

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

**Notice of and Agenda for the August 3, 2022, Meeting**

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

From: Dylan Metzner  
Secretary/Treasurer  
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**Notice of Meeting**

The next monthly meeting of the 2022-2023 Council of the Trust and Estate Section of the Colorado Bar Association will be held:

Date and time: ***Wednesday, August 3, 2022, 3:15 p.m.***

Place: 1290 Broadway, Suite 1700, Denver, CO 80203 Room West 1  
or Call-In/Zoom

<https://cba-cle.zoom.us/j/83843741966?pwd=NXVOTEExdUxuQ0FrV0VXV3ZrU3hVQT09>

Meeting ID: 838 4374 1966

Passcode: 534100

Call-in: 16694449171

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**Minutes of Previous Meetings & Attachments**

1. Minutes of the May 4, 2022 Annual Meeting of the Trust and Estates Section
2. Minutes of the May 4, 2022 meeting of the Council
3. May 31, 2022 Financial Statements
4. Memorandum regarding the May 17, 2022 CBA Real Estate Section Council Meeting
5. Memorandum regarding the June 21, 2022 CBA Real Estate Section Council Meeting
6. CBA Trust and Estate Section Handbook 2022-2023

**Trust and Estate Section Council Agenda**  
**August 3, 2022**

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 May 4, 2022 Minutes of the Annual Meeting of the Trust and Estate Section.
2. Review/approval of Minutes of the May 4, 2022 meeting of the Council
3. Chair's Report and Administrative Matters (Molly Zwerdlinger)
4. Secretary/Treasurer's report (Dylan Metzner)
5. Tax Section Liaison (Georgine M. Kryda)
6. Elder Law Section (Patrick Thiessen)
7. Real Estate Section Liaison (Chad Rounds)
8. Family Law Section Liaison (Kim Willoughby)
9. Statutory Revisions Committee (Jonathan Haskell)
10. Legislative Liaison (Darla Daniel & Steve Brainerd)
11. Legislative Update (Tyler Mounsey)
12. Council Notes (Kristin Dittus)
13. CLE/Estate Planning Retreat (Lauren da Cunha)
14. Orange Book Forms Committee (Rikke Liska)
15. Rules and Forms Committee (Gordon Williams)
16. Civic and Community Affairs Joint Committee of the Elder Law Section (Sandra Sigler)
17. Equity, Diversity, and Inclusivity Committee (Amber Marchlowska)
18. Probate Trial and Procedures Committee (Marcie McMinimee & Lindsay Andrew)

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

**Council of the Trust and Estate Section of the Colorado Bar Association  
Minutes of the Annual Meeting for the Year 2022**

The Annual Meeting of the Trust & Estates Section of the Colorado Bar Association was held on Wednesday, May 4, 2022 in person and via audio-conference. The meeting was called to order at approximately 3:23 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 (2<sup>nd</sup> year member)  
Amy Symons (2<sup>nd</sup> year member)  
Simon Tolbert (2<sup>nd</sup> year member)  
Kristin Piniero (1<sup>st</sup> year member)  
Marianne Luu-Chen (1<sup>st</sup> year member)  
Spencer Crona, (Immediate Past Chair)

Also in attendance were:

Emma Baxter, CBA Staff  
Tyler Mounsey, CBA Legislative Liason  
Leia Ursery  
Hayley Lambourn  
Kelianne Chamberlin  
Patrick Thiessan  
Clara Brown Schaffer  
Dylan Metzner  
Melissa Schwartz  
Sandra Sigler  
Jonathan Haskell  
Kim Willoughby  
Chad Rounds  
Kristin Dittus

**Approval of 2022-2023 Council Slate**

The section members voted on the proposed 2022-2023 Slate of 1<sup>st</sup> year Executive Council members and the following officer positions: Secretary/Treasurer, Vice Chair and Chair. The 2022-2023 Slate of 1<sup>st</sup> year members are: Lindsay Andrew, Kelianne Chamberlain, and Jessica Johnson. **A motion was, seconded and approved regarding the proposed 2022 slate of 1<sup>st</sup> year members.**

The 2022-2023 1<sup>st</sup> year members are: Lindsay Andrew, Kelianne Chamberlain, and Jessica Johnson. Dylan Metzner is the Secretary/Treasurer. Lauren da Cunha is the Vice Chair. Molly Zwerdliner, current Vice Chair, will be the Chair.

