35th Annual

Estate Planning Retreat

The Tradition of Excellence Continues

Co-sponsored by the Trust and Estate Section of the Colorado Bar Association

LIVE ONLY!
June 11-13, 2015

Conservator-created wills, death tax issues, law practice management, litigation, community property, common law marriage, ethics, disclaimers and diversity...this year’s Estate Planning Retreat has something for you...ALL IN THE UNIQUE SETTING OF SANTA FE.

TWO KEYNOTE PRESENTATIONS:
- Be Part of the Solution, Not Part of the Problem: Ideas for Estate Planners to Anticipate and Avoid, Prevent and Ameliorate Conflict and Litigation
- Culturally Effective Estate Planning in the 21st Century

9 BREAKOUT DISCUSSION GROUP TOPICS:
- Rethinking, Retooling and Redoing – Estate Planning for Clients with No Expected Colorado or Federal Death Tax Issues
- The Ethical, Legal, Medical and Practical Considerations of Representing Clients Who May be Suffering from Diminished or Questionable Capacity
- Trouble Brewing: Anticipating and Addressing Common Law Spouse Issues in Estate Planning, Administration and Litigation
- Premarital Agreements, Marital Agreements, and Civil Union Agreements: The Overlooked Tool in the Estate Planner’s Toolbox
- Conservator-Created Wills
- Ethics: Game of Groans – The North Wall of Malpractice
- Disclaimers Revisited: Qualified and Non-Qualified Disclaimers Under the Uniform Disclaimer of Property Interests Act
- The Dance of the Associate and Partner! Is It the Tango or the Twist?
- Community Property Basics for Lawyers in Common Law States

Choose from NINE Engaging Breakout Discussions and Hear TWO Thought-provoking Keynote Presentations at the 35th Annual Estate Planning Retreat in Santa Fe - REGISTER TODAY!
TWO KEYNOTE PRESENTATIONS:

1. Be Part of the Solution, Not Part of the Problem: Ideas for Estate Planners to Anticipate and Avoid, Prevent and Ameliorate Conflict and Litigation with Hon. John Leopold (ret.), JAMS, and Hon. C. Jean Stewart (ret.), Holland & Hart LLP

2. Culturally Effective Estate Planning in the 21st Century with Bob Barret, PhD., Professor Emeritus in Counseling at the University of North Carolina, and Paula Kohut, Esq., Fellow and member of the ACTEC Diversity Task Force

9 DISCUSSION GROUP TOPICS: (select 4 to attend)


2. The Ethical, Legal, Medical and Practical Considerations of Representing Clients Who May be Suffering from Diminished or Questionable Capacity with David W. Kirch, Esq.


4. Premarital Agreements, Marital Agreements, and Civil Union Agreements with Rebecca C. Alexander, Esq.

5. Conservator-Created Wills with Spencer Crona, Esq., Keith D. Lapuyade, Esq., and Martha L. Ridgway, Esq.


8. The Dance of the Associate and Partner! Is It the Tango or the Twist? with Baird Brown, Esq., Jamie Roth, Esq., and Clara Brown Shaffer, Esq.


THURSDAY, JUNE 11, 2015
6:00 - 7:30 PM
Welcome Reception

FRIDAY, JUNE 12, 2015
7:30 AM
Registration Open

7:30 - 8:45 AM
Buffet Breakfast

8:00 AM
Welcome and Introduction
Melissa R. Schwartz, Esq., Program Chair
Steenrod, Schwartz & McMinimee, LLP
Gary Abrams, Executive Director, Colorado Bar Association CLE

8:15 AM
KEYNOTE PRESENTATION
Be Part of the Solution, Not Part of the Problem: Ideas for Estate Planners to Anticipate and Avoid, Prevent and Ameliorate Conflict and Litigation
Presented by Hon. John Leopold (ret.), JAMS, and Hon. C. Jean Stewart (ret.), Holland & Hart LLP

9:15 AM
Adjourn to Breakout Discussions

9:25 AM
SESSION A*

10:45 AM
Networking Break

11:00 AM
SESSION B*

12:20 PM
Adjourn – Enjoy all the Santa Fe area has to offer!

6:00 - 7:15 PM
Annual Wine Tasting

SPACE IS LIMITED, SO REGISTER TODAY!
MAKE YOUR HOTEL RESERVATION EARLY!
SATURDAY, JUNE 13, 2015
7:00 AM
Registration Open

7:15 - 8:45 AM
Buffet Breakfast

8:15 AM
KEYNOTE PRESENTATION
Culturally Effective Estate Planning in the 21st Century:
This presentation will examine diversity with a view towards
effective practice management of 21st century trust and
estate practices. Given increased diversity of both clients
and their familial relationships, this presentation will review
substantive and cultural effectiveness and current changes
in paradigms and terminology, as well as provide insights
and sensitivities which trust and estate counsel can use to
more effectively counsel with diverse clientele.
Presented by Bob Barret, PhD., University of
North Carolina, and Paula Kohut, Esq., Kohut, PLLC

9:15 AM
Adjourn to Breakout Discussions

9:25 AM
SESSION C*

10:45 AM
Networking Break

11:00 AM
SESSION D*

12:20 PM
Adjourn – Thank you for your participation!

