

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

Notice of and Agenda for the December 1, 2021, Meeting

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

From: Lauren da Cunha
Secretary/Treasurer
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Notice of Meeting

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

Date and time: ***Wednesday, December 1, 2021, 3:15 p.m.***
Place: 1290 Broadway, Suite 1700, Denver, CO 80203
or Call-In/Zoom

Minutes of Previous Meetings & Attachments

1. Minutes of the November 3, 2021 meeting of the Council
2. Memorandum from CBA Real Estate Section Council Meeting
3. October Financial Statement

**Trust and Estate Section Council Agenda
December 1, 2021**

In an attempt to adhere to the allotted meeting duration of one (1) hour and thirty (30) minutes, the Chair will exercise his/her prerogative to limit the time for any report or discussion on a topic to ten (10) minutes. This conforms to Robert's Rules of Order.

1. Review/approval of Minutes of the November 3, 2021 meeting of the Council
2. Chair's Report and Administrative Matters (Tim Bounds)
 - a. Amy Larson, CBA Executive Director and Joi Kush, CBA President
3. Secretary/Treasurer's report (Lauren da Cunha)
4. Tax Section Liaison (Georgine M. Kryda)
5. Elder Law Section (Patrick Thiessen)
6. Real Estate Section Liaison (Chad Rounds)
7. Family Law Section Liaison (Kim Willoughby)
8. Statutory Revisions Committee (Dylan Metzner)
9. Legislative Liaison (Darla Daniel & Steve Brainerd)
10. Legislative Update (Andy White)
11. Council Notes (Kristin Dittus)
12. CLE/Estate Planning Retreat (Molly Zwedlinger)
13. Orange Book Forms Committee (Hayley Lambourn and Rikke Liska)
14. Rules and Forms Committee (Gordon Williams)
15. Civic and Community Affairs Joint Committee of the Elder Law Section (Sandra Sigler)
16. Equity, Diversity, and Inclusivity Committee (Melissa Schwartz)
17. Probate Trial and Procedures Committee (Marcie McMinimee & Lindsay Andrew)

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

**Council of the Trust and Estate Section of the Colorado Bar Association
Minutes of the November 3, 2021, Meeting**

Council met on Wednesday, November 3, 2021 in person and via audio-conference due to the ongoing COVID 19 pandemic. The meeting was called to order at approximately 3:17 p.m. by Tim Bounds, Chair.

The following member of Council participated by Zoom/phone or in-person and constituted a quorum:

In attendance were:

Tim Bounds, Chair
Molly Zwerdinger, Vice Chair
Lauren da Cunha, Secretary
Georgine Kryda (2nd year member), Tax Section Liaison
Amy Symons (2nd year member)
Simon Tolbert (2nd year member)
Marianne Luu-Chen (1st year member)
Kristin Pineiro (1st year member)
Spencer Crona, (Immediate Past Chair)

Also in attendance were:

Andy White, CBA Legislative Liaison
Emma Baxter, CBA Staff
Melissa Schwartz
Lindsay Andrew
Chad Rounds
Leia Ursery
Darla Daniel
Jonathan Haskell
Josie Faix
Hayley Lambourn
Kristin Dittus
Kim Willoughby
Patrick Thiessen
Sandra Sigler

1. Approval of Minutes of Prior Meeting

The Minutes of the October 6, 2021, Council meeting were amended to correct the spelling of Everhart in paragraph 21. The minutes were approved unanimously with this amendment.

2. Chair's Report (Tim Bounds)

The Law Suit Drive is still ongoing, if you have gently used suits, please donate. Check out the CBA website for more information. Thank you again to everyone who came to

the Annual Dinner last month, it was a great event. Emma Baxter is our new section liaison for CBA. Welcome Emma! Probate tools and tips CLE is tomorrow morning. December's Executive Council meeting will host Amy Larson and Joi Kush in person. Please try to attend in person.

3. Secretary/Treasurer Report (Lauren da Cunha)

No major changes to financials. The Annual Dinner should show up on the next month's financials.

4. Tax Section Liaison (Georgine M. Kryda)

No report. Georgine was named a new ACTEC Fellow. Congratulations Kim!