The meeting was adjourned at 3:32p.m.

Respectfully submitted

/s/ Lauren da Cunha, Secretary

**Council of the Trust and Estate Section of the Colorado Bar Association  
Minutes of the May 4, 2022, Meeting**

Council met on Wednesday, May 4, 2022 in person and via audio-conference. The meeting was called to order at approximately 3:32 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 (2<sup>nd</sup> year member)  
Amy Symons (2<sup>nd</sup> year member)  
Simon Tolbert (2<sup>nd</sup> year member)  
Kristin Piniero (1<sup>st</sup> year member)  
Marianne Luu-Chen (1<sup>st</sup> year member)  
Spencer Crona, (Immediate Past Chair)

Also in attendance were:

Emma Baxter, CBA Staff  
Tyler Mounsey, CBA Legislative Liaison  
Leia Ursery  
Hayley Lambourn  
Kelianna Chamberlin  
Patrick Thiessan  
Clara Brown Schaffer  
Dylan Metzner  
Melissa Schwartz  
Sandra Sigler  
Jonathan Haskell  
Kim Willoughby  
Chad Rounds  
Kristin Dittus

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

The minutes were approved unanimously.

**2. Chair's Report (Tim Bounds)**

- a. Leia Ursery presented on the Colorado Bar Foundation.

The Colorado Bar Foundation (CBF) is the non-profit arm of the CBA. It provides grants for programs and to organization throughout the state of Colorado and has approximately \$8,000,000 in endowment. Since its inception, it

has given out \$1,800,000 in grants. The CBF is supported by Fellows who commit to a minimum donation of \$2,500. Fellows are prominent and dedicated members of the Colorado legal community, who are members of the CBA. If you are interested in becoming a Fellow, please reach out to Leia.

The CBF is making a request to the section to sponsor a table at the annual CBF Fellows Dinner on September 10, 2022. Sponsorship is \$3,500. The sponsorship packet will be circulated by email and a vote by Council will be done via email.

- b. Tim will be in touch with First Year Council Members, newly elected member and officers for a happy hour for everyone to meet. This will be scheduled after the Retreat. Thank you to current Second Year Council Members Amy, Georgine and Simon for your service. Sterling Ambler award meeting will be next week. An announcement of who won the award will be announced over the summer. The winner will be honored at the Annual Dinner in the Fall.

Tim will reach out to Lindsay Andrew to see if she would like to continue as the Section's Communications Representative. He will also reach out to Jennifer Hazelton regarding continuing as New Practice Support Chair, Darla Daniels and Steve Brainerd as legislative liaisons. Jonathan Haskell would like to continue to serve as Board of Governors Representative. Jonathan's continuation to serve as Board of Governors Representative was unanimously approved.

### **3. Secretary/Treasurer Report (Lauren da Cunha)**

The Section has not contributed to the T&E Retreat for this year. In 2016 the contribution was \$7,500; in 2017 \$7,500; 2018 \$5,000; 2019 \$7,500; 2020 \$6,250 and in 2021 Council approved a contribution of up to \$10,000 to accommodate additional fees to help bring in Natalie Choate as a keynote speaker, but only ended up contributing \$7,000. The Retreat is a little more expensive this year with the hybrid model. There is currently \$57,000 in the bank account. As far as other known and potential requests upon the Section, the Colorado Bar Foundation is asking for a sponsorship as is the Solo/Small Firm Institute. Additionally, the Section supports the Senior Law Handbook each year.

Motion to contribute \$7,500 to the T&E retreat passed unanimously.

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

No update. The Tax Section Legislative Update CLE will be in June, probably on the 11<sup>th</sup>.

