Masters has proofread the draft, found various typographical errors. Jamie Schuler is interested in participating. Josie suggests Mark serve as chair, as he strangely has asked for work. Doug Hoak, Dave Kirch, Lindsay Andrew express interest in participating. Others are invited to volunteer and should contact Mark or Melissa. Kelly Cooper will help, possibly Herb Tucker would be willing to be involved.

- **Status of New Member Welcome Letter:** Zach Schlichting and Lindsay Andrew announce a version proposed for adoption, including Ambassador Program description. Committee descriptions will be attached to an e-message to new members or posted to the library area on the CBA Community Website. Lindsay will draft a posting for the T & E Section Community page soliciting Ambassadors, including particularly current non-members.

Motion to approve the announced new form of the Welcome Letter seconded, unanimously approved.

- **List Serve, prior, not Higher Logic:**

- Issues, concerns raised about termination of old List Serve. Shanna Montoya has responded to some commenters. E-mail notice of discontinuance sent by Gene Zuspann, noted cost & CBA implementation of Community software, members of section subscribed. Prior List Serve will not be lost for months yet, and archiving will exist on new platform but in different form. There is a process to save prior threads. For questions, contact Shanna. Thoughts of Shanna on responding to concerns? Shanna: She responded on/about 2-26-19 to the entire List Serve and thanked Gene and Joe Hodges for their service. She directed commenters to the library area and offered a use webinar.

Questions and comments: Schedule webinar regarding use of Community page? Leia asks. Kelly: What about the next first Wednesday? Leia and Shanna: Yes. Elizabeth Akalin: She and Shanna can work on the time slot. Melissa: There needs to be large notice List Serve going away. Leia: The List Serve tab must/will be removed. Schedule a training for April, plus send out notice regarding abolition of List Serve. "Let's be able to say we did all we could to prepare for the transition, help people utilize the new platform." Shanna: Technically, the List Serve stays until August. Leia asks Sandra Sigler, Kayla Nelson, Elizabeth Meck to help coordinate and disseminate word out to membership.

- **Website:** SRC members urged to update their committee sites. Members, please review. Example: Last Rules & Forms materials August 2018. Leia mission is to assure website as up-to-date as possible.

3. Secretary/Treasurer Report (Spencer Crona)

- $7,800 balance after $26,000 in expenses.
- Treasurer to verify expenses & whether $7,800 was balance after allocation to CLE.

4. Tax Section Liaison (Georgine M. Kryda)

No report.

5. Elder Law Section Liaison (report for Patrick Thiessen)

- Felony abandonment bill, SB 172 discussed.
- Subcommittee working on it. Concerns with care providers.
- Retreat set fort late August, including a practicum working on a case. Susie Germany & Kayla Nelson will be leading.

6. Real Estate Section Liaison (Chad Rounds)

- **Attended February 19 meeting:** Working on revisions to RE Acknowledgment statute, fix discrepancies between that & current Notary Statute: Photo I.D. sufficient. Unclear whether can introduce in this year's session. Should T & E attend to it? C.R.S. §38-35-101, *et seq.*, real estate sections on acknowledgments.

- Dave notes discussion regarding standard form of notarization. Peggy Gardner: Also discussed at Orange Book.

- **Deed bill discussed:** Title companies can write certain deeds but cannot release themselves from liability nor draft deeds if not issuing title insurance. Section wants successors included but too late for that. Model deed components also discussed. Darla asks, What deeds affected: General, Special, Bargain & Sale but not Fiduciary deeds. Subcommittee working on practitioner forms for review. Leia notes that beneficiary deed form should comport with work on acknowledgment sections. Peggy: Her subcommittee will examine.

7. Family Law (Kim Willoughby)

- Working on marital agreement – Orange book forms CAN'T HEAR
- Work with UTC subcommittee

8. Statutory Revisions Committee (Tim Bounds)

- Pledge to Diversity Internship Program presented to SRC. Materials to be posted on website.
- Focused on pending legislation: Discussed legislative abandoned EP docs and notary issues; guardianship "Bill of Rights" going nowhere; "Safe Families," Title 26, does not affect our delegation statute; still working on issue of obligations of estate in child support.
- Last month topics: Directed Trust, Advance Directives notarization sufficiency (not witnessed too). Carl Stevens looking into subcommittee for that.
- Also discussed CAPS – Colorado Adult Protective Services – new program of recording findings of exploitation of at-risk adults because care providers can be flagged and recorded on the system for "exploitation" when it is a fees issue, and there is no pre-citation due process.

9. Legislative Liaison (Stephen M. Brainerd/Jeremy Schupbach - CBA) Jeremy reported:

- Decision needs made on Abandoned EP documents, deadline March 8.
- SB 172: Would classify various crimes against at-risk adults, including confinement, as a 6th class misdemeanor. Stakeholders so far limited to people supporting the bill. Need direction from T & E as to position. Colorado District Attorneys Council, Denver

DA's office instigated bill; conversation with Denver DA set for tomorrow (March 7th); report to follow.

- Directed Trust bill on track
- HB 1045 on filing fees for OPG: Report from Connie Lind on filing-fee statistics. Rep. Marc Snyder, sponsor, has two targets: $35 on $163 fee + pro rata % increase on all others, $500,000 through filing fees. Perhaps wiser to approach is a fixed amount + percentage. Leia: Discussed with Connie Lind. SCAO: Concern with impact on waived filing fees. Also, concern that certain fees are not collected anymore, like Trust Registration Statement fees. Jeremy Schupbach: Next step, SCAO must calculate a Fiscal Note. Projection of amount each approach could rise. Question is, what number to indicate to Connie will not upset the probate bar. Another question is the amount of state temporary fee increases specifically because of the OPG Pilot Program. Jeremy believes there will be a filing fee increase, the overall question is, what is a workable amount? We want fees to go to OPG and can work on language to assure that. Kayla: Filing fee for P.I. cases, $230. Leia: Fees haven't increased substantially in 15 years, $146 15 years ago. Sandra Sigler notes also fees for Letters, etc. Lindsay, where the other $1.2 million come from, after $500,00 from filing fees. Hospitals possibly. Melissa: Need desperately to fund this. Jeremy notes hospitals do not have the same concerns. Melissa: Another $30 on a $200 filing fee makes no difference for estates. Josie: $30 comparatively small amount. Is $30 the right amount? What number do we go back to Connie with? Leia recommends bigger chunk rather than piecemeal on other types of fees. Sandra: Might data on other comparable fees be helpful? Bankruptcy filing fee is $300, for example. Darla: Will a larger one-time increase motivate Colorado Hospital Association to support? Three years ago, we helped hospitals with their bill on unrepresented patients. Upon advent of OPG pilot program idea, we thought we had commitments for donations. Then hospitals said OPG should be publicly funded. So, will Hospital Association support if we support fee increase? Jeremy reports Rep. Snyder would like T & E to contribute. Jeremy notes funds should be sequestered. Kelly: When APS files guardianship, is filing fee waived? Leia: What if we assemble a working committee? Jeremy: Yes. Respond to Rep. Snyder: We're for it, just want to work on it. Sandra: Willingness of potential benefactors to donate? No big money will be offered unless fees are earmarked specifically for OPG. Lutheran Church and other private charitable programs to fund non-contested guardianships to pay professionals. Small players trying to do things, perhaps need for "big player" participation turns on filing fees increase. Leia, Kayla, Sandra, Pete Bullard to work on committee on HB 1045 issues.