5. Elder Law Section Liaison (Patrick Thiessen)

Joi Kush visited Elder Law this morning. Metro Volunteers looking for volunteers to help people with simple wills. Elder Law's CLE next month is about Media Relations. It is on Wonderful Wednesday at 10AM. Carl Stevens reported on case that came out of Minnesota where insurance company denied grantee beneficiary.

Elder Law Executive Council discussed Representative Ransom of Jefferson County, who is term limited, and is trying to craft legislation on visitation/ undue guardian restrictions on visitation. Elder Law is likely to act as stakeholders in those discussions. Spencer Crona suggested that the Representative Ransom may also present a bill that has fee caps on professional in probate proceedings. Andy White recommended we engage with her in a meaningful way.

6. Real Estate Section Liaison (Chad Rounds)

Memo was provided to members.

7. Family Law Section Liaison (Kim Willoughby)

No report. Kim was named a new ACTEC Fellow. Congratulations Kim!

8. Statutory Revisions Committee (Dylan Metzner)

UPC 2019 revisions will be voted on next month. Have several other subcommittees that are likely to wrap up and present in the beginning of next year.

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

Reviewed the 2019 revisions with SRC. Please read through the summary table and 15.11.103 and 15.11.106 and part 1 of ACTEC article are all essential reading. Please

reach out with questions to Darla and Bette Heller. Plan on bringing it to a vote in December.

10. Legislative Update (Andy White)

Legislative Session starts in Jan 12. LPC is meeting twice more before year end (monthly) and then weekly Jan-May. No anticipated changes to legislative calendar. Colorado Commission on Uniform State Law meeting on Dec 3. Looking for ways to engage with Representative Ransom.

11. Council Notes (Kristin Dittus)

Looking for article for December. Any notifications or article ideas, please reach out to Kristin.

12. Continuing Legal Education & Estate Planning Retreat (Molly Zwerdinger)

The Fall Update is next Wednesday. We have 50 registrants registered, 30 in person and 20 online. There is a CLE tomorrow. Saturday is the ABA Britney Spears CLE that Molly and Lawrence are presenting in Santa Fe. Lunches are planned through May. The T&E Retreat will need to be hybrid. The hotel in Beaver Creek does not have the ability to stream 9 breakout sessions. It will still be a 2 day retreat. The virtual option will only be available for Day 1. Day 1 (Friday) is going to be only plenary session (6 lectures and 1 keynote) for 7 credits. Day 2 will be in person only and that will only be breakout sessions for 6 credits. The CBA is still working through the costs.

Some people were having difficulty calling into the meeting using the links on the website. Molly brought forward a proposal that every single CBA member receive the word doc every month. Proposal seconded and passed unanimously.

13. Orange Book Forms Committee (Hayley Lambourn/Rikke Liska)

Finalized revisions to ADR language that could be added to trusts and wills proposed by Judge Stewart's subcommittee. Her subcommittee would like to do a CLE on the changes and would like Molly to follow up with her on that. Started working on revising Appointment of Trust Advisor language but did not finish.

14. Rules & Forms Committee (Gordon Williams)

No report.

15. Civic & Community Affairs (Sandra Sigler)

Still waiting for Senior Law Handbooks but hopefully to will still receive them in 2021. Senior Law Days went well this year, some were in person but some were hybrid. Please join the committee if interested.

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

Tristan Younghaus is taking over as chair of the committee. Melissa will co-chair through the rest of the year. Working on outreach to both law schools to do an event at each one this year. Simon is working on ideas for the website. Will do outreach to diverse members of section again this year and would like volunteers from Council to help with that. There is a script to use. Reach out to Melissa to let her know if you are interested in helping out with that.

17. Probate Trial & Procedures Committee (Marcie McMinimee & Lindsay Andrew)

Discussion on two cases. A Minnesota case, Stope-Robinson v. State Farm and a Colorado Court of Appeals case, In Re Estate of Gallegos. The Holiday Party will take place in person Dec 1 at the University Club from 4-6:30. No CLE credit will be offered but there will be presentations.

18. Colorado Estate Planning Handbook (David Johns)

No report.

19. Green Book (Josie Faix)

No report.

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

No meeting this month.

