**MINUTES**

Meeting of the Elder Law Section of the Colorado Bar Association

Wednesday, May 1 — 9:00AM

**In-Person & Virtual**

1. Call to Order: 9:01am
2. Introductions

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Arlene Barringer | X | Tammy Conover |  | Amber Marchlowska | X | Jane Walsh |  |
| Lisa Blattner | X | Claire Dineen |  | Shelby Martin |  | Tamra Waltemath | X |
| Megan Brand | X | Brandon Fields | X | Beth McCann |  | Rose Zapor |  |
| Betsy Brase  |  | Leah Gates  |  | Emily McDaniel | X | Chelsea Ziegler |  |
| Chris Brock | X | Susie Germany |  | Marcie McMinimee |  | Anne Zogg |  |
| Gina Brown | X | Cathy Giovannini | X | Nicholas McWharter | X | Kris Zumalt | X |
| Kris Callahan | X | David Imbler |  | Kayla Nelson | x | Patrick Thiessen | X |
| Anne Campbell | X | Candance Johnny |  | Patricia Rankin  | X | Carol Johnson |  |
| Geoffrey Carpenter |  | Samuel Kestern |  | Angela Rockwood  | X | Scott Christian |  |
| Scott Challinor | X | Amy Wegner Kho |  | Meghan Rubincam | X | Zach Schlichting |  |
| Marco Chayet |  | Lori Kolata |  | Catherine Seal | X | Shari Caton | X |
| Shauna Clemmer |  | Tori Long |  | Sandra Sigler | X |  |  |
| Charles Connell | X | Ayo Labode |  | Elizabeth Thompson |  | Erin Clifft |  |
| Dirk Constons |  | Tamara Trujillo |  | Sam Kesten |  | Letty Maxfield |  |
| Andrew Rodgers |  | Joe Hartwig | X | Ryan Scott  |  | Sara Price |  |
| William Cositins |  | Rikke Liska | X | Carl Glatstein | X | Jonathan Culwell |  |
| Rachel Johnson | X | Kathyrn Kaeble |  | Sandi Kister |  | Jessie Rember |  |
| Spencer Crona |  | Shaylee Holland |  | Richard Selinger |  | Dave Bernhart |  |
| Stephen Wilson |  | Casey Williams |  | P. Tate |  | Caitlyn Whaley |  |
| Eric Apjoke |  | Jennifer Landry |  | Abby Schwarz |  | Tracy Brooks |  |
| Byron Hammond |  | Brook Brestel |  | Matt Perkins | X | Joel H. |  |
| Brook Brestel |  | Alexis de Wet | X | Carin Ramirez | X | Carl Stevens |  |
| Christina Belmonte | X | Sarah Golombek |  | Rachel Johnson | X | Jessie Rember |  |
| Josh Murphy |  | Lisa Dunn | X | Sandi Kister |  | Sara Hammernick |  |
| Candice Johnny |  | Bryon Hammond |  | Josh Murphy | X | Jennifer Landry | X |
| Stephanie Maceta | X |  |  |  |  |  |  |

1. Call for review and approval of April 2024 minutes.
	1. Motion to Approve
		1. Angela Rockwood
		2. Carl Glatstein
		3. Minutes approved from April 2024

4. **Chair’s Report** – Emily McDaniel emily@estatelawco.com

* Patricia Rankin informed council that the State Judicial Website announced Word documents for all JDF probate forms will be discontinued. This is being undertaken to make the JDF forms ADA compliant, and so they must be PDFs.
* Emails nominations for John J. Campbell Award. Deadline to nominate someone is June 28, 2024.
* Slate for officers and at large council members for 2024-2025 year
	+ Chair – Scott Challinor
	+ Vice Chair – Cathy G.
	+ Treasurer – (open)
	+ Secretary – Angela Rockwood
	+ Exec Council at Large – Stephanie Cotton-Maceta and Rachel Kamlet

5. **Vice Chair's Report** – Scott Challinor scott@conoverlawllc.com

* Update on several bills:
* UGCOPPA – presently bill is being heard by the Appropriations Committee. Legislative session ends on May 8, 2024.
* Letty Maxfield will be joining Executive Council to provide update for UGCOPPA
* Lodged Wills Bill – T&E section stands in a support position; however there might be a fiscal note issue on said bill which could end the bill.