10. **Legislative Update (Jeremy Schupbach, CBA)**

[Reported above]

11. **Council Notes (Josie Faix/Kristin Dittus)**

- Articles in for next issue in March.
- Articles solicited for afterward.

12. **CLE/Estate Planning Retreat (Josie Faix)**

- Retreat brochure ready. Santa Fe: Other activities expanded from golf only to biking, walking tours, spa time. Expect to sell out. Registration goes live tomorrow at 5 p.m.
- Ideas solicited for silent auction items at Thursday dinner. Same beneficiaries as last year (Tribal Wills Project & Senior Law Day). Basket passing during event planned again. Sandra: Colorado GS Association meeting next Tuesday to discuss serving as donations conduit.

13. **Orange Book Forms Committee (Kim Raemdonck)**

Kim reports, work on Marital Agreement form almost done.

14. **Rules & Forms Committee (Gordon Williams)**

No report.

15. **Civic & Community Affairs (Sandra Sigler)**

- Handbook will be published this year.
- Kayla Nelson on proposed revisions to CBA Brochure: What to Do When Someone Dies, for review by T & E. Elder Law asked about a conventional paper format. Comments on securing property, too. Leia: Goal is April meeting decision. Any comments, send to Kayla. Invite Walt Kelly's participation.
- Upcoming Senior Law Days: Jeffco June 1st at Courthouse, 17th Judicial June 8th, Denver July 27th.

16. **Diversity & Inclusivity Committee (Melissa R. Schwartz)**

- Working on event at CU, on a Thursday afternoon
- DU mentoring event April 2nd

- Josie will make D & I her pilot project focus next year. Josie: Set up get-together with each of the Specialty Bars. D & I will keep us relevant. Looking forward to working with diversity community to make the look of T & E more representative.

17. Probate Trial & Procedures Committee (Zachary Schlichting):

- Only major development: Subcommittee with Marcie to look into CAPS list of offenders. If, working with at-risk persons an APS caseworker finds substantiated neglect or abuse (including "excessive fees"), it results in a recorded finding of exploitation pursuant to 26-3.1-111 and then, by the Code of Colorado Regulations you are listed and likely become unemployable. Coordinating with SRC on a committee.

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

No report.

19. Green Book (David K. Johns)

No report.

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

No report

21. The Colorado Lawyer (David W. Kirch/Emily Bowman)

- David: Rumors regarding retirement premature.
- Melissa's article on PA Guidelines just submitted.
- Alison Leary will submit an article on testamentary trusts.
- Jonathan Haskell on trusts as property in dissolutions.
- Heidi Gassman possibly on real estate issues.
- David notes a possible article on proposals regarding GALs. Kim notes that hard work on two form orders for judges was not "wildly well-received." Not sure about prospects for article. Maybe on legal landscape for GALs, David says, applicable law. Kim: No copy of proposed orders available at this time.
- Leia: There is a need for two people on this activity, like co-liaison for Legislative Liaison. David asked to please provide six-month notice if leaving.

22. Communications Representative (Mark D. Masters)

No report.

23. Ambassador Coordinator (Melissa R. Schwartz/Lindsey Andrew

No report

24. Board of Governors Representative (Jonathan Haskell)

No report.

25. GAL Subcommittee (Kim Willoughby)

This activity item may be removed.

26. Miscellaneous/FY1

No report.

27. ADJOURNMENT

The meeting was adjourned at 5:10 p.m.

Respectfully submitted,

Spencer J. Crona

Colorado Bar Association

Trust & Estate Summary

For the Nine Months Ending March 31, 2019

		March	YTD	Budget	Variance	%	Last FY
Beginning balance	**01-3160-31600**		**$7,804.88**		**$7,804.88**	**0%**	**($441.96)**
Trust & Estate Section- General							
Revenue	**01-4???-31600**	**45.00**	**33,225.00**		**33,225.00**	**0%**	**32,590.00**
Expenses	**01-5???-31600**	**(1,137.98)**	**(15,742.43)**		**(15,742.43)**	**0%**	**(16,418.70)**
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**					**0%**	**1,720.00**
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**		**(160.80)**		**(160.80)**	**0%**	
Beginning Balance	**01-3160-31600**		**7,804.88**		**7,804.88**	**0%**	**(441.96)**
Total Revenue All Sources	**01-4???-316??**	**45.00**	**33,225.00**		**33,225.00**	**0%**	**34,310.00**
Total Expenses All Sources	**01-5???-316??**	**(1,137.98)**	**(15,903.23)**		**(15,903.23)**	**0%**	**(16,418.70)**
Ending Balance		**(1,092.98)**	**25,126.65**		**25,126.65**	**0%**	**17,449.34**

Colorado Bar Association

Trust & Estate

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Beginning balance	**01-3160-31600**		**$7,804.88**		**$7,804.88**	**0%**	**($441.96)**
Trust & Estate Section							
Revenue							
Dues Income Section	01-4050-31600	45.00	32,185.00		32,185.00	0%	32,590.00
Meal Income	01-4051-31600		1,040.00		1,040.00	0%	
Total Revenue Trust & Estate Sect		**45.00**	**33,225.00**		**33,225.00**	**0%**	**32,590.00**
Expenses							
Other Expense	01-5000-31600		(25.80)		(25.80)	0%	(100.00)
AWARDS	01-5007-31600		(633.14)		(633.14)	0%	(356.78)
Travel	01-5102-31600					0%	(1.00)
Postage	01-5304-31600		(11.32)		(11.32)	0%	(0.92)
Telephone	01-5412-31600		(518.99)		(518.99)	0%	(695.65)
Internet/E-Mail Access	01-5413-31600		(980.20)		(980.20)	0%	(1,217.42)
Meals (Not travel related)	01-5491-31600	(634.23)	(9,039.23)		(9,039.23)	0%	(9,095.71)
Administration Fee	01-5494-31600	(503.75)	(4,533.75)		(4,533.75)	0%	(4,451.22)
Grants/Contributions	01-5500-31600					0%	(500.00)
Total Expenses Trust & Estate Sec		**(1,137.98)**	**(15,742.43)**		**(15,742.43)**	**0%**	**(16,418.70)**
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							

Colorado Bar Association

Trust & Estate

For the Nine Months Ending March 31, 2019

	March	YTD	Budget	Variance	%	Last FY
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						

Colorado Bar Association

Trust & Estate

For the Nine Months Ending March 31, 2019

		March	YTD	Budget	Variance	%	Last FY
Expenses							
Transfer Deposits							
Revenue							
Expenses							
Admin. Chair							
Revenue							
Expenses							
Estate Planning Handbook							
Revenue							
Expenses							
Admin Council Dinner							
Revenue							
Meal Income	01-4051-31612					0%	$1,720.00
Total Revenue Admin Council Din						**0%**	**1,720.00**
Expenses							
Legislative Liaison							
Revenue							
Expenses							
Internet Editor							
Revenue							
Expenses							
Technology Committee							
Revenue							
Expenses							
Real Estate Liaison							

Colorado Bar Association

Trust & Estate

For the Nine Months Ending March 31, 2019

		March	YTD	Budget	Variance	%	Last FY
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							
Meals (Not travel related)	01-5491-31629		($160.80)		($160.80)	0%	
Total ExpensesT7E YLS			**(160.80)**		**(160.80)**	**0%**	
Beginning Balance	**01-3160-31600**		**7,804.88**		**7,804.88**	**0%**	**(441.96)**
Total Revenue All Sources	**01-4???-316??**	**45.00**	**33,225.00**		**33,225.00**	**0%**	**34,310.00**
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Ending Balance		**(1,092.98)**	**25,126.65**		**25,126.65**	**0%**	**17,449.34**

probate court in the county where the deceased lived or owned real property. If a will cannot be found, an attorney can help guide you through the intestate probate process. Also look for a copy of the will, a handwritten list of instructions, a letter to family or other similar documents. In Colorado, these documents may constitute a will.