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

Electronic Wills article will be published in February. UTC Part 5 article is being done by Connie Eyster and Steve Brainard. An article on Everhart has been proposed.

22. Communications Representative & Ambassador Coordinator (Lindsey Andrew)

No report. No additional requests for ambassadors.

23. Board of Governors Representative (Jonathan Haskell)

Meeting on Dec 3rd. Reach out to Jonathan if there are any issues you want him to bring up.

24. Other Business

The Public Administrator position is still open, which might be related to the personal liability risk of the PA. It might come to SRC attention that there will be a proposal for some state funding for the Office of Public Administrator.

ADJOURNMENT

The meeting was adjourned at 3:57 p.m. The next Council meeting will be held in December 2021.

Respectfully submitted

/s/ Lauren da Cunha, Secretary

Colorado Bar Association
Trust & Estate
 For the Four Months Ending October 31, 2021

		October	YTD	Budget	Variance	%	Last FY
Beginning balance	01-3160-31600	\$1,120.00	\$38,466.81		\$38,466.81	0%	\$28,848.32
Trust & Estate Section							
Revenue							
Dues Income Section	01-4050-31600	600.00	32,205.00		32,205.00	0%	32,520.00
Total Revenue Trust & Estate Sect		600.00	32,205.00		32,205.00	0%	32,520.00
Expenses							
Internet/E-Mail Access	01-5413-31600					0%	(356.51)
Meals (Not travel related)	01-5491-31600		(182.86)		(182.86)	0%	
Administration Fee	01-5494-31600	(1,077.96)	(4,311.84)		(4,311.84)	0%	(4,080.00)
Total Expenses Trust & Estate Sec		(1,077.96)	(4,494.70)		(4,494.70)	0%	(4,436.51)
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							
Revenue Joint CLE							
Revenue CLE Retreat							
Revenue CLE Section Only							

Colorado Bar Association
Trust & Estate
 For the Four Months Ending October 31, 2021

	October	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 Four Months Ending October 31, 2021

	October	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						
Expenses						

Colorado Bar Association
Trust & Estate
 For the Four Months Ending October 31, 2021

		October	YTD	Budget	Variance	%	Last FY
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	\$1,120.00	\$38,466.81		\$38,466.81	0%	\$28,848.32
Total Revenue All Sources	01-4???-316??	600.00	32,205.00		32,205.00	0%	32,520.00
Total Expense All Sources	01-5???-316??	(1,077.96)	(4,494.70)		(4,494.70)	0%	(4,436.51)
Ending Balance		642.04	66,177.11		66,177.11	0%	56,931.81

KIRCH ROUNDS BOWMAN & DEFFENBAUGH PC
MEMORANDUM

TO: CBA Council of the Trust and Estate Section

FROM: Chad Rounds

RE: Summary of 11/16/21 CBA Real Estate Section Council Meeting

DATE: 11/17/21

I attended the CBA Real Estate Section Council ("RESC") meeting on 10/16/21. Members participated in person, as well as by Zoom. The following is my report on matters addressed which the CBA Trust and Estate Section Council ("TESC") might find of interest:

***I reported to the RESC that the Trust and Estate Section has formed a subcommittee to address the issues related to property insurance coverage and beneficiary deeds in light of the recent *Strope-Robinson* decision. James Benjamin and Charles Calvin are two real estate attorneys who have an interest in this matter and might want to get involved.**

Their emails are:

JBenjamin@irelandstapleton.com; Charles.Calvin@cdcalvinlaw.com

Could they be added to the subcommittee email list?

*The 2022 Real Estate Section Symposium will be in Vail in July. There will be an option to attend live or virtually.

*Title Standard 8.4 on fractional mineral interests was brought before the RESC and approved. Now it goes before the CBA Executive Council. This standard tries to bring some clarity to a muddled area of the law concerning multiple conveyances of fractions of fractional mineral interest reservations.

*The Colorado Diverse Attorney Community Circle Program is seeking applicants currently for the 2022 Class. Its objective is to provide diverse attorneys with 4 sets of programming to promote more involvement in a variety of leadership positions: regular networking and affinity events and retreats; public service opportunities; bimonthly REDI CLEs; and mentoring relationships.