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

The Elder Law Retreat is Aug 25-27 in Vail. Rooms are filling up, so book your room soon if you will be attending. Elder Law Council had their election today; Shauna Clemmer is the new Chair. There are several positions that are open. Reach out to Patrick if you are interested in getting more involved with the Elder Law Section.

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

Memo provided to members. Willis Carpenter passed away recently. He was heavily involved in the Real Estate section. Real Estate voted to increase their dues from \$30 to \$35. Real Estate had not increased their dues for a long time and they anticipate increased expenses going forward, due to inflation.

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

No report.

**8. Statutory Revisions Committee (Dylan Metzner)**

The Child Support and Probate subcommittee has not been meeting and it will be removed from the agenda. SRC is very close to approving amendment to personal representative priority statute: 15-12-203 (4) but did not vote on it this time. Gordon Williams is working on that with Letty Maxfield and Connie Eyster. The Lodged Wills-submitted proposed language in a memo circulated to members and will vote on it in the August meeting. Forming two new subcommittees, chaired by Spencer Crona, reviewing the definition of interested person in CUTC and 15-12-303.

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

No report.

**10. Legislative Update (Tyler Mounsey)**

The end of the legislative session was very busy. Tyler worked closely on SB 22-201, Commission on Judicial Discipline. While everyone agreed that changes need to be made, they need to make sense and not leave anyone out of the conversation. Communication ultimately broke down. It is likely the bill will be amended again. The Rights of Protected Persons bill will not move forward this legislative session.

**11. Council Notes (Kristin Dittus)**

Thank you to Georgine Kryda for her many years of wonderful contributions regarding the Federal and IRS updates. Aaron M. Burton of Wade Ash, will be the new contributor



for this topic. Thank you Spencer Crona for his article on Interested Persons. If you would like to contribute a future article, please reach out to Kristin.

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

Retreat soon (June 16-18) and will be a hybrid offering. 126 people have registered, with 3 signed up for Zoom only. There are 20 spots left for breakout sections. Sign up soon! We are almost sold out. There will be no cap on virtual attendance.

**13. Orange Book Forms Committee (Hayley Lambourn)**

Finished approving almost all of form 15-20 (directed trust provisions).

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

No report.

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

There are several events being scheduled across Colorado; many of which will be hybrid. The 18th judicial district will have their Senior Law and Safety Summit- May 21. They are still seeking volunteers for the ask an attorney clinic. Please reach out to Arlene Barringer if interested. Other events will be in late summer/early fall.

Council unanimously voted to approve the Elder or Probate Mediation brochure. There are two or three other brochures in the pipeline.

This year's Senior Law Handbook will use the 2021 book with a 2022 supplement packet. The CBA has not gotten Sandra the numbers yet. She would like Council to consider an email vote on a contribution once the pricing has been finalized at the printers.

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

This is Melissa's last report as chair. The committee had a really productive year. There is better content on the website. Diverse member outreach continued this year. Jean Stewart has reestablished ties with DU law school. Former Elder Law Society has been renewed and revamped- no official name yet. There are 40 students interested in the group and the committee is working on social event in June.

Amber Marchlowska will be the new chair. She can be reach [amarchlowska@schwartzattorneys.com](mailto:amarchlowska@schwartzattorneys.com). Reminder that 1st and 2nd year Council Members are automatically members of this committee.

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

The committee discussed the Feldman case, where life insurance proceeds were used to pay for Counsel in a Capital criminal case, Also discussed the Lodged Wills subcommittee presentation to SRC. The draft letter for attorneys representing fiduciaries regarding the death of an Insured in home and auto policies will likely go to Orange Book for review. Reminder that SB 22-233 changes the dates the Colorado Estate Tax returns are due.

**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 report.

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

No report.

**22. Communications Representative & Ambassador Coordinator (Lindsay Andrew)**

The Welcome dinner at the Retreat is a good time to connect with your ambassador.

**23. Board of Governors Representative (Jonathan Haskell)**

Next meeting is June 24<sup>th</sup> in Colorado Springs. If anyone has any concerns or issues they would like Jonathan to bring up, please reach out to him. Thursday, June 23, there will be a celebration of the 125th Anniversary of the CBA also taking place in Colorado Springs.