* Please indicate which 4 sessions you have selected on the
registration form. If you do not choose, 4 topics will be
selected for you.

Submitted for 9 General CLE Credits, Including
2.8 Ethics Credits
You must attend the session with the ethics component to claim ethics credit

For more information about the Retreat,
please call Colorado Bar Association CLE at
(303) 860-0608, or toll free at (888) 860-2531.
TOPIC #1
Rethinking, Retooling and Redoing – Estate Planning for Clients with No Expected Colorado or Federal Death Tax Issues

It is estimated that upon death, 99.8% of decedents will now have no federal estate tax liability. This has profound implications for Trust and Estate practitioners. This session will provide case study problems delving into questions such as:

- How should estate plans (lifetime gifting strategies, asset titling and testamentary documents) for clients with no expected death tax liability now be structured or restructured in order to achieve practical and income tax planning objectives?
- Should we, or must we, notice past clients that their documents need to be reviewed and updated?
- Will death taxes being less of an issue make potential clients and traditional referral sources less likely to seek out our services? Will it be harder to justify our fees if tax savings are less important or nonexistent?
- Can we really ignore and forget about federal and state death tax issues? Federal estate tax law still controls the cost basis of assets at death even in small estates and clients often have assets in other states which impose state death taxes on estates not large enough to be subject to federal estate tax.

Presented by Theodore B. Atlass, Esq., Atlass Professional Corporation

TOPIC #2
The Ethical, Legal, Medical and Practical Considerations of Representing Clients Who May be Suffering from Diminished or Questionable Capacity

As clients are living longer and families are experiencing greater divisiveness, estate planning attorneys have experienced a greater burden in dealing with issues of lack of capacity and diminished capacity. Often the attorney is forced to make judgments based on the conflicting considerations of the ethical mandate to maintain as normal an attorney client relationship under such circumstances as possible, while guarding against undue influence and a client making decisions without the necessary cognitive capacity to do so. Such considerations require the attorney to adopt procedures and protocols which will assist the attorney in fulfilling the attorney’s ethical obligations to both help and protect the client. Attendees will be able to share the experiences of other practitioners and what they have found helpful to them in meeting the challenges of clients whose capacity may be diminished or questionable. The attorney’s proper role and function in such situations will be considered, as well as dealing with the emotional and psychological aspects of such representation.

Presented by David W. Kirch, Esq., Kirch and Rounds, P.C.

TOPIC #3
Trouble Brewing: Anticipating and Addressing Common Law Spouse Issues in Estate Planning, Administration and Litigation

Colorado’s recognition of common law marriage can create serious concerns for estate planners and litigators alike. Unwritten and unrecorded agreements and “understandings” about marital status are often sources of confusion for a couple, their families and their communities — not to mention their attorneys. Clients may be unaware of their own marital status and may, in fact, disagree on whether they are married to each other. In a decedent’s estate, a determination of whether a claimant is a spouse can constitute the single, most important threshold issue. It drives determinations about inheritance, collection of statutory shares and allowances, wrongful death claims, children’s rights and estate taxes. Using fact patterns from actual client matters, participants will explore and discuss the elements required to create a valid common law marriage; evidentiary issues in proving those elements; strategies to create clarity in planning; and factual circumstances that can lead to difficulties in estate administration and litigation.

Presented by Amy K. Rosenberg, Esq., Peterson, Rosenberg PLLC

TOPIC #4
Premarital Agreements, Marital Agreements, and Civil Union Agreements: The Overlooked Tool in the Estate Planner’s Toolbox

With the enactment of the Uniform Premarital and Marital Agreement Act in Colorado, the various kinds of agreements that govern personal relationships are growing. Not just for the “rich and famous” any more, premarital agreements, marital agreements, civil union agreements, and cohabitation agreements have become recognized as an important tool in an estate planner’s toolbox. All marriages and civil unions end – either as the result of a divorce/legal separation, or as the result of a party’s death. These agreements allow people to opt out of the state’s default rules, and create rules governing the disposition of property that reflect that particular couple’s values and life circumstances. Participants in this session will learn about the keys to enforceability of these agreements under current Colorado law, and how enforceability has changed as compared to the “old” Colorado Marital Agreement Act. The pros and cons of these agreements will be discussed, particularly as they relate to a family’s wealth preservation and succession planning objectives in the face of a family member’s divorce. And because these agreements are not “one-kind-fits-all,” different conceptual frameworks for premarital and marital agreements will be explored and explained, with an opportunity for discussion around drafting tips and techniques.

