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Colorado lawmaker pledges probate reform after hearing victim stories



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A state senator plans to introduce legislation next year that would provide greater protection to families who saw their estates diminished or wiped out by court-appointed fiduciaries.

Laura Woods, an Arvada Republican, took statements from about two dozen people who went Wednesday to a hearing about probate reform. A Senate Democrat, Pat Steadman of Denver, joined her and took notes as family members angrily recounted personal stories.

The senators got about 50 suggestions. Woods said afterward that bipartisan probate court legislation “absolutely” will be on the Senate agenda next year.

The overall goal will be to protect families involved in the probate system, she said. She said those she has met see this pattern: “Instigate, litigate, isolate, medicate, liquidate, take the estate — celebrate.”

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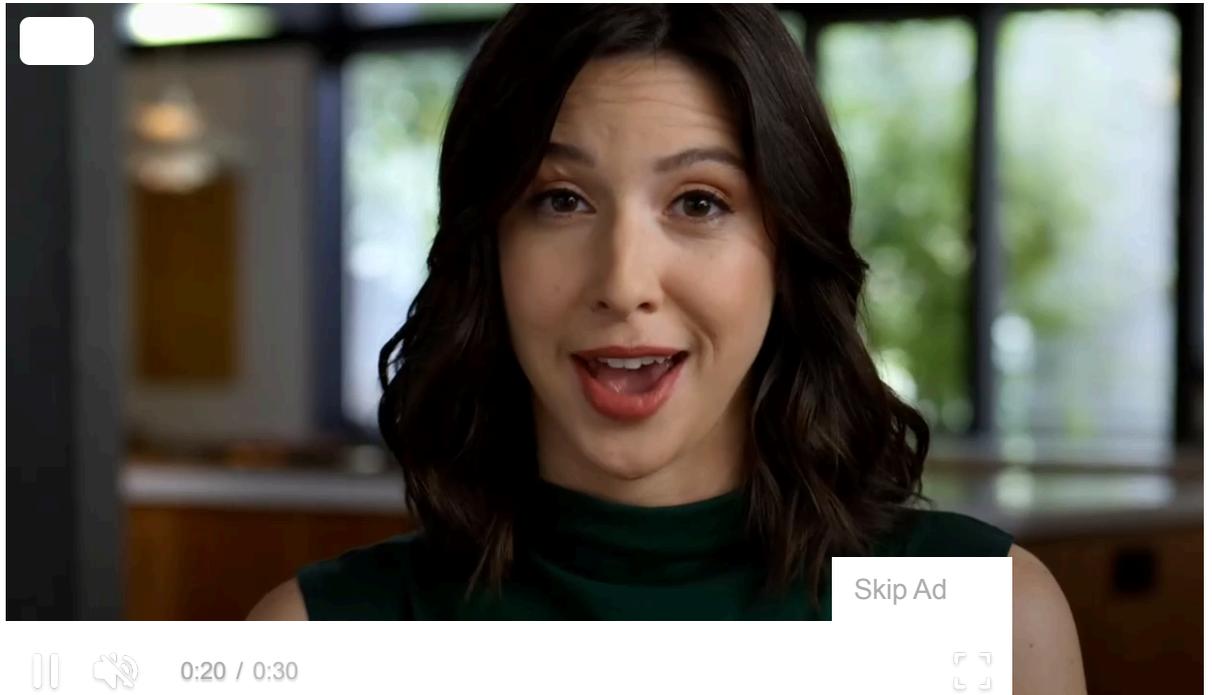


Woods would like to see an outside review triggered automatically when a certain portion of an estate, perhaps as low as 10 percent, has been spent by a court-appointed fiduciary.

That might have helped Diego Conde, a 20-year-old man who came to the United States from Colombia at age 2

Conde said his mother built a house-cleaning business and saved \$20,000 for his college education before she died of stomach cancer. At 12, he became a foster child, he said, and a lawyer named Tamra Palmer was assigned to conserve his money.

When he went to college, “I had trouble getting her on the phone. My bills weren’t getting paid on time. I got an eviction notice.”



He said he was too embarrassed to ask classmates for food and soon learned that all his money was gone after Palmer deducted her fees.

“I was just very misguided throughout the whole process,” he said.

[Palmer was dismissed as Arapahoe County’s public administrator](#) last year after The Denver Post reported about her [business relationship with Jennifer Gormley](#), a lawyer who collected substantial fees with Palmer in Arapahoe County probate cases.

Palmer could not be reached for comment immediately.

Public administrators are appointed in probate court cases where no heir is named or willing to distribute the assets of an estate. They also may be called as conservators of estates when people are judged incompetent to handle their own finances.

Many expressed fears of retaliation. Two women donned masks as a television camera ran. “How many in this room have been threatened?” Senate aide Cheryl Steinberg asked. Nearly everyone raised a hand.

One common complaint: If a ward objects to the fees of a guardian, conservator, trustee or other court appointee, the fiduciary can spend the ward’s money to battle the ward in court.

Reform ideas among the witnesses ranged from rotating probate judges to changing the judicial retention system, making probate records more accessible and reining in fees of multiple fiduciaries by creating a state Office of Public Guardian.

The latter idea is being promoted by Susan Scott, whose family spent 12 years in Denver’s probate court before settling a dispute.

She said her father spent \$1.5 million battling a court-appointed trustee and is still in debt from the case. The estate was salvaged only because the family home grew in value during the long court case, she said. Scott also suggested that legislators inquire about money kept in the Denver court’s probate registry.

“How many cases? How much money is in there? How is it managed? (The answers) could be quite shocking,” she said.

Woods said the probate problems raised at the hearing are not unique to Colorado.

“This is happening across the country,” she said. “It’s a big problem.”

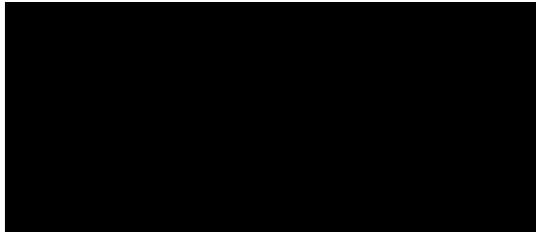
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