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## **HERBERT E. TUCKER, IV**

HERBERT E. TUCKER, IV, born Lake Forest, Illinois; admitted to bar January 1987, Colorado, and U.S. District Court, District of Colorado, U.S. Court of Appeals, Tenth Circuit and U.S. Supreme Court. EDUCATION: University of Colorado (B.A., 1979); Mississippi College (J.D., 1985). Law Clerk, Judge Field C. Benton, Denver Probate Court, 1985-1986. Author: "Colorado Dead Man's Statute: Time for Repeal or Reform?" Colorado Lawyer, Vol 29, No. 1, January 2000 (cited by Colorado Supreme Court in *Estate of Breeden*, 992 P.2d 1167, January 18, 2000); "The New Improved Dead Man's Statute," Colorado Lawyer, Vol. 31, No. 7, July 2002; "Holographic and Nonconforming Wills: Dispensing with Formalities I & II," Colorado Lawyer, Vol. 31, No. 12 and Vol. 32, No. 1, December 2002 and January 2003 (cited by Colorado Court of Appeals in *Estate of Wiltfong*, 143 P.3d 465 (Colo. App. 2006)); "Will Preparation for Individuals Lacking Testamentary Capacity," Colorado Lawyer, Vol. 33, No. 8, August 2004; "Fiduciaries Beware: Your Secrets Might Not be Safe," The Colorado Bar Association, Trust and Estate Section, Council Notes, December 2004; "Dead Men Don't Lie, Applicability of the State of Mind Hearsay Exception in Probate Litigation," The Colorado Bar Association, Trust and Estate Section, Council Notes, March 2007; "The Testamentary Exception to the Attorney-Client and Doctor-Patient Privileges," Colorado Lawyer, Vol. 36, No. 7., July 2007; "Compensating Relatives for Caregiving Services," The Colorado Bar Association, Trust and Estate Section, Council Notes, December 2009; Chapter 42, "Will Contests," The Colorado Estate Planning Handbook, Sixth Edition, Published by Colorado Bar Association Continuing Legal Education, 2010; "Is Asset Protection Becoming Fertile Ground for Attorney Liability?" The Colorado Bar Association, Trust and Estate Section, Council Notes, September 2010. Lecturer: "Litigating Selected Trust Matters Under the Proposed Colorado Trust Code," Estate Planning Retreat, Steamboat Springs, Colorado, Continuing Legal Education, 2002; "Litigating Contested Wills, Overview and Case Law Update" Denver, Colorado, Continuing Legal Education, 2003; "What You Need to Know About Privilege Issues Concerning Fiduciaries," Estate Planning Retreat, Santa Fe, New Mexico, Continuing Legal Education, 2004; "Tort Claims in Probate," Estate Planning Retreat, Telluride, Colorado, 2005; "Will Contest Handbook," Estate Planning Retreat, Vail, Colorado, 2006; "Common Law Marriage in Probate," Estate Planning Retreat, Beaver Creek, Colorado, 2007; "I Hate to Burst Your Bubble but Your Presumption Disappeared," Estate Planning Retreat, Snowmass, Colorado, 2009; "Trial of a Will Contest," Continuing Legal Education, Denver, Colorado, 1997, 2003, 2006, 2009; "Is Your Hand on the Chopping Block? Avoiding Malpractice." Estate Planning Retreat, Vail, Colorado, 2010. Listed, Best Lawyers In America, 2006-2010; Colorado Super Lawyer, 2006-2011. MEMBER: Colorado Bar Association (Co-Chair, Colorado Dead Man Statute Committee; Member, Statutory Revisions Committee; Colorado Uniform Trust Code Committee; and Trust and Estate Section), Douglas County Bar Association and American Bar Association; National Academy of Elder Law Attorneys. REPORTED CASES: *In re Julius F. Seeman*, 841 P.2d 403 (Colo. App. 1992); *In Re Estate of Schlagel*, 89 P.3d 419 (Colo. App. 2003); *In the Matter of the Estate of Matthew D. Keenan*, 2010CA112. PRACTICE AREAS: Common Law Marriage; Contested Trusts and Estates; Contested Wills; Decedents Estates; Elder Law; Elder Rights; Estate Administration; Estate Litigation; Estate Planning; Estate Settlements; Expert Witness Will and Trust Litigation; Fee Disputes; Fiduciary Duties and Responsibilities; Fiduciary Litigation; Guardianships and Conservatorships; Legal Malpractice Relating

to Wills and Trusts; Probate Administration; Probate Litigation; Trust Administration; Trust Law; Trust Litigation; Trust Planning.