**24. Other Business**

Tim Bounds thanked the out-going 2<sup>nd</sup> year council members for their leadership. Noted that we started the year fully remote and were slowly returning to in-person meetings. He hoped to see everyone at the Retreat and wished everyone a safe and healthy summer.

## ADJOURNMENT

The meeting was adjourned at 4:33 p.m. The next Council meeting will be held in August 2022.

Respectfully submitted

/s/ Lauren da Cunha, Secretary

Colorado Bar Association  
**Trust & Estate**  
For the Eleven Months Ending May 31, 2022

		May	YTD	Budget	Variance	%	Last FY
<b>Beginning balance</b>	<b>01-3160-31600</b>		<b>\$38,426.81</b>		<b>\$38,426.81</b>	<b>0%</b>	<b>\$28,848.32</b>
<b>Trust &amp; Estate Section</b>							
<b>Revenue</b>							
Dues Income Section	01-4050-31600	105.00	33,690.00		33,690.00	0%	33,810.00
<b>Total Revenue Trust &amp; Estate Sect</b>		<b>105.00</b>	<b>33,690.00</b>		<b>33,690.00</b>	<b>0%</b>	<b>33,810.00</b>
<b>Expenses</b>							
Internet/E-Mail Access	01-5413-31600					0%	(356.51)
Meals (Not travel related)	01-5491-31600		(5,179.13)		(5,179.13)	0%	
Administration Fee	01-5494-31600	(1,077.96)	(11,857.56)		(11,857.56)	0%	(11,220.00)
Grants/Contributions	01-5500-31600	(11,000.00)	(11,000.00)		(11,000.00)	0%	(13,250.00)
<b>Total Expenses Trust &amp; Estate Sec</b>		<b>(12,077.96)</b>	<b>(28,036.69)</b>		<b>(28,036.69)</b>	<b>0%</b>	<b>(24,826.51)</b>
<b>Statutory Revisions Committee</b>							
<b>Revenue</b>							
Rev. Elderlaw Joint Task Force							
Rev. Uninform POA Act							
Rev. Uniform Trust Code							
<b>Expenses</b>							
Exp. Elderlaw Joint Task Force							
Exp. Uninform POA Act							
Exp. Uniform Trust Code							
<b>CLE</b>							
<b>Revenue</b>							
Revenue Joint CLE							
Revenue CLE Retreat							
Revenue CLE Section Only							

Colorado Bar Association  
**Trust & Estate**  
 For the Eleven Months Ending May 31, 2022

	May	YTD	Budget	Variance	%	Last FY
<b>Expenses</b>						
<b>Expenses Joint CLE</b>						
Expenses CLE Retreat						
Expenses CLE Section Only						
<b>Council Notes</b>						
Revenue						
Expenses						
<b>Community &amp; Civic Affairs</b>						
Revenue						
Expenses						
<b>Rules &amp; Forms Committee</b>						
Revenue						
Expenses						
<b>Orange Book Forms</b>						
Revenue						
Expenses						
<b>Local Liaison</b>						
Revenue						
Expenses						
<b>Uniform Trust Code</b>						
Revenue						
Expenses						
<b>Transfer Deposits</b>						
Revenue						

Colorado Bar Association  
**Trust & Estate**  
 For the Eleven Months Ending May 31, 2022

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

Colorado Bar Association  
**Trust & Estate**  
For the Eleven Months Ending May 31, 2022

