

**CBA TRUST AND ESTATE SECTION
STATUTORY REVISIONS COMMITTEE
AGENDA**

March 6, 2019

- 1. Introductions**
- 2. Approval of February 6, 2019 Minutes**
- 3. Announcements**
- 4. Legislative Report**
- 5. Unapproved Matters under Consideration by SRC - Reports from Subcommittees**
- 6. SRC Approved Proposals**
 - a. Active Matters - Work to Finalize Required**
 - (i) UTC Subcommittee (Connie Eyster, Co-Chair)**
 - b. Inactive Matters Approved by SRC but Not Moving Forward for Various Reasons**
- 7. Unapproved Matters under Consideration by SRC - Reports from Subcommittees**
 - a. Legislation Review Joint Subcommittee (Michael D. Holder, Chair)**
 - b. Advance Legislative Response Team (Marco Chayet and Letty Maxfield, Co-Chairs)**
 - c. ADR Legislation (C. Jean Stewart, Chair)**
 - e. Uniform Fiduciary Income and Principal Act Subcommittee**
 - f. Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act**
 - g. Child Support in Probate Subcommittee (Jaime Schuler, Chair)**

8. **Inactive Matters**
9. **Report from Elder Law Section**
10. **Report from Other Sections of the Bar**
11. **New Matters**
 - a. **Rule Against Perpetuities/Delaware Tax Trap**
 - b. **Advanced Directives/Anatomical Gifts**
 - c. **APS Reporting of Professional Fiduciaries**
12. **Passed Proposals for Inclusion in Omnibus Bill or Stand Alone Legislation**
 - a. **Bankruptcy/Inherited IRAs (approved in 2015-2016)**
 - b. **Changes to the Uniform Power of Appointment Act (approved in 2015-2016)**
 - c. **Disclosure of Fiduciary Fees, §§ 15-10-602 and 15-12-705, C.R.S. (approved in 2015-2016)**
 - d. **Colorado Digital Preservation of Abandoned Estate Planning Documents Act (formerly Deposit of Original Documents) Subcommittee (Timothy Bounds, Co-Chair, and Peter W. Bullard, Co-Chair)**
 - e. **Uniform Directed Trust Act Subcommittee (Kevin Millard, Co-Chair, and Kelly Cooper, Co-Chair)**

**CBA TRUST AND ESTATE SECTION
STATUTORY REVISIONS COMMITTEE
MINUTES**

February 6, 2019

1. Welcome and Introductions

Timothy Bounds called the meeting to order at 1:45 p.m. There were introductions from those in attendance and on the phone.

2. Approval of November 15, 2018 Minutes

There was no meeting of SRC in January; the minutes from the December 2018 meeting were unanimously approved.

3. Announcements

The New Lawyers study group is still meeting on the first Thursday of each month. Anyone interested should contact Allison Leary.

David Kirch is always accepting new articles (or ideas for articles) for the *Colorado Lawyer*. Please contact Dave if you have a topic or article for submission.

4. Legislative Report – Jeremy Schubach

The guardianship "bill of rights" legislation has been introduced, but any action on the bill will be postponed indefinitely pending further review by the CBA. The sponsors for the bill are Rep. Ransom and Sens. Hulbert and Melton.

The Colorado Uniform Directed Trust Act has moved forward (from "committee" status). Kevin Millard, Kelly Dickson Cooper, and Stan Kent testified before the legislative committee prior to the committee's vote to move the bill forward.

The bill which would establish an electronic storage mechanism for advanced directives and other medical documents passed a Senate committee vote. Jeremy discussed that one important aspect of the proposed bill is that lawyers cannot upload documents; only physicians may access the storage system. Patients would also need to sign an acknowledgment that an electronically stored advanced directive supersedes any other electronic version only.

The "safe families" legislation is now in Title 26, and has been removed from the Probate Code. Jeremy gave a quick status report on negotiations between the various stakeholders.