Entry into Safe Deposit Box: Any person whose name is on the account for the box may enter it at any time. An heir or beneficiary in a will can ask the bank to search for the will, a deed to a burial plot, or burial instructions. A representative of the bank will open the box in the presence of the heir or beneficiary, remove any will that is found, and deliver it to the court directly. You can ask for a copy of the will before it is send to the court.

Search for Other Documents: The personal representative is appointed by the court to administer the estate and has the authority to search for any important documents. The search should include the home, office, place of business, and any safe deposit boxes. Any information indicating that an asset exists or that bills are unpaid should be kept for use in the administration of the estate.

Items to Look for:

- funeral and burial plans
- safe deposit rental agreement and keys
- trust and nuptial agreements
- life insurance policies or statements
- pension, IRA, retirement statements
- income tax returns for several years
- marriage, birth and death certificates
- divorce papers
- military records and discharge papers
- bank statements and checkbooks
- motor vehicle titles
- deeds, deeds of trust, mortgages
- stock or bond certificates or CDs
- partnership or corporate agreements
- health insurance papers
- and unpaid bills.

Powers of Attorney

A power of attorney is a document that allows the agent to act on behalf of the principal during the principal's lifetime. An agent does not have any authority to act if the principal has died.

Take Care against Unethical Persons

In the period following the loss of a loved one, be careful before accepting any telephone or mail solicitation. Carefully scrutinize invoices for validity, as it is possible to receive fraudulent invoices. Avoid lifestyle changes for a period to allow for reflection on how the loss will affect the surviving family and friends. Do not distribute assets or personal property of the deceased until you consult with an attorney.

Avoid Immediate Collection of Benefits

Avoid transferring title to assets or making claims as a beneficiary until considering whether either a tax or non-tax reason exists for refusing to receive an asset. Even though the account executive wants to be helpful, you may lose an important tax advantage if you accept an asset. An attorney can help you find the best approach.

Social Security

The mortuary may assist you with the paperwork for Social Security benefits. For Social Security benefits, call the Social Security Administration immediately. Call (800) 772-1213. Be prepared to identify the deceased's:

- Social Security or VA claim number
- date of birth
- date and place of death
- surviving spouse or next of kin
- medical history that bears on whether the death is service related or not

Social Security monthly benefits are available to the surviving spouse and to children under 18 and certain disabled children. Benefits include a lump sum death benefit. Ask for the "Survivors Benefits" publication from the Social Security Administration.

Veterans Benefits

The mortuary may also assist you with the paperwork for VA benefits. For additional information, call the nearest VA listing for Benefits Information and Assistance. If you do not know the VA claim number, then provide:

- service number
- dates of active service

Your call will stop the monthly payments from the VA. Usually the VA will automatically withdraw any payments made via direct deposit after the date of death. If this does not happen, you must return the check for the month of death.

Veteran's benefits may be available to the surviving spouse. Benefits may include a lump sum death benefit. If the death was service connected, benefits may include a continuing monthly payment to the surviving spouse, financial assistance with funeral expenses and cemetery plot, or burial in a national cemetery. Ask for the "Federal Benefits for Veterans, Dependents and Survivors" publication from the Department of Veterans Affairs.

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 **February 2019.** 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.

WHAT TO DO WHEN SOMEONE DIES

Coping with the loss of a loved one is difficult. We hope this basic information will assist you to know what you need to do and what you may wish to delegate to friends and family. Seeking a professional's advice before you act can assure that matters are properly addressed and may avoid more costly legal services later.

At Time of Death

If the Death Occurred in a Hospital, Nursing Home, or Assisted Living Facility: You do not need to do anything. The medical or facility staff will make the pronouncement of death, will prepare paperwork for organ or body donations, will turn off and remove any equipment attached to the body, and will coordinate with the mortuary or crematory for transport of the body.

If the Death Occurred at Home- Pronouncement of Death: Colorado requires a qualified medical professional to be notified and to make the official pronouncement of death. If the death is unattended, call the family physician, hospice provider, or the Coroner's Office for the county in which the death occurs. Some counties also need you to notify law enforcement.

Organ and Body Donations: You will need to notify the medical professional of any organ or body donations so the professional can assist in making appropriate arrangements. Leave the medical equipment turned on or in place unless you are instructed otherwise by medical or hospice personnel.

Arrange for the Deceased Person's Body: Arrange for the body to be picked up:

- according to the Coroner's instructions
- according to the instructions from a hospital if the body or organs are donated
- by the mortuary or crematory

One to Three Days after Death

Notify Family and Friends: Ask them to help you with some tasks, including notification of other family and friends. (The Red Cross will help notify family members if the deceased was in the military or if the relative to be notified is in the military.)

Deceased's Instructions: Look through the deceased's papers (and potentially his or her safe deposit box, see below) to find if she or he:

- had a prepaid burial plan
- belonged to a memorial or funeral society
- had written instructions regarding her/his funeral arrangements

Complete the Funeral and Burial Arrangements: Arrangements may include transfer to another location, burial, cremation, funeral, or memorial service. You may ask a clergy member to assist you. If the deceased was a member of a memorial or funeral society, you can obtain a lower rate on cremation or funeral services. Ask a trusted friend or family member to go with you to the mortuary or crematory to advise and support you in making the funeral and burial arrangements.

Federal law requires that price information be given over the phone, if requested, so consider calling the mortuary or crematory before you go in person.

Financial Assistance: If the deceased was on public assistance, burial assistance may be available. You should contact your local county Department of Social Services as soon as possible. Total expenses for burial will be limited in order to qualify for the financial assistance so you should investigate this possibility before signing a contract for funeral arrangements.

Contact fraternal and religious organizations that may conduct funeral services and other organizations of which the deceased was a member. If the deceased was in the military or is the spouse or dependent child of a person in the military, contact the VA cemetery or VA office about possible burial benefits. The mortuary will call the VA at your request.

If you have concerns that you cannot resolve with the management of the funeral home, contact the Colorado Funeral Directors Association at: (303) 791-2336.

Other Assistance: Choose someone you know and trust to help with the following:

- answer the phone
- collect mail
- care for pets
- stay at the home during the funeral to guard against potential break-ins while the family is at the funeral
- take care of perishable property
- provide food for family and friends after the funeral

One to Ten Days after Death

Death Certificates: The most common and quickest way to obtain death certificates is through the funeral director. The cost is usually higher for the first death certificate. Additional certificates can be obtained at a lower price. In order to know how many to order, you should estimate the number of different assets held by the deceased or institutions that will require a death certificate. If you do not order enough, you can get more death certificates later through the Vital Statistics Department in the county where the death occurred, or through the Colorado State Department of Public Health and Environment, Vital Records Office.