		May	YTD	Budget	Variance	%	Last FY
<b>Expenses</b>							
<b>The Colorado Lawyer</b>							
Revenue							
Expenses							
<b>T&amp;E Diversity Committee</b>							
Revenue							
Expenses							
Judicial Liaison							
Revenue							
Expenses							
<b>Member Vouchers</b>							
Expenses							
<b>T&amp;E Young Lawyer Society</b>							
Revenue							
Expenses							
<b>Beginning Balance</b>	<b>01-3160-31600</b>		<b>\$38,426.81</b>		<b>\$38,426.81</b>	<b>0%</b>	<b>\$28,848.32</b>
<b>Total Revenue All Sources</b>	<b>01-4???-316??</b>	<b>105.00</b>	<b>33,690.00</b>		<b>33,690.00</b>	<b>0%</b>	<b>33,810.00</b>
<b>Total Expense All Sources</b>	<b>01-5???-316??</b>	<b>(12,077.96)</b>	<b>(28,036.69)</b>		<b>(28,036.69)</b>	<b>0%</b>	<b>(24,826.51)</b>
<b>Ending Balance</b>		<b>(11,972.96)</b>	<b>44,080.12</b>		<b>44,080.12</b>	<b>0%</b>	<b>37,831.81</b>

**KIRCH ROUNDS BOWMAN & DEFFENBAUGH PC**  
MEMORANDUM

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

**FROM: Chad Rounds**

**RE: Summary of 05/17/22 CBA Real Estate Section Council Meeting**

**DATE: 05/18/22**

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I attended the CBA Real Estate Section Council ("RESC") meeting on 05/17/22 by Zoom. Members participated in person and by Zoom. The following is my report on matters addressed which the CBA Trust and Estate Section Council ("TESC") might find of interest:

The Solo/Small Firm Institute will take place in June in Colorado Springs. There is a request for sponsors from bar sections, such as Real Estate and Trust & Estate, as there is extensive overlap with the Solo/Small Firm Section. The Real Estate Section pledged \$5,000 plus 2 scholarship equivalents. The Solo/Small Firm Section brings in much less in dues than other sections.

RESC authorized Attorneys Title to publish the updated Colorado Title Standards. Changes to Colorado title standards originate with a standing committee of the Real Estate Section.

SB22-229 regarding releasing deeds of trust without presentation of original promissory notes will go into effect soon. This change in the law will be helpful for individuals who cannot locate the original promissory note. There will no longer be the need to obtain a bond. Most financial institutions are already exempt from having to present the original promissory note.



**KIRCH ROUNDS BOWMAN & DEFFENBAUGH PC**  
MEMORANDUM

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

**FROM:** Chad Rounds

**RE:** Summary of 06/21/22 CBA Real Estate Section Council Meeting

**DATE:** 06/22/22

---

I attended the CBA Real Estate Section Council ("RESC") meeting on 06/21/22 by Zoom. Members participated in person and by Zoom. The following is my report on matters addressed which the CBA Trust and Estate Section Council ("TESC") might find of interest:

The Real Estate Section's Rockies outing was earlier in June. There were only 12 participants, which was a disappointing attendance.

The annual Real Estate Symposium is coming up in July in Vail.

The Real Estate Section is forming a UCC task force to provide comments from a real estate perspective to proposed changes to the UCC.

SB22-229 has been signed by the Governor. It is effective starting August 11th. It allows for releasing deeds of trust by individuals without presentation of original promissory notes. A new request form for release of deed of trust without production of the original note, reflecting this statutory change, has been created and will be posted on the public trustee's websites.

A new title standard passed recognizing the validity of the recording of a copy of a document. Title companies might still require originals to be recorded.

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

**2022-2023**

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

Chair: Molly T. Zwerdinger  
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Secretary/Treasurer: Dylan H. Metzner  
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Immediate Past Chair: Timothy Bounds  
Evan Case LLP  
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Second-Year Council Members:

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Civic and Community Affairs:

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Orange Book:

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Liska & Smith, P.C.  
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Loveland, Colorado 80537  
Telephone: (970) 667-8888  
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Probate Trial and Procedure:

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Email: [landrew@Schwartzattorneys.com](mailto:landrew@Schwartzattorneys.com)

Marcie McMinimee, Co-Chair  
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Denver, Colorado 80209  
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Email: [mmcminimee@Schwartzattorneys.com](mailto:mmcminimee@Schwartzattorneys.com)

Rules and Forms Committee:

Gordon J. Williams, Chair  
Gordon J. Williams, P.C.  
320 E. Costilla Street  
Colorado Springs, Colorado 80903  
Telephone: (719) 471-9300  
Email: [gordlaw@aol.com](mailto:gordlaw@aol.com)

Statutory Revisions Committee:

Jonathan Haskell, Chair  
Wade Ash Woods Hill & Farley, P.C.