The proposed remote notary legislation is still missing safeguards that were requested by various stakeholders, specifically those suggested by the Trust & Estates and Elder Law Sections of the Bar. Sen. Duran has proposed an amended version that addresses those concerns/safeguards. A motion to approve the Duran version of the remote notary bill was made, seconded, and passed unanimously by SRC.

Jeremy and Tim Bounds updated the committee on the status of the Colorado Abandoned Estate Planning Documents Act.

5. SRC Approved Proposals

a. Active Matters - Work to Finalize Required

(i) UTC Subcommittee (Connie Eyster, Co-Chair)

The Subcommittee is still reviewing the creditor provisions of the UTC.

b. Inactive Matters Approved by SRC but Not Moving Forward for Various Reasons

There are currently no inactive matters approved by SRC but not moving forward.

6. Unapproved Matters under Consideration by SRC – Reports from Subcommittees

a. Legislation Review Joint Subcommittee (Michael D. Holder, Chair)

Michael gave a report to SRC on the proposed revisions to disability trusts. The proposed legislation would affect payment to CO Medicaid as well as Medicaid in other states, and also affect termination provisions at the death of the primary beneficiary. Michael will continue to monitor the progress of this proposed bill.

b. Advance Legislative Response Team (Marco Chayet and Letty Maxfield, Co-Chairs)

There was no report for this Subcommittee.

c. ADR Legislation (C. Jean Stewart, Chair)

There was no report for this Subcommittee.

d. Uniform Fiduciary Income and Principal Act Subcommittee

Georgine Kryda gave a report that the subcommittee continues to review the Act and is making steady progress.

e. Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act

There was no report for this subcommittee.

f. Child Support in Probate Subcommittee (Pat Mellenn, Chair)

Pat introduced Jim Bailey as the new liaison between the domestic section and SRC. Pat also gave an update on the subcommittee's progress.

7. Inactive Matters

There were no inactive matters for consideration.

8. Report from Elder Law Section – (Mallory Hasbrook – liaison)

Mallory gave an update on the proposed bill affective disability trusts and said the Section will vote by e-mail on the proposed legislation. Mallory also reported that LPC did not vote to support the “behavioral health” legislation, and that Elder law will work to make changes.

9. Report from Other Sections of the Bar

There were no reports from other sections of the Bar.

10. New Matters

a. Rule Against Perpetuities/Delaware Tax Trap

Tim Bounds will speak with Susan Boothby and John Brine on how they want to move forward with this matter.

b. Living Will/Anatomical Gifts (Carl Stevens)

Carl Stevens discussed forming a subcommittee to eliminate the need for advanced directives and anatomical gift forms to be witnessed. Nursing home/assisted living facilities and hospitals will not let their employees or other residents witness these forms.

Spencer Crona discussed forming a joint subcommittee with the Elder Law Section regarding issues with Adult Protective Services handling of professional fiduciary fees. Currently, a professional fiduciary has no due process for responding to a notice from APS that they have been “red flagged” for financial exploitation due to their fees.

11. Passed Proposals for Inclusion in Omnibus Bill or Stand Alone Legislation

- a. **Bankruptcy/Inherited IRAs (approved in 2015-2016)**
- b. **Changes to the Uniform Power of Appointment Act (approved in 2015-2016)**
- c. **Disclosure of Fiduciary Fees, §§ 15-10-602 and 15-12-705, C.R.S. (approved in 2015-2016)**
- d. **Colorado Electronic Preservation of Abandoned Estate Planning Documents Act (formerly Deposit of Original Documents) Subcommittee (Timothy Bounds, Co-Chair, and Peter W. Bullard, Co-Chair)**
 - b. Meeting with banking association and Secretary of State.
- e. **Uniform Directed Trust Act Subcommittee (Kevin Millard, Co-Chair, and Kelly Cooper, Co-Chair)**

Timothy Bounds adjourned the meeting at 3:05 p.m.