Contact the following persons or institutions:

- police, to occasionally check the house of deceased, if vacant
- attorney, to learn how to transfer assets and assist with probate issues
- accountant or tax preparer, to determine whether to file an estate tax return or final income tax return
- investment professionals and banks, to obtain information on assets and safe deposit box
- insurance agent, to obtain claim forms
- Social Services, to learn of benefits
- Social Security and Veterans Affairs, to stop monthly check and learn of any benefits
- pension services, to stop monthly check and obtain claim forms
- guardian, conservator, agent under a durable power of attorney, to notify of death and the end of their responsibility
- utility companies, to alter or discontinue service
- employer, to notify of death and learn of benefits
- newspaper, to stop subscription and/or submit an obituary
- post office, if necessary, to forward mail

Personal Representative: If you are nominated as personal representative in a will, you have the power, before you are appointed by the court, to carry out written instructions of the deceased relating to the body, funeral and burial arrangements. You may begin to protect and safeguard the deceased's assets. **Do not remove or distribute assets before opening the estate.** Other brochures are available from the Colorado Bar Association to explain the duties of the personal representative and how the personal representative is appointed when there is no will.

Search for the Will: The original will is often in a safe place in the deceased's home or in a safe deposit box. When the original signed will is found, lodge it within 10 days with the

probate court in the county where the deceased lived or owned real property. If a will cannot be found, an attorney can help guide you through the intestate probate process. Also look for a copy of the will, a handwritten list of instructions, a letter to family or other similar documents. In Colorado, these documents may constitute a will.

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- safe deposit rental agreement and keys
- trust and nuptial agreements
- life insurance policies or statements
- pension, IRA, retirement statements
- income tax returns for several years
- marriage, birth and death certificates
- divorce papers
- military records and discharge papers
- bank statements and checkbooks
- motor vehicle titles
- deeds, deeds of trust, mortgages
- stock or bond certificates or CDs
- partnership or corporate agreements
- health insurance papers
- and unpaid bills.

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A power of attorney is a document that allows the agent to act on behalf of the principal during the principal's lifetime. An agent does not have any authority to act if the principal has died.

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- had a prepaid burial plan
- belonged to a memorial or funeral society
- had written instructions regarding her/his funeral arrangements

Complete the Funeral and Burial Arrangements: Arrangements may include transfer to another location, burial, cremation, funeral, or memorial service. You may ask a clergy member to assist you. If the deceased was a member of a memorial or funeral society, you can obtain a lower rate on cremation or funeral services. Ask a trusted friend or family member to go with you to the mortuary or crematory to advise and support you in making the funeral and burial arrangements.

Federal law requires that price information be given over the phone, if requested, so consider calling the mortuary or crematory before you go in person.

Financial Assistance: If the deceased was on public assistance, burial assistance may be available. You should contact your local county Department of Social Services as soon as possible. Total expenses for burial will be limited in order to qualify for the financial assistance so you should investigate this possibility before signing a contract for funeral arrangements.

Contact fraternal and religious organizations that may conduct funeral services and other organizations of which the deceased was a member. If the deceased was in the military or is the spouse or dependent child of a person in the military, contact the VA cemetery or VA office about possible burial benefits. The mortuary will call the VA at your request.

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Death Certificates: The most common and quickest way to obtain death certificates is through the funeral director. The cost is usually higher for the first death certificate. Additional certificates can be obtained at a lower price. In order to know how many to order, you should estimate the number of different assets held by the deceased or institutions that will require a death certificate. If you do not order enough, you can get more death certificates later through the Vital Statistics Department in the county where the death occurred, or through the Colorado State Department of Public Health and Environment, Vital Records Office.

Contact the following persons or institutions:

- police, to occasionally check the house of deceased, if vacant
- attorney, to learn how to transfer assets and assist with probate issues
- accountant or tax preparer, to determine whether to file an estate tax return or final income tax return
- investment professionals and banks, to obtain information on assets and safe deposit box
- insurance agent, to obtain claim forms
- Social Services, to learn of benefits
- Social Security and Veterans Affairs, to stop monthly check and learn of any benefits
- pension services, to stop monthly check and obtain claim forms
- guardian, conservator, agent under a durable power of attorney, to notify of death and the end of their responsibility
- utility companies, to alter or discontinue service
- employer, to notify of death and learn of benefits
- newspaper, to stop subscription and/or submit an obituary
- post office, if necessary, to forward mail

Personal Representative: If you are nominated as personal representative in a will, you have the power, before you are appointed by the court, to carry out written instructions of the deceased relating to the body, funeral and burial arrangements. You may begin to protect and safeguard the deceased's assets. **Do not remove or distribute assets before opening the estate.** Other brochures are available from the Colorado Bar Association to explain the duties of the personal representative and how the personal representative is appointed when there is no will.

Search for the Will: The original will is often in a safe place in the deceased's home or in a safe deposit box. When the original signed will is found, lodge it within 10 days with the

Council of the Trust and Estate Section, Colorado Bar Association

Notice of and Agenda for the May 1, 2019, Meeting

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

From: Spencer J. Crona
Brown & Crona, LLC
7900 E Union Ave., #1012
Denver, CO 80237
Telephone: (303) 339-3750,
scrona@brownandcrona.com

Notice of Meeting

The ninth meeting of the 2018-2019 Council of the Trust and Estate Section of the Colorado Bar Association will be held:

Date and time: ***First Wednesday, May 1, 2019, 3:00 p.m.****
Place: Colorado Bar Association
1290 Broadway, Suite 1700
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 3, 2019, meeting of the Council

2. Financial spreadsheets as of March 31, 2019

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

Trust and Estate Section Council Agenda
May 1, 2019

In an attempt to adhere to the allotted meeting duration of one (1) hour and thirty (30) minutes, the Chair will exercise 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 April 3, 2019, meeting of the Council

2. Chair's Report and Administrative Matters (Chair Leia Ursery): Various matters, including but not limited to Annual Meeting vote on 2019-2020 Officers and Council Members

3. Secretary/Treasurer's report (Spencer J. Crona): April 30 financials.

4. Tax Section Liaison (Georgine M. Kryda)

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

6. Real Estate Section Liaison (Chad Rounds)

7. Family Law Section Liaison (Kim Willoughby)

8. Statutory Revisions Committee (Tim Bounds)

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

10. Council Notes (Josie M. Faix/Kristin Dittus)

11. CLE/Estate Planning Retreat (Josie M. Faix)

12. Orange Book Forms Committee (Kim Raemdonck/Heidi Gassman)

13. Rules and Forms Committee (Gordon Williams)

14. Civic and Community Affairs Joint Committee of the Elder Law Section (Sandra Sigler)

15. Diversity & Inclusivity Committee (Melissa R. Schwartz)

16. Probate Trial and Procedures Committee (Zach Schlichting/Jody Pilmer)

17. Colorado Estate Planning Handbook (David K. Johns/Julia G. McVey)

18. Green Book (David K. Johns)

19. New T&E Lawyers Committee (Alison Leary)

20. The Colorado Lawyer (Emily Bowman)

21. Communications Representative (Mark D. Masters)

22. Communications Representative/Ambassador Program (Melissa R. Schwartz)

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 April 3, 2019, Meeting

Council met on Wednesday, April 3, 2019, at the Colorado Bar Association offices, 1290 Broadway, Ste 1700, Denver, Colorado. The meeting was called to order at approximately 3:00 p.m.

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

Leia Ursery, Chair
Josie Faix, Vice Chair
Spencer Crona, Secretary/Treasurer
Elizabeth Akalin (CBA Staff)
Jessica Broderick, Second Year Member
Gordon Williams (Rules and Forms Liaison)
Georgine Kryda (Tax Section Liaison)
*Peggy Gardner
*Tim Bounds, Second Year Member (Statutory Revisions Committee Liaison)
Elizabeth Meck
Jeremy Schupbach (CBA Director of Legislative Relations)
Zach Schlichting (Probate Trial & Procedures Committee Liaison)
Chad Rounds (Real Estate Liaison)
Kim Willoughby (Family Law Liaison)
Kayla Nelson
*Lauren DeCunha (Young Lawyers)
*Jonathan Haskell (BoG Liasion)

1. Approval of Minutes of Prior Meeting

The Minutes of the March 6, 2019, Council meeting were approved without objection.