4500 Cherry Creek Drive South, Suite 600  
Denver, Colorado 80246  
Telephone: 303-329-2201  
Email: [jhaskell@wadeash.com](mailto:jhaskell@wadeash.com)

Trust & Estate Practice Support Committee: Jennifer Hazelton  
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Communication Representative/  
Ambassador Program: Lindsay Andrew  
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Board of Governors Representative: Jonathan Haskell  
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Willoughby & Associates  
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## Annual Checklist

July 2022

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

## August 2022

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

## September 2022

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

**October 2022**

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

**November 2022**

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

**December 2022**

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

**January 2023**

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

**February 2023**

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

**March 2023**

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

April 2023

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

**May/June 2023**

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



## Miscellaneous Notes

### Monthly, Annual and Special Meetings

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

### Annual Dinner

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

### Sterling Ambler Award

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

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

1. Preparation for Committee Meetings
  - a. For regular monthly meetings (first Wednesday of each month, August through May):
    - i. prepare agenda and minutes for prior monthly meeting; and
    - ii. send notice, agenda, minutes for prior monthly meeting and any other attachments to CBA Liaison for circulation to Committee members and website publication at least a week prior to monthly meeting.
  - b. For any special meetings, generally use the same steps for regular monthly meeting except send notice, agenda and any other attachments to CBA Liaison for circulation to Committee members and website publication as soon as possible, but at least two days, prior to special meeting.
  - c. If you have to cancel any meeting, notify Committee members and CBA Liaison as far in advance as possible.
  - d. You should collaborate with the Committee's Co-Chair, Vice Chair or Secretary (if any) to share responsibilities, as needed.
2. Regular Attendance at Committee Meetings
  - a. Plan to attend all regular monthly meetings. If you will be absent, be sure to make arrangements to have someone (e.g. Co-Chair, Vice Chair or Secretary, if any) run the meeting in your place.
  - b. Welcome and acknowledge new members or visitors.
  - c. Take measure to ensure that work is spread out fairly and evenly among the Committee members.
  - d. Respectfully control the comments and questions among the Committee members to ensure that the meetings are not dominated by only a few members.
3. Regular Attendance at Executive Council meetings
  - a. Plan to attend all Executive Council meetings to report on the efforts and work-product of your Committee and to allow necessary coordination among Chairs of other Committees.
  - b. Keep the Section Chair informed of any difficult or unique issues that may arise in your Committee as soon as possible.

4. Other Duties:
- a. Communicate with other Committee Chairs regarding your Committee's work outside of Executive Council meetings, as needed.
  - b. Assist other Committee Chairs as needed on joint projects or efforts requiring coordination or collaboration.
  - c. By March of each year, recruit an appropriate successor for your Committee's leadership (e.g. next year's Co-Chair, Vice Chair, Secretary, etc.). The successor should not be another member of the Chair's law firm or organization, subject to very limited exceptions.
  - d. Review your Committee's webpage by August of each year to ensure that it is current. Thereafter, periodically review to ensure that no further changes are required.
  - e. Keep a current list of Committee members (either individually or through the CBA liaison).
  - f. Keep a sense of humor!

**Trust and Estate Section of the Colorado Bar Association Bylaws**  
*Restated as of April 18, 2002, as amended April 2008, June 2018 and February 2019*

**ARTICLE I**  
**Name and Purpose**

**Section 1.** The Section shall be known as the Trust and Estate Section of the Colorado Bar Association (sometimes referred to as “Association”).

**Section 2.** The purposes of this Section shall be to promote the objects of the Colorado Bar Association within the field of trust and estate law and, to that end, promote an interest in trust and estate law among the members of the Bar and other citizens of Colorado, to foster and recommend legislation in this field in the furtherance of public interests and generally to serve the members of the Bar who are interested in trust and estate law.