Respectfully submitted,
/s/ Timothy D. Bounds

SRC Contact/Attendance Information

Month: ~~January~~ 2018⁰¹

FEBRUARY

Attendance	Name	E-mail Address
(X) 	Tim Bounds, Chair	bounds@evanscase.com
	Molly Zwerdinger, Co-Chair	mzwerdinger@m-s-lawyers.com
	Jeremy Schupbach, Legislative Liaison	jschupbach@cobar.org
	Michelle Adams	madams@coloradofamilylegacy.com
	Michelle AmRhein	mamrheine@nocolegal.com
	Rebecca Aldrich	becky@burtonandburtonlaw.com
	Jeff Althaus	jeff@tolisonwilliamsllaw.com
	Lindsay Andrew	landrew@steenrodllaw.com
	Paige Armstrong	parmstrong@steenrodllaw.com
	Hartman Axley	hartaxley@yahoo.com
	Jennifer Bailey	jbailey@goodspeedmerrill.com
	Jeremey Baker	jbakerlawgroup@gmail.com
	Jarod Balson	balson@pckpc.com
	Merry Balson	merry@balsonfaix.com
	Arlene Barringer	arlene@denverprobatelaw.com
	Tammara Bauer	Tammy@tbauerlaw.com
	Justin Bertron	jabertron@dslawcolorado.com
	Jim Black	jb@jamesblack.org

	Lisa Blattner	Lisa.blattnerlawfirm@gmail.com
	Kate Boland	Kate.boland@bolandlawandmediation.com
SLB	Susan Boothby	boothby@hbcboulder.com
	Steve Brainerd	Steve.brainerd@dpslaw.com
	David Brantz	david@kottkeandbrantz.com
	Jennifer Breazeale	jbreazeale@gmail.com
	Brooke Brestel	brooke@brestelbucar.com
	Albert Brewster	Abrewster@brewpc.com
	Katherine Brim	katherine@rq-law.com
	Jessica Broderick	jbroderick@shermanhoward.com
	Nicole Brown	nbrown@brownandcrona.com
	Beth Bryant	ebryant@bryantritsick.com
	Caroline Bryce	brycecaroline@gmail.com
	Jim Buchanan	
	Pete Bullard	Pete@estate-planning-help.com
	Lauren Burnett	loulabpc@aol.com
	Annette Bybee	Annettebybee@gmail.com
	Kris Callahan	kris@pclcolaw.com
	Molly Callender	mcallender@brownandhulbert.com
	William L. Carew	lamontwc@msn.com
	Clinton Carlisle	clinton@carlisle@colorado.edu

	Rene Cartier	Rene.cartier@judicial.state.co.us
	Barb Cashman	barb@denverelderlaw.org
	Marco Chayet	marco@coloradoelderlaw.com
	Lorin Chevalier	Lorin.chevalier@seniorhelperscolorado.com
	Paul Chmielewski	Paul.chmielewski@bnymellon.com
	Cody Christian	cody@christianelderlaw.com
	Shauna Clemmer	shauna@brownandbrownpc.com
	Lisa Clore	lclore@wadeash.com
	Four Cogswell	wcogswell@irelandstapleton.com
	Erin Connor	erin@sutherland-connor.com
	Tammy Conover	tconover@steenrod.com
	Jason Cooper	jason@jascooperlaw.com
<i>KCC</i>	Kelly Cooper	kelly@kdpc.com
	Jessica Creevy	jessica@hassancables.com
<i>SC</i>	Spencer Crona	scrona@brownandcrona.com
	Jonathan Culwell	culwellattorney@gmail.com
	Elizabeth Cypers	Elizabeth@olivercypers.com
	Melissa Dalla	mdalla@wadeash.com
	Barbara Dalvano	barbaradalvano@yahoo.com
	Lauren da Cunha	lauren@dacunhalaw.com
	Darla Daniel	darla@balsonfaix.com