Presented by Rebecca C. Alexander, Esq., Baker & Hostetler LLP
TOPIC #5
"I'm Not Dead Yet:" The Conservator-Created Will and the Pre-Mortem Will Contest

Wills fundamentally are deemed "ambulatory" instruments, thus subject to revocation and amendment until the moment of the testator's death, with effectiveness only thereafter. Thus, a Colorado judge cannot probate a will until (1) the testator is actually dead and (2) we know that the proffered instrument is, in fact, a will. Or so we may surmise. Indeed, however, our conservatorship statute affords a notice-and-hearing protocol for court-reviewed/approved, conservator exercise of authority to make, amend, or revoke a will for a protected person. To some judges and practitioners, those concepts seem to conflict and also present opportunities for manipulation. This presentation will discuss the ways in which, and extent to, judges might find wills valid before the death of the testator/testatrix and guidance for the practitioner in addressing these issues.


TOPIC #6
Ethics: Game of Groans – The North Wall of Malpractice

Just when you thought it couldn’t get worse and no one or nothing else could die – including your practice! A new twist - A new character - A new plot - A new interest - A new pretender - A new greed – EMERGES. Handling everyday ethical scenarios so that you and your practice will have no fear of what lies beyond THE NORTH WALL OF MALPRACTICE. This entertaining session is designed for sword wielding new lawyers and shield bearing old practitioners, for ethics credit.

Presented by Mark D. Masters, Esq., Of Counsel, Glatstein & O’Brien LLP, and David R. Struthers, Esq., Godfrey | Johnson, P.C.

TOPIC #7
Disclaimers Revisited: Qualified and Non-Qualified Disclaimers Under the Uniform Disclaimer of Property Interests Act

Disclaimers are an often overlooked tool for all of us. We will explore on an in-depth basis many illustrations of the complexities and potential pitfalls of qualified disclaimers, as well as the impact of the Uniform Disclaimer of Property Interests Act on non-qualified disclaimers. Topics to be covered will include multiple step disclaimers, disclaimers of interests in trust, the precise timing of disclaimers and determination of the relevant governing instrument. The goal is to assist us in applying our basic knowledge of disclaimers to specific situations.

Presented by Peggy K. Gardner, Esq., PC, Holland & Hart LLP, (with the preparation assistance of Frank Hill, Esq.)

TOPIC #8
The Dance of the Associate and Partner! Is It the Tango or the Twist?

ASSOCIATES:
• What does it take to become an equity owner?
• How do you add value to the firm which will be recognized through compensation and equity ownership?
• What can you do to give the senior lawyer the freedom he/she wants while still enjoying the benefits of his/her knowledge, contacts and goodwill.
• How do you tackle the overwhelming task of filling your bosses shoes and forging your own career path at the same time?
• How do you educate yourself on business management while trying to practice law?
• How do you ethically accomplish these goals?

EXPERIENCED LAWYERS:
• How do you value your business and how do you get fair value for it?
• What are the ethical rules you must follow when selling your practice?
• How do you convince an associate to buy your interest?
• Who is the right associate to carry on your business and how do you convince them to buy your interest.
• Exit strategies v. succession plans-ethical requirements.
• When should you start planning?
• What you should be doing now to transition out of the practice even if it is many years away.
• You built it – how do you walk away?
• How do you ethically accomplish these goals?

Come join us for an interactive discussion on how associates can sell themselves to the firm’s ownership to eventually become an equity owner. Let’s discuss the right stuff it will take to convince the senior lawyers you are the future of his or her firm. From the owner or senior management perspective, come discuss what he or she is looking for in the future of the firm, develop a meaningful exit or succession plan, ethical issues of handing off the clients, and avoiding being pushed out the door (or over the cliff).

Presented by Baird Brown, Esq., Jamie Roth, Esq., and Clara Brown Shaffer, Esq., Brown & Brown, P.C.

TOPIC #9
Community Property Basics for Lawyers in Common Law States

This presentation will describe the basics of community property law in New Mexico as a primer for lawyers practicing in common law, or what may be referred to as non-community property, states. Secondly, it will describe the effects on the status of property of married couples who migrate from common law states to New Mexico and from New Mexico to common law states.

Presented by Margaret A. “Peggy” Graham, Esq., Pregenzer Baysinger Wideman & Sale, PC
Located just steps from the historic Santa Fe Plaza, the Eldorado Hotel & Spa is walking distance from a host of local gems, including the Georgia O’Keeffe Museum, Canyon Road art galleries, and much more in a city rich in history.