**ARTICLE II**  
**Membership**

**Section 1.** Each member of the Section shall pay to the Colorado Bar Association annual dues of One Dollar or such larger sum consistent with the policies of the Colorado Bar Association as may be fixed by the Section at any meeting thereof or as may be fixed by the Council of the Section. Any member or Associate Member of the Colorado Bar Association, upon request to the Executive Secretary of the Association and upon payment of dues for the current year, shall be enrolled as a member of this Section. Any member of the Section whose annual dues shall be more than six months past due may be dropped from the rolls of the Section.

**Section 2.** Associate members of the Colorado Bar Association who are members of the Section, but who are not licensed to practice law in the State of Colorado, shall be entitled to attend all meetings of the full Section, including Council and Section committee meetings, and shall receive all Section materials and benefits available to Section members. Further, such associate members shall be entitled to serve on special committees of the Section and to fully participate in, and vote at, such committee meetings and activities; provided, however, that such Associate members shall neither serve as an officer or Council member of the Section nor vote at Section meetings.

**ARTICLE III**  
**Council**

**Section 1.** The Council of this Section shall consist of the Chair, Vice Chair, Secretary/Treasurer, six Council members, and the Chair of the Section for the preceding year with each of these individuals having one vote. An individual may only serve in one of these positions at a time. The Council shall have general supervision and control of the affairs of the Section, subject to the Constitution and Bylaws of the Colorado Bar Association and the Bylaws of this Section. It shall authorize all commitments or contracts which shall entail the payment of money and shall, by the adoption of a budget or otherwise, authorize the expenditure of all moneys appropriated for the use or benefit of the Section. It shall not, however, authorize commitments or contracts which entail the payment of money during any fiscal year in excess of the amount which shall have been previously appropriated to the Section for that year.

**Section 2.** The Council may authorize the Chair to appoint special committees from Section members to perform such duties and exercise such powers as the Council may direct, subject to the limitations of these Bylaws.

**Section 3.** Each year three members of the Council shall be elected at the annual meeting of the Section for terms of two years, such terms commencing on July 1 of the year of such meeting.

**Section 4.** If any member of the Council shall fail to attend two successive meetings of the Council, then the remaining members of the Council shall have the right to vote to remove such member from office, but such a vote is not required for that member to remain in office.

**Section 5.** The Council, during the interim between annual meetings of the Section, may fill vacancies in its membership or in the offices of the Section; provided, however, the office of Chair shall be filled automatically by the Vice Chair.

**Section 6.** A majority of the Council members and officers shall constitute a quorum for the transaction of business of the Council at a meeting, held in person or electronically. The Council, however, may act by the submission to the Council members in writing of proposed action, and on any such submission, the Council may act only by the majority agreement of the whole Council (whether present or not). Meetings of the Council may be called by the Chair on such reasonable notice as circumstances permit.

## **ARTICLE IV**

### **Officers, Liaisons and Representatives**

**Section 1.** The voting officers of Council shall be the immediate Past Chair, Chair, Vice Chair and Secretary/Treasurer, who shall be nominated and elected at the annual meeting of the Section. Each officer shall serve for a term commencing on July 1 of the year of his or her election and ending on June 30 of the year subsequent to such election or until his or her successor shall have been elected and qualified.

**Section 2.** Vacancies in the offices of the Section shall be filled for the unexpired term by the Council as hereinafter provided.

**Section 3.** The Chair shall preside at all meetings of the Section and of the Council. The Chair shall perform such other duties as usually pertain to the office of the Chair.

**Section 4.** Upon the death, resignation, or during the disability of the Chair, or upon his or her refusal to act, the Vice Chair shall perform the duties of the Chair. The Vice Chair shall coordinate all continuing legal education programs and the Section retreat and perform such other duties as may be assigned by the Council or the Chair.

**Section 5.** The Secretary/Treasurer shall be the custodian of all books, papers and other property of the Section except money. The Secretary/Treasurer shall be the fiscal officer of the Section and shall keep an accurate record of all moneys appropriated to and expended for the use of the Section. The Secretary/Treasurer shall keep a true record of the proceedings of all meetings of the Section and the Council. The Secretary/Treasurer shall perform such other duties as usually pertain to that office or may be assigned by the Council or by the Chair.