	Marc Darling	mdarling@wadeash.com
	Bruce Deacon	BDeacon@nortonsmithlaw.com
	John DeBruyn	jdebruyn@debruyn.com
	Greg Densen	gdensen@sah.com
	Sara Dietz	sarakdietz@gmail.com
	Kristin Dittus	kristin@dittuslaw.com
	Taylor Dix	tdix@lewisbess.com
	Sarah Durham	Sad05fsu@gmail.com
	Margot Edwards	msedwards@hollandhart.com
	Richard Eitel	Richard@eitellaw.com
	Justin Eppler	Justin.s.eppler@gmail.com
	John Estes	jestes@kapsaklaw.com
	Aaron Evans	evans@evanscase.com
	Connie Eyster	Eyster@hbcboulder.com
	Alex Fader	alex@faderlawoffice.com
	Josie Faix	josie@balsonfaix.com
	John Ferguson	watermarklegal@gmail.com
	Jeff Flege	flege@evanscase.com
	Doriana Fontanella	doriana@weigandattorneys.com
	Chris Forrest	CJForrest@M-S-Lawyers.com
	Susan Fox	sfb823@aol.com

✓ PHONE

	Russ Gamble	russell.gamble@bankofthewest.com
	Kristabel Garcia	Kristabel.garcia@judicial.state.co.us
	Peggy Gardner	pgardner@peggygardnerlaw.com
	Heidi Gassman	hgassman@hhmrlaw.com
	Corina Gerety	corina@geretylaw.com
	Susie Germany	susie@coelderlaw.net
	Kyle Getchey	Kyle@getcheylawfirm.com
	Carl Glatstein	carl@denverprobatelaw.com
	Lee Katherine Goldstein	Lgoldstein@fwlaw.com
	Mimi Goodman	Mimi.goodman@midwesttrust.com
	David Griffith	griffithlegal@yahoo.com
	Andrew Guetzkow	Andrewg.legal@gmail.com
	Lisa Hardin	lhardin@lisahardinlaw.com
	Joe Hartwig	joehartwiglaw@gmail.com
MA	Mallory Hasbrook	mhasbrook@wsmtlaw.com
	Jonathan Haskell	jhaskell@wadeash.com
	Cyndi Hauber	Cyndi@bensoncase.com
	Jennifer Hazelton	jenniferhazelton@hotmail.com
BH	Bette Heller	Bhelleresq@comcast.net
	Larry Henning	larry@henninglaw.com
	Bob Hercher	bob@rjhercher.com

	Angela Herrick	aherrick@crestonecap.com
	Theresa Higgins	Theresa.higgins@judicial.state.co.us
	Frank Hill	fhill.net@comcast.net
	Joe Hodges	jghodges@jghlaw.com
	Mike Holder	Mdholder@aol.com
	Corey Holton	corey@bensoncase.com
	Angela Hopkins	angelahopkins14@gmail.com
	Donnia Howell	HowellLaw@msn.com
	Susan Hoyt	shoyt@cobar.org
	Laurie Hunter	lhunter@wadeash.com
	John Husson	john@hussonlaw.com
	Kirsten Jacobs	Kjacobs04@gmail.com
	Katie James	kjames@ktjameslawoffice.com
	Peggy Jenkins	pjenkins@csbt.com
	David Johns	davekjohns@gmail.com
	Erica Johnson	Erica@ambler-keen.com
	Jessica Johnson	Jessicaengeasserjohnsonlaw@gmail.com
	Luke Johnson	luke.gjwpc@gmail.com
	Sara Jones	sara@elderlawcolorado.com
	Jeff Kadavy	Jeff.kadavy@trailridgewm.com
	Adam Kehrli	abkehrli@gmail.com