Rooms are being held for guests of the Estate Planning Retreat until May 31, 2015.

Room Rates:
• Single/Double Occupancy Rates begin at $209 plus applicable taxes. Please identify yourself as a member of the "Colorado Bar Association" in order to receive the group discount.

A deposit equal to one night room and tax is due upon booking. The balance is due upon arrival. The deposit is refundable if notice of cancellation is received at least 3 days prior to arrival and cancellation number is obtained. Rates will be available 3 days prior to and 3 days after the Event Dates, subject to availability.

Parking:
Valet parking is available to Hotel Guests at $15 per 24-hour period. The parking rate for attendees not staying at the hotel is $12/day and is subject to availability.

Extras:
Your stay at the Eldorado Hotel includes complimentary wireless Internet, complimentary use of the fitness center and rooftop swimming pool, and a 10% discount at the Nidah Spa.

To reserve your room, please contact the hotel directly at 800-955-4455
**Step 1 - Registration Categories**

<table>
<thead>
<tr>
<th>Category</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-member</td>
<td>$459</td>
</tr>
<tr>
<td>ACTEC Members</td>
<td>$399</td>
</tr>
<tr>
<td>CBA Member</td>
<td>$399</td>
</tr>
<tr>
<td>New Mexico Bar Association Members</td>
<td>$399</td>
</tr>
<tr>
<td>CBA Trust &amp; Estate Section Member</td>
<td>$379</td>
</tr>
<tr>
<td>CBA Elder Law Section Member</td>
<td>$379</td>
</tr>
<tr>
<td>NEW LAWYER – CBA Trust &amp; Estate Section Member (in practice 5 years or less):</td>
<td>$279</td>
</tr>
<tr>
<td>CLE Elite Pass Holder</td>
<td>$199</td>
</tr>
</tbody>
</table>

**Step 2 - Breakfast for Guests**

Skip this step if you do not wish to purchase BREAKFAST for your guest(s)

Guests may participate in the breakfasts for $30 per day for adults, and $20 per day for children age 13. While we love to have your guests join us at the Retreat, we do encourage them to explore the many breakfast options in Santa Fe offering similar, or even lower pricing.

- **Retreat – Adult Guest Breakfast**
  - Friday: No. of Guests x $30
  - Saturday: No. of Guests x $30

- **Retreat – Child Guest Breakfast** (under 13 years of age)
  - Friday: No. of Guests x $20
  - Saturday: No. of Guests x $20

**Step 3 - Reception Guests**

Receptions on Thursday and Friday are complimentary for all attendees and their guests. Please help us to determine how many people will be participating in the receptions.

How many of your guests will be attending the Thursday Reception: 

How many of your guests will be attending the Friday Wine Tasting: 

**Step 4 - Live Seminar Subtotal**

**Step 5 - Select Your Breakout Sessions**

<table>
<thead>
<tr>
<th>Day</th>
<th>Time</th>
<th>Session A</th>
<th>Session B</th>
<th>Session C</th>
<th>Session D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Friday, June 12</td>
<td>9:25 – 10:45</td>
<td>(select one)</td>
<td>(select one)</td>
<td>(select one)</td>
<td>(select one)</td>
</tr>
<tr>
<td>Saturday, June 13</td>
<td>9:25 – 10:45</td>
<td>(select one)</td>
<td>(select one)</td>
<td>(select one)</td>
<td>(select one)</td>
</tr>
</tbody>
</table>

Please provide 2 Alternate Topics (select one per day)

Breakouts are filled on a first-come, first-served basis and are limited to 24 participants per session. If a session is full, the registrant will be placed in a pre-selected alternate topic. If no alternate topic is selected, one will be assigned.

**Registration for Non-members who are also non-attorneys will open on May 1, 2015**

**CANCELLATION AND SUBSTITUTIONS:** If you are unable to attend, please notify CBA-CLE by June 4, 2015 and we will gladly refund your tuition in full, or you may send someone in your place. The breakout sessions you originally selected will be transferred to your replacement and changes to those sessions may not be allowed. Cancellations after June 4, 2015 will be refunded less a $100 cancellation fee.
35th Annual
Estate Planning Retreat

The Tradition of Excellence Continues

Co-sponsored by the Trust and Estate Section of the Colorado Bar Association

LIVE ONLY!
June 11-13, 2015

In Santa Fe, New Mexico!
At the Eldorado Hotel & Spa

The Premier Event for Colorado Trust and Estate Practitioners! REGISTER TODAY!

Submitted for 9 General CLE Credits, Including 2.8 Ethics Credits*
*You must attend the session with the ethics component to claim ethics credit