2. Chair's Report (Leia Ursery)

- Need update on by-law amendments.
- Ethics Practice Advisory Subcommittee: Melissa Schwartz willing to lead the subcommittee, with Jamie Schuler, Kelly Cooper, David Kirch and Herb Tucker willing to serve as members. Additional participants are invited, and the initial objective is to complete a review by the end of summer.

- Update on new section leadership. Slate of nominated 2019-2020 Officers and Council Members is as follows (refer also to April 10 Notice of Section Annual Meeting):

  Chair: Josie M. Faix
  Vice-Chair: Spencer J. Crona
  Secretary/Treasurer: Timothy Bounds

  Second-Year Council Members:
  Lauren da Cunha
  Peggy Gardner
  Elizabeth Meck

  First-Year Council Members:
  Kristin Dittus
  Louisa Ritsick
  Charles C. Spence

  Mark Masters, Section Communications
  Jessica Johnson, Chair of New Lawyers Committee
  Mallory Hasbrook, T & E Liaison to New Lawyers Committee
  Darla Daniel, Co-Legislative Liaison (with Steve Brainerd)
  Jonathan Haskell, Board of Governors

  No alternative slate was received, and the vote will take place at the May annual meeting. Notice of that meeting will be issued by April 10, and a new roster will be announced May 31.

- Report on new member welcome letter, Zach Schlichting:

  - It is going out, with 30 recipients thus far.
  - T & E is the first CBA section to issue a welcome letter.
  - Josie recommended that it be circulated via Shanna Montoya to all t & E members as informational reminder, to encourage participation. Approved without objection.

- Higher Logic rollout: Shanna possibly will present a training later in April.
- Again, committee chairs are reminded they should examine their pages to assure current accuracy of information.

- To audible sounds of weeping and gnashing of teeth, Elizabeth Akalin reported transitioning away from T & E to encounter novel and exciting challenges staffing another, less-entertaining section. Duly warned, Katie Null was welcomed to join us as our new CBA staff liaison.

3. Secretary/Treasurer Report (Spencer Crona)

Misreported balance last month. Per handouts distributed to attendees, section balance is $25,126+ after $15,242 in expenses. The $7,800 figure actually represented the beginning balance for 2017-2018.

4. Tax Section Liaison (Georgine M. Kryda)

- Outreach lunch event today at CU Law with Solo Practice & Young Lawyers Division.
- Legislative Update scheduled for June at the Brown Palace Hotel.
- Generally reviewing multi-section updates, who’s doing what

5. Elder Law Section Liaison (Kayla Nelson reported for Patrick Thiessen)

- Practicum planned for Elder Law Retreat in August.
- No Executive Committee meeting today.

6. Real Estate Section Liaison (Chad Rounds)

- Informed Section of Pledge to Diversity.
- 1634 section members 2017 increased to 1668 as of February 2019.
- Discussion regarding spending section funds to purchase table at either Barrister’s Ball or Colorado Lawyers Committee luncheon. Question of whether it would align with mission of section. Decided on $500 for the Lawyers Committee lunch table, as a real estate lawyer will be honored at the event.
- New deeds statute signed into law effective March 7, will trigger changes in certain real estate forms, including a new closing instructions form. Section Rules & Forms is working on the real estate deed forms: warranty, special warranty, quit claim, and bargain & sale. The new statutte allows title companies to use and draft forms for transactions, not including PR deeds or conservator deeds.

7. **Statutory Revisions Committee (Tim Bounds)**

- Subcommittee approved to scrutinize procedural due process and other issues of the Colorado Adult Protective Services system. The system flags persons and documents an electronic record of "mistreatment" prior to any procedure providing for notice and opportunity to be heard.
- Lindsay Andrew is at work on an amended conservator Financial Plan form, which will be presented to SRC at the May meeting.

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

No report.

9. **Legislative Update (Jeremy Schupbach, CBA)**

- The Office of Public Guardian funding bill continues to be a work in progress with which T & E remains tangentially involved. Possible amendment to remove two counties from pilot to reduce fiscal note. Question as to what the further involvement, if any, from T & E should be. Troubled pilot project due to financial and administrative issues. What would we do if we wanted to have a voice? asks Leia. Does Denver need its own OPG rather than a pilot project? Different structure a year ago when the OPG effort began. If solely a Denver program, it would have been through Denver Human Services, possibly with a $1.5 million budget allocation and the hiring of professional guardians. Leia asks, would inviting volunteer time be a waste? Jeremy cannot think of a section role that would save the bill. The problem OPG designed to address is bigger in Denver than elsewhere.
- Remote Notary bill: Our version, passed out of House. Iowa using versions of language from our bill. Other states – South Carolina, South Dakota – interested.
- Storage of EP documents – work on a bill continuing before end of session. Testimony on behalf of CBA April 8.

10. **Council Notes (Josie Faix/Kristin Dittus)**

- Looking for more articles
- Spring edition out

11. CLE/Estate Planning Retreat (Josie Faix)

- No clearinghouse found yet to distribute money from silent auction donated items.
- Leia sent notice to prior donors for silent auction. Last year $7,000 raised from auction items after only a 30-day short-fuse planning effort. Two months of planning this year. Solicitation for contributors has been requested.

12. Orange Book Forms Committee (Kim Raemdonck)

- Finished marital agreement form this morning.

13. Family Law (Kim Willoughby)

- Work continuing on pursuit of child support in decedent estates.

14. Rules & Forms Committee (Gordon Williams)

- El Paso County Probate Division particularly concerned about forms. Gordon notes inconsistent approvals and rejections of form submissions. Unfair to parties and clerks, burdened with legal decisions they should not have to make regarding forms.
- Possible solutions: Michael Holder sent Justice Terry an e-mail respectfully and professionally expressing concerns, but the response was unfavorable. So, the Committee decided to prepare a letter to the State Court Administrator's Office expressing concerns, especially lack of uniformity for acceptance/rejection. Laurence Gendelman is preparing a draft. Gordon referenced his office's combined GN/CR Petition form; it's acceptable in El Paso County, but not Pueblo County.
- Bill of Sale form approved.
- Leia expressed concern regarding Rules & Forms proposed letter: There is a Supreme Court Rules & Forms Subcommittee, in which Marcie McMinimee participates. Leia suggests a check with Connie Lind of SCAO, who oversees the subcommittee. Verification signature on forms is a question currently before the subcommittee. SCAO can coordinate uniform practice among the state's judicial districts. Elizabeth Akalin also notes that per CBA policy there must be CBA approval for any official position taken with a state agency, on behalf of the CBA or a section. Leia notes T & E will review, suggests presentation of draft letter for May review, with summer the left to prepare/finalize memorandum to accompany letter. Executive Council would review after that. Elizabeth: Per CBA protocol need letter and memo

expressing pros & cons of Rules & Forms position, disseminated to other sections for review and input.

15. Civic & Community Affairs (Sandra Sigler)

- Gifts for Senior Law Day appreciated
- Senior Law Handbook on course for June publication before first SLD.
- Will move forward with What to Do When Someone Dies brochure (to be included in May materials), no comments expressed, so will proceed with SRC suggestions.