	Walter M. Kelly	wkelly@m-s-lawyers.com
	Stan Kent	stan@skentpc.com
	Rich Kiely	rkiely@csbt.com
	Mark Kiken	mkiken@onegoldentrust.com
	Dave Kirch	dkirch@dwkpc.net
	Michael Kirtland	MAK@kirtlandseal.com
	Kerri Klein	klein@poskuscatonklein.com
29	Georgine Kryda	gkryda@gkryda.com
	Ayo Labode	ayo@labodelaw.com
	Tyler Lambert	tyler@solemlaw.com
	Hayley Lambourn	hlambourn@steenrodslaw.com
	Myka Landry	mykalandry@mykalandrylaw.com
	Alexa Langweil	alangweil@bryantritsick.com
	John Lauce	John.lauce@judicial.state.co.us
	Christine Law	Christine@clawdenver.com
	Michelle Lawonn	mlawonn@aol.com
	Chuong Le	cle@3ilaw.com
	Alison Leary	alison@learylaw.co
	Sumi Lee	sumi.lee@usbank.com
	Ben Leonard	bleonard@rcalaw.com
	Rikke Liska	Rikke@estate-planning-help.com

	Chuck Longtine	chuck@longtinelaw.com
	Maria Lopez	MTBlopez@gmail.com
	Marianne Luu-Chen	mlluuchen@db-lawyers.com
	Frank Lynch	Frank_lynch@comcast.net
	Jean Manifesto	jam@jeanmanifesto.com
	Brian Marsiglia	bmarsiglia@steenrodslaw.com
	Dolores C. Martinez-Hernandez	d.martinezhernandez@gmail.com
<i>MM</i>	Mark Masters	Mark@denverprobatelaw.com
	Letitia Maxfield	Maxfield@poskuscatonklein.com
<i>SM</i>	Sati McLafferty	Sati@ambler-keen.com
	Marcie McMinimee	mmcminimee@steenrodslaw.com
<i>DFM</i>	Daniel McKenzie	dan@themckenziefirm.com
	Julie McVey	jmcvey@mcveylaw.com
	Hudson Mead	Hudson.mead@jpmorgan.com
	Elizabeth Meck	etm3@ntrs.com
<i>PM</i>	Patricia Mellen	pat@patmellenlaw.com
	Shelly Merritt	shelly@sdmerrittlaw.com
	Dylan Metzner	dmetzner@rcalaw.com
<i>MM</i>	Michelle Mieras	Michellemieras1@gmail.com
	Kevin Millard	kmillard@wadeash.com
	Carl Miller	carl@carlmillerlaw.com

8

family

James Bailey. guest from law

	Rick Mishkin	rick@mishkinlawfirm.com
	Doug Mitchell	djm@benningtonjohnson.com
	Dan Mong	dmong@zimlawfirm.com
	Jim Montague	jim.montague@myfw.com
	Nick Morris	nickmorris@bandmorris.com
	Sarah Morris	Symorris715@gmail.com
	Kayla Nelson	kayla@denverprobatelaw.com
	Yvonne Olivere	yvonne@coloradolegacy.law
	Jane Paddison	jane.paddison@paddisonlaw.com
	Julie Papa	juliepapalaw@gmail.com
	Nancy Peterson	npeterson@wsmtlaw.com
	Sarah Pheral	sarah@pheral-law.com
	Elizabeth Pierce-Durance	epd@piercedurancelaw.com
	Norma Plache	nplache@crestonecapital.com
	Sherry Purdy	purdySM@comcast.net
	Sal Quintana	s.quintana@Qle@alservices.com
	Rachel Radford	rachel@tuthillhughes.com
	Kim Raemdonck	kim@wiebandattorneys.com
	Brandon Rains	Brandon.rains@outlook.com
	Angelina Callahan Reeves	AReevesesq@gmail.com
	Skip Reynolds	skip@estateplanningdte.com