6. **Treasurer’s Report** – Cathleen Giovannini Cathleen.Giovannini@denvergov.org

* + Financial updates will be posted on the CBA website when available
	+ Welcome Josh Murphy, new attorney for the Office of Public Guardianship

7. **Old Business**

a. Committee Reports (Chairperson of the committee may report any current matters)

**i. Civic and Community Affairs Committee:**

Contact/Chair: Sandra Sigler sandra@siglerlawco.com

Meeting: 1:30 p.m. to 2:30 p.m.

Status/Project: Fundraising for Senior Law Handbook

Membership Status: Open to new members.

* Senior Law Handbooks – delivery is scheduled for late May 2024
* Thank CLE and everyone involved for all their efforts with Senior Law Handbook
* If you would like to help unload the truck or deliver the books, please reach out to Sandra or Kayla via email directly
* Upcoming Senior Law Days
* June 29, 2024 – 17th District
* July 13, 2024 – 18th District
* September 28, 2024 – El Paso County
* No Jefferson County Senior Law Day this year
* All dates for Senior Law Days are available on the CBA website – if there are other events that should be circulated, please let Sandra or Kayla know so they can get those dates on the CBA website
* Brochures – will come to council in August to approve new brochures

**ii. CLE and Publications Committee:**

Interim Contact/Chair: Gina Brown gbrown@disabilitylawco.org

Incoming Chair: Lisa Blattner lisa@blattnerlawfirm.com & Rachael Johnson rachael@blattnerlawfirm.com

Meeting: None/participation via e-mail

Status/Project: Looking for CLE Presentations for 2024-25 session & Rose Mary Zapor seeking articles for *Colorado Lawyer*

Membership Status: Open to new members

* Today CLE - Emily McDaniel – Romance Scams
* Rachel Johnson and Lisa Blattner will be the new CLE and Publications Committee chairs

 **iii. Elder Law Retreat:**

Contact/Chair: Kayla Nelson, kayla@siglerlawco.com

Meeting: Virtually on the third Thursday of the Month at 11:30AM.

Status/Project: 2024 Elder Law Retreat

Membership Status: Open to new members

* Elder Law Retreat – August 22-24, 2024 in Vail at the Hythe
* Registration should open shortly

**iv. Medicaid Committee: No Report.**

Contact/Chair: Virginia Frazer-Abel/Eric Kelly

Virginia@vfalegal.com, eric@vfalegal.com

Meeting: Scheduled as needed by Chair/Co-Chairs

Status/Project: Agenda pending

Membership Status: Looking for new members.

 **v**. **Medicaid Legislative Committee**

Contact/Chair: Virginia Frazer-Abel/Eric Kelly

Virginia@vfalegal.com, eric@vfalegal.com

Meeting: Scheduled as needed by Chair/Co-Chairs

Status/Project: Review

Membership Status: Looking for new members

* Patrick Thiessen informed the group that the wait time for Disability Trusts has been roughly 3 months. Guidance was provided recently on how to claim your Disability Trust review is urgent; however, Patrick has tried that approach to no avail. Patrick relayed that he recently had a trust reviewed and approved in January 2024 and then submitted that exact same trust to the same technician to only find out that it was not compliant.
* Carl Glatstein stated that this is process is nothing new. Carl stated that it continues to be an interesting ride with Medicaid.
* Megan Brand – has had a different experience – Megan wrote via email to Laura Locke and Tiffany Walker to help her matter push through. Megan advices others to reach out to both Laura and Tiffany directly as they would like to know these issues practitioners are having.

**vi. Probate Trial & Procedure Committee: No Report.**

Contact/Chair: Tammy Conover/Andrew Rogers

tammy@conoverlawllc.com, Rogers@EvansCase.com

Meeting: 10:00-11:00

Status/Project: Ongoing

Membership Status: Open to new members.

* All Committees are still progressing but not updates as of right now – subcommittees still planning on meeting over the summer.

**vii. Office of the Public Guardianship Committee:**

Contact/Chair: Carl Glatstein, carl@denverprobatelaw.com

Meeting: Via e-mail and/or telephone conference as needed

Status/Project: Grants, proposed legislation

Membership Status: Open to new members.

* Still have an opening for a commissioner for the OPG, but can’t be from Boulder or Arvada area. If interested please reach out to Sophia Alvarez Brandon Fields, or Patrick Thiessen if you would like to discuss this opportunity further.
* Additional opening with OPG for an individual from the 8th district with a family member who has an at-risk adult.

**viii. Mental Health Committee: No Report.**

Contact/Chair: Jonathan Culwell, jbc@mhlawco.com

 Meeting: Via e-mail and telephone conference at this time

 Status/Project: Review/consider proposed bills which address involuntary care, advanced psychiatric directives, and provisions for psychiatric care of wards and protected persons.