16. Diversity & Inclusivity Committee (Melissa R. Schwartz)

- Unable to calendar event for CU law this spring, working on arrangements for fall events at CU & DU.

17. Probate Trial & Procedures Committee (Zachary Schlichting):

- Voted to approve revisions to CR Report to add column that will project expenses for upcoming years. Ultimate goal is to ease burden on CRs to file an amended FP with inventory.
- Also working on program for improvement of court practice skills. Possible instructional videos by experienced practitioners.

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

No report

19. Green Book (David K. Johns)

No report

20. New T & E Lawyers Committee (Lauren da Cunha/Alison Leary) Alison reports:

- Scholarship considered for EP Retreat for YL to serve as actor in Retreat plenary session play.
- Happy Hour Friday event contemplated. Idea would be CBA wider publicity for event.

- Seminar for basic estate-planning scenarios for experienced attorneys to suggest how to draft; attorney volunteers would be solicited to draft or provide notes for scenarios.

21. The Colorado Lawyer (David W. Kirch/Emily Bowman)

No report.

22. Communications Representative (Mark D. Masters)

No report

23. Ambassador Coordinator (Melissa R. Schwartz/Lindsey Andrew

No report

24. Board of Governors Representative (Jonathan Haskell)

- Attending meeting scheduled for the second Friday in June at Cheyenne Mountain Resort, Colorado Spring. Report on that in August.

25. Miscellaneous/FY1

None

26. ADJOURNMENT

The meeting was adjourned at 4:18 p.m.

Respectfully submitted,

Spencer J. Crona

Colorado Bar Association

Trust & Estate Summary

For the Nine Months Ending March 31, 2019

		March	YTD	Budget	Variance	%	Last FY
Beginning balance	**01-3160-31600**		**$7,804.88**		**$7,804.88**	**0%**	**($441.96)**
Trust & Estate Section- General							
Revenue	**01-4???-31600**	**45.00**	**33,225.00**		**33,225.00**	**0%**	**32,590.00**
Expenses	**01-5???-31600**	**(1,137.98)**	**(15,742.43)**		**(15,742.43)**	**0%**	**(16,418.70)**
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**					**0%**	**1,720.00**
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**		**(160.80)**		**(160.80)**	**0%**	
Beginning Balance	**01-3160-31600**		**7,804.88**		**7,804.88**	**0%**	**(441.96)**
Total Revenue All Sources	**01-4???-316??**	**45.00**	**33,225.00**		**33,225.00**	**0%**	**34,310.00**
Total Expenses All Sources	**01-5???-316??**	**(1,137.98)**	**(15,903.23)**		**(15,903.23)**	**0%**	**(16,418.70)**
Ending Balance		**(1,092.98)**	**25,126.65**		**25,126.65**	**0%**	**17,449.34**

Colorado Bar Association

Trust & Estate

For the Nine Months Ending March 31, 2019

		March	YTD	Budget	Variance	%	Last FY
Beginning balance	**01-3160-31600**		**$7,804.88**		**$7,804.88**	**0%**	**($441.96)**
Trust & Estate Section							
Revenue							
Dues Income Section	01-4050-31600	45.00	32,185.00		32,185.00	0%	32,590.00
Meal Income	01-4051-31600		1,040.00		1,040.00	0%	
Total Revenue Trust & Estate Sect		**45.00**	**33,225.00**		**33,225.00**	**0%**	**32,590.00**
Expenses							
Other Expense	01-5000-31600		(25.80)		(25.80)	0%	(100.00)
AWARDS	01-5007-31600		(633.14)		(633.14)	0%	(356.78)
Travel	01-5102-31600					0%	(1.00)
Postage	01-5304-31600		(11.32)		(11.32)	0%	(0.92)
Telephone	01-5412-31600		(518.99)		(518.99)	0%	(695.65)
Internet/E-Mail Access	01-5413-31600		(980.20)		(980.20)	0%	(1,217.42)
Meals (Not travel related)	01-5491-31600	(634.23)	(9,039.23)		(9,039.23)	0%	(9,095.71)
Administration Fee	01-5494-31600	(503.75)	(4,533.75)		(4,533.75)	0%	(4,451.22)
Grants/Contributions	01-5500-31600					0%	(500.00)
Total Expenses Trust & Estate Sec		**(1,137.98)**	**(15,742.43)**		**(15,742.43)**	**0%**	**(16,418.70)**
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							

Colorado Bar Association

Trust & Estate

For the Nine Months Ending March 31, 2019

	March	YTD	Budget	Variance	%	Last FY
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						

Colorado Bar Association

Trust & Estate

For the Nine Months Ending March 31, 2019

		March	YTD	Budget	Variance	%	Last FY
Expenses							
Transfer Deposits							
Revenue							
Expenses							
Admin. Chair							
Revenue							
Expenses							
Estate Planning Handbook							
Revenue							
Expenses							
Admin Council Dinner							
Revenue							
Meal Income	01-4051-31612					0%	$1,720.00
Total Revenue Admin Council Din						**0%**	**1,720.00**
Expenses							
Legislative Liaison							
Revenue							
Expenses							
Internet Editor							
Revenue							
Expenses							
Technology Committee							
Revenue							
Expenses							
Real Estate Liaison							

Colorado Bar Association

Trust & Estate

For the Nine Months Ending March 31, 2019

		March	YTD	Budget	Variance	%	Last FY
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							
Meals (Not travel related)	01-5491-31629		($160.80)		($160.80)	0%	
Total ExpensesT7E YLS			**(160.80)**		**(160.80)**	**0%**	
Beginning Balance	**01-3160-31600**		**7,804.88**		**7,804.88**	**0%**	**(441.96)**
Total Revenue All Sources	**01-4???-316??**	**45.00**	**33,225.00**		**33,225.00**	**0%**	**34,310.00**
Total Expense All Sources	**01-5???-316??**	**(1,137.98)**	**(15,903.23)**		**(15,903.23)**	**0%**	**(16,418.70)**
Ending Balance		**(1,092.98)**	**25,126.65**		**25,126.65**	**0%**	**17,449.34**

What to Do When Someone Dies

Sponsored by the Colorado Bar Association

CBA COLORADO BAR ASSOCIATION Established in 1897

Coping with the loss of a loved one is difficult. We hope this basic information will assist you to know what you need to do and what you may wish to delegate to friends and family. Seeking a professional's advice before you act can assure that matters are properly addressed and may avoid more costly legal services later.

At Time of Death

If the Death Occurred in a Hospital, Nursing Home, or Assisted Living Facility: You do not need to do anything. The medical or facility staff will make the pronouncement of death, will prepare paperwork for organ or body donations, will turn off and remove any equipment attached to the body, and will coordinate with the mortuary or crematory for transport of the body.

If the Death Occurred at Home- Pronouncement of Death: Colorado requires a qualified medical professional to be notified and to make the official pronouncement of death. If the death is unattended, call the family physician, hospice provider, or the Coroner's Office for the county in which the death occurs. Some counties also need you to notify law enforcement.

Organ and Body Donations: You will need to notify the medical professional of any organ or body donations so the professional can assist in making appropriate arrangements. Leave the medical equipment turned on or in place unless you are instructed otherwise by medical or hospice personnel.

Arrange for the Deceased Person's Body: Arrange for the body to be picked up:

- according to the Coroner's instructions
- by the mortuary or crematory
- according to the instructions from a hospital if the body or organs are donated

One to Three Days after Death

Notify Family and Friends: Ask them to help you with some tasks, including notification of other family and friends. (The Red Cross will help notify family members if the deceased was in the military or if the relative to be notified is in the military.)