**Section 6.** Prior to January 15th of each year, the Chair shall appoint a nominating committee consisting of the Chair, the Vice-Chair, the Secretary/Treasurer, the most recent Past Chair, and three other Section members (the “Nominating Committee”). In making selections for the Nominating Committee, the Chair shall consider the inclusion of a young lawyer (age 37 or less or less than five years in the practice of trust and estate law) and an individual from outside the Denver metro area, if possible.

**Section 7.** The Nominating Committee shall make a call for nominations to the Section membership, which shall include the criteria for nominees for the offices of Chair, Vice Chair, Secretary/Treasurer, and the Council members whose terms will expire on June 30 of the year of the annual meeting. The deadline for nominations is March 1st of each year. The Nominating Committee shall send a proposed slate to the Section membership for consideration no later than March 15th of each year. Any group of at least 25 Section members may propose an alternate slate for consideration by the Section by delivering the alternate slate, along with the signatures of at least 25 Section members, to the Chair no later than April 1st. The Section’s annual meeting shall be held on the first Wednesday of May each year to approve the proposed slate or if necessary, to choose between the proposed slate and an alternate slate. The Chair shall announce the results no later than May 31st.

**Section 8.** When selecting individuals for the proposed slate, the Nominating Committee shall consider recognized diversity criteria; including ethnicity, age, gender, sexual orientation, area of practice, firm size, years in practice, and geographic location. The Nominating Committee shall also consider the need to preserve institutional knowledge, number of persons per law firm, and prior Section involvement.

**Section 9.** The Secretary/Treasurer shall cause a notice of the Annual Meeting of the Section to be given to the members of the Section no less than 21 days nor more than 63 days prior to the annual meeting. The notice shall contain a summary of any proposed Bylaw changes recommended by the Council, the proposed slate and any qualifying alternate slates. The notice may be given by mail or email. All elections shall be by voice vote unless otherwise ordered by resolution adopted by the Section at the annual meeting at which the election is held.

**Section 10.** The Nominating Committee shall also make recommendations to Council for the following positions: Communications Representative; Young Lawyers Representative; Legislative Liaison; and Board of Governors Representative. Each of these positions shall have a one-year term commencing on July 1 of the year of the appointment and ending on June 30 of the year subsequent to such appointment. Council shall vote on these appointments at its May meeting each year. An individual may be reappointed to these positions and multiple individuals may split the duties of these appointments.

**Section 11.** Council may appoint committee chairs and other representatives or liaisons as it deems necessary to conduct Section business.

## **ARTICLE V**

### **Section Meetings**

**Section 1.** The Annual Meeting of the Section shall be held on the first Wednesday of May at 3:30 p.m. in the offices of the Colorado Bar Association, with such program and order of business as may be arranged by the Chair. The members of the Section present at the Annual Meeting shall

constitute a quorum for the transaction of business and voting shall be by a simple majority of all Section members that are present, in person or by electronic means.

**Section 2.** Special meetings of the Section may be called by the Chair upon majority approval of the whole Council, at such time and place as the Chair may determine. The members of the Section present at a special meeting shall constitute a quorum for the transaction of business and voting shall be by a simple majority of all Section members who are present, in person or by electronic means.

## **ARTICLE VI Miscellaneous Provisions**

**Section 1.** The fiscal year of the Section shall be the same as that of the Colorado Bar Association.

**Section 2.** All bills incurred by the Section, before being forwarded to the Treasurer of the Colorado Bar Association for payment, shall be approved by the Chair or the Secretary/Treasurer, or, if the Council shall so direct, by both of them.

**Section 3.** No salary or compensation shall be paid to any officer, council member or member of a committee.

**Section 4.** Any action by this Section must be approved by the Colorado Bar Association before the same becomes effective as the action of the Colorado Bar Association. Any resolution adopted or action taken by this Section may on request of the Section be reported by the Chair of the Section to the Executive Council of the Colorado Bar Association for the Association's action thereon.

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

## **ARTICLE VII Amendments**

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