 Membership Status: Open to new members.

  **ix. Appellate Review and Response Subcommittee**

 Contact/Chair: Scott Challinor, scott@conoverlawllc.com

 Meeting: Via email

Status/Project: Review appellate cases and decisions affecting the practice of Elder Law, coordinate response where appropriate and possible.

Membership Status: Open to new members

* Cases announced last month:
	+ *Estate of Arnold*, dispute over pay on death designation – a broad and non-specific waiver in settlement agreement is not sufficient to overcome a POD on a bank account.
	+ *Kinslow v. Mohammadi* – statute of limitations on awards for protected persons – new interpretation of CRS §13-81-103.
* If you would like receive monthly updates *–* email Scott directly and he will add you to the listserv.

b. Liaison Reports

**i. Board of Governors:** Marco Chayet. **No Report.**

**ii. Legislative Relations:**  Tyler Mounsey. **No Report.**

**iii. Trust and Estate Liaison:** Patrick Thiessen

* Thank Scott for appellate review emails
* T&E discussed Next Gen bar exam that will begin in 2026 – T&E was omitted as a tested subject – will be reviewed as 2029 – assuming that if T&E was omitted then more than likely Elder Law will be omitted as well
* ELS Annual Retreat coming up in June 13-15, 2024– will be providing childcare throughout retreat
* Survey going out about combining T&E and ELS retreats

**iv. SRC Liaison:** Rose Mary Zapor. **No Report.** Incoming liaison is Shauna Clemmer in summer 2024.

**v. Outreach Coordinator:** Open position. **No Report.**

**vi. Communications Representative:** David Imbler. **No Report.**

**vii. CBA Legislative Policy Committee Liaisons:** Lisa Blatner / Scott Challinor

* + Lisa Blattner stated:
		- *House Bill 1045* – treatment for substance use disorders – addressing the approach for utilization of drugs to treat the disorders
		- *Houe Bill 1077* – lodged wills
		- *House Bill 1211* – funding for State Services Contingency Fund – allocate $2M aimed at assisting state offices to help seniors in unforeseen circumstances
		- *House Bil 1217* – sharing of patient healthcare information – applies to behavioral health care administration – in committee tomorrow – create a universal health consent form - creating a digital consent form
		- *Senate Bill 068* – Medical Aid and Dying – not been passed yet – intention is to modify existing laws to expand the laws on medical aid and dying – removes the requirement that the individual is a CO resident and reduces the mandatory period

**viii. UTC Committee:** Michael Kirtland**. No Report.**

**ix. NAELA Colorado:** Marco Chayet. **No Report.**

**x. National Guardianship Association / Colorado Guardianship Association:** Sandra Sigler

* May 14, 2024 – Speaker will be retired Judge Julie Fieldof Larimer County - she will be discussing a wide variety of topics all attorneys deal with that are problematic for the families and how she is able to resolve those issues through mediation. If anyone would like to be a part of NGA– please reach out to Sandra directly via email.

**xi. CBA Ethics Committee:** Michael Kirtland. **No Report.**

**xii. Probate Rules & Forms Committee:** Marcie McMinimee. **No Report.**

**xiii. CBA YLD Liaison:** Tori Long. **No Report.**

**xiv.** **JEDI Committee:** Amber Marchlowska

* Initial Day of Service was scheduled for April 20, 2024 – committee is rescheduling for a date in July 2024 – will allow for additional time to fundraise for the lumber for the build – new date should be circulated soon
* First Coffee & Bagel event at DU had lots of attorney participation - had to send out an email saying maxed out on attorney support and attendance which was amazing – thank you to all those who volunteered.

8. **New Business and Announcements**

* + Sandra Sigler mentioned that the Boulder Senior Law Day event will be held on September 21, 2024 at the Longmont Senior Center.
	+ Patrick Thiessen informed that group that he needed to have a Court recognize a Special POA specimen’s signature. The spouse who was deceased signed a the Special POA specimen signature – despite all of Patrick’s attempts to tell the Judicial Officer the signature is not required – Judge disagreed with him. Patrick warns that if you have a specimen’s signature in your standard forms you might want to reconsider to leaving the specimen signature name block blank. Patrick will not appeal and has found an efficient and creative way to appeal the case – reach out to him directly if you have more questions.

**10:00 A.M. CLE Presentation**: Emily McDaniel, Esq. – Romance Scams

**11:00 A.M. Executive Council Meeting**

Adjourn: 9:52 am