Deceased's Instructions: Look through the deceased's papers (and potentially his or her safe deposit box, see below) to find if she or he:

- had a prepaid burial plan
- belonged to a memorial or funeral society
- had written instructions regarding her/his funeral arrangements

Complete the Funeral and Burial Arrangements: Arrangements may include transfer to another location, burial, cremation, funeral, or memorial service. You may ask a clergy member to assist you. If the deceased was a member of a memorial or funeral society, you can obtain a lower rate on cremation or funeral services. Ask a trusted friend or family member to go with you to the mortuary or crematory to advise and support you in making the funeral and burial arrangements.

Federal law requires that price information be given over the phone, if requested, so consider calling the mortuary or crematory before you go in person.

Financial Assistance: If the deceased was on public assistance, burial assistance may be available. You should contact your local county Department of Social Services as soon as possible. Total expenses for burial will be limited in order to qualify for the financial assistance so you should investigate this possibility before signing a contract for funeral arrangements.

Contact fraternal and religious organizations that may conduct funeral services and other organizations of which the deceased was a member. If the deceased was in the military or is the spouse or dependent child of a person in the military, contact the VA cemetery or VA office about possible burial benefits. The mortuary will call the VA at your request.

If you have concerns that you cannot resolve with the management of the funeral home, contact the Colorado Funeral Directors Association at: (303) 791-2336.

Other Assistance: Choose someone you know and trust to help with the following:

- answer the phone
- collect mail
- care for pets
- stay at the home during the funeral to guard against potential break-ins
- take care of perishable property
- provide food for family and friends after the funeral
- secure the home, vehicles and property

One to Ten Days after Death

Death Certificates: The most common and quickest way to obtain death certificates is through the funeral director. The cost is usually higher for the first death certificate. Additional certificates can be obtained at a lower price. In order to know how many to order, you should estimate the number of different assets held by the deceased or institutions that will require a death certificate. If you do not order enough, you can get more death certificates later through the Vital Statistics Department in the county where the death occurred, or through the Colorado State Department of Public Health and Environment, Vital Records Office.

Contact the following persons or institutions:

- police, to occasionally check the house of deceased, if vacant
- attorney, to learn how to transfer assets and assist with probate issues
- accountant or tax preparer, to determine whether to file an estate tax return or final income tax return
- investment professionals and banks, to obtain information on assets and safe deposit box
- insurance agent, to obtain claim forms
- Social Services, to learn of benefits
- Social Security and Veterans Affairs, to stop monthly check and learn of any benefits
- pension services, to stop monthly check and obtain claim forms
- guardian, conservator, agent under a durable power of attorney, to notify of death and the end of their responsibility
- utility companies, to alter or discontinue service
- employer, to notify of death and learn of benefits
- newspaper, to stop subscription and/or submit an obituary
- post office, if necessary, to forward mail

Personal Representative: If you are nominated as personal representative in a will, you have the power, before you are appointed by the court, to carry out written instructions of the deceased relating to the body, funeral and burial arrangements. **You may begin to protect and safeguard the deceased's assets. Do not remove or distribute assets before opening the estate.** Other brochures are available from the Colorado Bar Association to explain the duties of the personal representative and how the personal representative is appointed when there is no will.

Search for the Will: The original will is often in a safe place in the deceased's home or in a safe deposit box. When the original signed will is found, lodge it within 10 days with the probate court in the county where the deceased lived or owned real property. If a will cannot be found, an attorney can help guide you through the intestate probate process. Also look for a copy of the will, a handwritten list of instructions, a letter to family or other similar documents. In Colorado, these documents may constitute a will.

Entry into Safe Deposit Box: Any person whose name is on the account for the box may enter it at any time. An heir or beneficiary in a will can ask the bank to search for the will, a deed to a burial plot, or burial instructions. A representative of the bank will open the box in the presence of the heir or beneficiary, remove any will that is found, and deliver it to the court directly. You can ask for a copy of the will before it is send to the court.

Search for Other Documents: The personal representative is appointed by the court to administer the estate and has the authority to search for any important documents. The search should include the home, office, place of business, and any safe deposit boxes. Any information indicating that an asset exists or that bills are unpaid should be kept for use in the administration of the estate.

Items to Look for:

- funeral and burial plans
- safe deposit rental agreement and keys
- trust and nuptial agreements
- life insurance policies or statements
- pension, IRA, retirement statements
- income tax returns for several years
- marriage, birth and death certificates
- divorce papers
- military records and discharge papers
- bank statements and checkbooks
- motor vehicle titles
- deeds, deeds of trust, mortgages
- stock or bond certificates or CDs
- partnership or corporate agreements
- health insurance papers
- and unpaid bills.

Powers of Attorney

A power of attorney is a document that allows the agent to act on behalf of the principal during the principal's lifetime. An agent does not have any authority to act if the principal has died.

Take Care against Unethical Persons

In the period following the loss of a loved one, be careful before accepting any telephone or mail solicitation. Carefully scrutinize invoices for validity, as it is possible to receive fraudulent invoices. Avoid lifestyle changes for a period to allow for reflection on how the loss will affect the surviving family and friends. Do not distribute assets or personal property of the deceased until you consult with an attorney.

Avoid Immediate Collection of Benefits

Avoid transferring title to assets or making claims as a beneficiary until considering whether either a tax or non-tax reason exists for refusing to receive an asset. Even though the account executive wants to be helpful, you may lose an important tax advantage if you accept an asset. An attorney can help you find the best approach.

Social Security

The mortuary may assist you with the paperwork for Social Security benefits. For Social Security benefits, call the Social Security Administration immediately. Call (800) 772-1213. Be prepared to identify the deceased's:

- Social Security or VA claim number
- date of birth
- date and place of death
- surviving spouse or next of kin
- medical history that bears on whether the death is service related or not

Social Security monthly benefits are available to the surviving spouse and to children under 18 and certain disabled children. Benefits include a lump sum death benefit. Ask for the "Survivors Benefits" publication from the Social Security Administration.

Veterans Benefits

The mortuary may also assist you with the paperwork for VA benefits. For additional information, call the nearest VA listing for Benefits Information and Assistance. If you do not know the VA claim number, then provide:

- service number
- dates of active service

Your call will stop the monthly payments from the VA. Usually the VA will automatically withdraw any payments made via direct deposit after the date of death. If this does not happen, you must return the check for the month of death.

Veteran's benefits may be available to the surviving spouse. Benefits may include a lump sum death benefit. If the death was service connected, benefits may include a continuing monthly payment to the surviving spouse, financial assistance with funeral expenses and cemetery plot, or burial in a national cemetery. Ask for the "Federal Benefits for Veterans, Dependents and Survivors" publication from the Department of Veterans Affairs.

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 **April 2019.** 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.

probate court in the county where the deceased lived or owned real property. If a will cannot be found, an attorney can help guide you through the intestate probate process. Also look for a copy of the will, a handwritten list of instructions, a letter to family or other similar documents. In Colorado, these documents may constitute a will.

Entry into Safe Deposit Box: Any person whose name is on the account for the box may enter it at any time. An heir or beneficiary in a will can ask the bank to search for the will, a deed to a burial plot, or burial instructions. A representative of the bank will open the box in the presence of the heir or beneficiary, remove any will that is found, and deliver it to the court directly. You can ask for a copy of the will before it is send to the court.