	Dan Rich	drich@steelestreet.com
	Louisa Ritsick	lritsick@ritsicklaw.com
	Randy Robida	RRobida@JRRobidapc.com
	Chris Rodilosso	crodilosso@gmail.com
	Tom Rodriguez	trodriquez@elderlawcolorado.com
	Daniela Ronchetti	dronchetti@bakerlaw.com
	Amy Rosenberg	arosenberg@coestatelawyers.com
	Jamie Roth	Jamie@brownandbrownpc.com
✓ PHONE	Nora Roth	nroth@csbt.com
CR	Chad Rounds	crounds@dwkpc.net
	Steve Sandis	stevesandis@gmail.com
	Zachary Schlichting	ZSchlichting@steenrodlaw.com
	Matthew Schneider	mlsschneiderlaw@gmail.com
✓ PHONE	Jaime Schuler	schuler@pckpc.com
NS	Melissa Schwartz	mschwartz@steenrodlaw.com
	Ryan Scott	Ryan@denverprobatelaw.com
	Catherine Seal	CAS@kirtlandseal.com
	Clara Brown Shaffer	Clara@brownandbrownpc.com
	Rachel Sheikh	rachel@rbslawllc.com
	David Silberstein	david@silbersteinlawfirm.com
	Matt Skotak	msskotak@hollandhart.com

	Connie Smith	csmith@fmlaw.com
	Courtney Smith	Courtney@benefitpayeeservices.com
	Kate Smith	Ksmith@coestatelawyers.com
	Paul Smith	Paul@brownandbrownpc.com
	Jeff Sparhawh	jeff@sparhawhlaw.com
	Jennifer Spitz	jspitz@stoverlawcolorado.com
	Bob Steenrod	bsteenrod@steenrodlaw.com
	Sherene Stenger	sstenger@brownandcrona.com
	Carl Stevens	csstevens@dslawcolorado.com
	C. Jean Stewart	jean@jeanstewart.com
	Michael Stiff	mstiff@bakerlaw.com
	Tom Stover	tstover@stoverlawcolorado.com
	David Struthers	Struthers@pojolaw.com
	Holly Sutton	Hsutton100@verizon.net
	Amy Symons	amy@symonsratner.com
	Ameila Tanttila	ameila@tanttilalaw.com
	David Taunton	david@mikeholderlaw.com
	Patrick Thiessen	prthiessen@frieardt.com
	Karina Thomas	Kthomas@sturnlawfirm.com
	Ashley Thompson	athompson@bakerlaw.com
	Shelley Thompson	sthompson@bfwlaw.com

	Tracy Tirey	Tracy@tireylaw.com
	Simon Tolbert	stolbert@msenergylaw.com
	Douglas J. Traeger	dtraeger@lathropgage.com
	Gina Trevey	gmtrevey@amgnational.com
	Matthew Trinidad	matthew@kerststrauman.com
	Herb Tucker	htucker@wadeash.com
	Jonathan Turner	Jonturner36@gmail.com
(W)	Leia Ursery	lursery@lathropgage.com
	Tiffany Walker	tiffany@sdmerrittlaw.com
	Greg Washington	gWASHINGTON@wadeash.com
	Sharm Weikel	sharm@theweikellawfirm.com
	Bill Welch	William.welch@anbbank.com
	Dennis Whitmer	dnwhitmer@hfwpc.com
QW	Sonny Wiegand	swiegand@wiegandattorneys.com
	Lisa Willcox	willcox@hbcboulder.com
	Gordon Williams	gordlaw@aol.com
KW	Kim Willoughby	Kim@willoughbylaw.com
	Jim Wolverton	jim.wolverton@eldercounsel.com
	Constance Wood	cwood@bryantritsick.com
	Mark Zammuto	zamcrigg@Q.com
	Gene Zuspann	ezuspann@zuspann.com

gpk	Lori Kalata	lori.kalata@mo.com

If your name is not listed, please print your name and email address in the empty lines above.
Please print legibly. Thank you.