Search for Other Documents: The personal representative is appointed by the court to administer the estate and has the authority to search for any important documents. The search should include the home, office, place of business, and any safe deposit boxes. Any information indicating that an asset exists or that bills are unpaid should be kept for use in the administration of the estate.

Items to Look for:

- funeral and burial plans
- safe deposit rental agreement and keys
- trust and nuptial agreements
- life insurance policies or statements
- pension, IRA, retirement statements
- income tax returns for several years
- marriage, birth and death certificates
- divorce papers
- military records and discharge papers
- bank statements and checkbooks
- motor vehicle titles
- deeds, deeds of trust, mortgages
- stock or bond certificates or CDs
- partnership or corporate agreements
- health insurance papers
- and unpaid bills.

Powers of Attorney

A power of attorney is a document that allows the agent to act on behalf of the principal during the principal's lifetime. An agent does not have any authority to act if the principal has died.

Take Care against Unethical Persons

In the period following the loss of a loved one, be careful before accepting any telephone or mail solicitation. Carefully scrutinize invoices for validity, as it is possible to receive fraudulent invoices. Avoid lifestyle changes for a period to allow for reflection on how the loss will affect the surviving family and friends. Do not distribute assets or personal property of the deceased until you consult with an attorney.

Avoid Immediate Collection of Benefits

Avoid transferring title to assets or making claims as a beneficiary until considering whether either a tax or non-tax reason exists for refusing to receive an asset. Even though the account executive wants to be helpful, you may lose an important tax advantage if you accept an asset. An attorney can help you find the best approach.

Social Security

The mortuary may assist you with the paperwork for Social Security benefits. For Social Security benefits, call the Social Security Administration immediately. Call (800) 772-1213. Be prepared to identify the deceased's:

- Social Security or VA claim number
- date of birth
- date and place of death
- surviving spouse or next of kin
- medical history that bears on whether the death is service related or not

Social Security monthly benefits are available to the surviving spouse and to children under 18 and certain disabled children. Benefits include a lump sum death benefit. Ask for the "Survivors Benefits" publication from the Social Security Administration.

Veterans Benefits

The mortuary may also assist you with the paperwork for VA benefits. For additional information, call the nearest VA listing for Benefits Information and Assistance. If you do not know the VA claim number, then provide:

- service number
- dates of active service

Your call will stop the monthly payments from the VA. Usually the VA will automatically withdraw any payments made via direct deposit after the date of death. If this does not happen, you must return the check for the month of death.

Veteran's benefits may be available to the surviving spouse. Benefits may include a lump sum death benefit. If the death was service connected, benefits may include a continuing monthly payment to the surviving spouse, financial assistance with funeral expenses and cemetery plot, or burial in a national cemetery. Ask for the "Federal Benefits for Veterans, Dependents and Survivors" publication from the Department of Veterans Affairs.

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 **April 2019.** 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.

WHAT TO DO WHEN SOMEONE DIES

Coping with the loss of a loved one is difficult. We hope this basic information will assist you to know what you need to do and what you may wish to delegate to friends and family. Seeking a professional's advice before you act can assure that matters are properly addressed and may avoid more costly legal services later.

At Time of Death

If the Death Occurred in a Hospital, Nursing Home, or Assisted Living Facility: You do not need to do anything. The medical or facility staff will make the pronouncement of death, will prepare paperwork for organ or body donations, will turn off and remove any equipment attached to the body, and will coordinate with the mortuary or crematory for transport of the body.

If the Death Occurred at Home- Pronouncement of Death: Colorado requires a qualified medical professional to be notified and to make the official pronouncement of death. If the death is unattended, call the family physician, hospice provider, or the Coroner's Office for the county in which the death occurs. Some counties also need you to notify law enforcement.

Organ and Body Donations: You will need to notify the medical professional of any organ or body donations so the professional can assist in making appropriate arrangements. Leave the medical equipment turned on or in place unless you are instructed otherwise by medical or hospice personnel.

Arrange for the Deceased Person's Body: Arrange for the body to be picked up:

- according to the Coroner's instructions
- according to the instructions from a hospital if the body or organs are donated
- by the mortuary or crematory

One to Three Days after Death

Notify Family and Friends: Ask them to help you with some tasks, including notification of other family and friends. (The Red Cross will help notify family members if the deceased was in the military or if the relative to be notified is in the military.)

Deceased's Instructions: Look through the deceased's papers (and potentially his or her safe deposit box, see below) to find if she or he:

- had a prepaid burial plan
- belonged to a memorial or funeral society
- had written instructions regarding her/his funeral arrangements

Complete the Funeral and Burial Arrangements: Arrangements may include transfer to another location, burial, cremation, funeral, or memorial service. You may ask a clergy member to assist you. If the deceased was a member of a memorial or funeral society, you can obtain a lower rate on cremation or funeral services. Ask a trusted friend or family member to go with you to the mortuary or crematory to advise and support you in making the funeral and burial arrangements.

Federal law requires that price information be given over the phone, if requested, so consider calling the mortuary or crematory before you go in person.

Financial Assistance: If the deceased was on public assistance, burial assistance may be available. You should contact your local county Department of Social Services as soon as possible. Total expenses for burial will be limited in order to qualify for the financial assistance so you should investigate this possibility before signing a contract for funeral arrangements.

Contact fraternal and religious organizations that may conduct funeral services and other organizations of which the deceased was a member. If the deceased was in the military or is the spouse or dependent child of a person in the military, contact the VA cemetery or VA office about possible burial benefits. The mortuary will call the VA at your request.

If you have concerns that you cannot resolve with the management of the funeral home, contact the Colorado Funeral Directors Association at: (303) 791-2336.

Other Assistance: Choose someone you know and trust to help with the following:

- answer the phone
- collect mail
- care for pets
- stay at the home during the funeral to guard against potential break-ins
- take care of perishable property
- provide food for family and friends after the funeral
- secure the home, vehicles, and property

One to Ten Days after Death

Death Certificates: The most common and quickest way to obtain death certificates is through the funeral director. The cost is usually higher for the first death certificate. Additional certificates can be obtained at a lower price. In order to know how many to order, you should estimate the number of different assets held by the deceased or institutions that will require a death certificate. If you do not order enough, you can get more death certificates later through the Vital Statistics Department in the county where the death occurred, or through the Colorado State Department of Public Health and Environment, Vital Records Office.

Contact the following persons or institutions:

- police, to occasionally check the house of deceased, if vacant
- attorney, to learn how to transfer assets and assist with probate issues
- accountant or tax preparer, to determine whether to file an estate tax return or final income tax return
- investment professionals and banks, to obtain information on assets and safe deposit box
- insurance agent, to obtain claim forms
- Social Services, to learn of benefits
- Social Security and Veterans Affairs, to stop monthly check and learn of any benefits
- pension services, to stop monthly check and obtain claim forms
- guardian, conservator, agent under a durable power of attorney, to notify of death and the end of their responsibility
- utility companies, to alter or discontinue service
- employer, to notify of death and learn of benefits
- newspaper, to stop subscription and/or submit an obituary
- post office, if necessary, to forward mail

Personal Representative: If you are nominated as personal representative in a will, you have the power, before you are appointed by the court, to carry out written instructions of the deceased relating to the body, funeral and burial arrangements. **You may begin to protect and safeguard the deceased's assets. Do not remove or distribute assets before opening the estate.** Other brochures are available from the Colorado Bar Association to explain the duties of the personal representative and how the personal representative is appointed when there is no will.

Search for the Will: The original will is often in a safe place in the deceased's home or in a safe deposit box. When the original signed will is found, lodge it within 10 days with the