

**MINNESOTA STATE BAR ASSOCIATION**  
Elder Law Section Governing Council  
Meeting Minutes

**Date: August 21, 2009**

**Council Members Present:** Vicki McIntyre, Jennifer Wright, Vicki Ahl, Mark Anderson, Joel Button, Kathleen M. Eveslage, Lori Guzman, Richard Hawke, Bonita Kallestad, Paulette Joyer, John Kantke, Ken LaBore, Sally Mortenson, Sarah Rowley, Robert Russell, Suzanne Sandahl, Suzanne Scheller, Joel Smith, Dan Steinheigen, Julian J. Zweber, Laura Zydchnech (ex officio), and Laura Orr (law student member).

**Present by phone:** Bonita Kallistad, Bob Russell

**Excused Absences:** Stuart Bear, Margaret (Pook) Grathwol, Laurie Hanson, Peter Hendricks, Kristine Mullmann, Tom O'Connell (ex officio), Cathryn Reher, Jeffrey W. Schmidt, Lori Skibbie, Janet Totter, Kristin Ebbott (law student member), and Jennifer Olin (law student member)

**Unexcused Absences:** There were NO unexcused absences!

**Guests:** Gary Smith (elected as law student member at the meeting)

**MSBA Staff:** Elyse Farnsworth (excused absence)

**1. Call to Order:** The Governing Council of the Elder Law Section of the Minnesota State Bar Association met on August 21, 2009, at MAO Offices located at 2021 East Hennepin, Suite 200, Minneapolis, Minnesota. The meeting was called to order at 3:30 p.m. by Chair, Vicki McIntyre.

**2. Approval of Agenda:** The agenda was approved as submitted.

**3. Elections and Introductions**

Vicki McIntyre

3.1. Member/guest introductions

3.2. student resignation / election of new student representative

Beth Northrup/Day had to resign. Gary Smith was originally nominated but not elected as a law student representative, due to the limit on the number of available positions. The chair contacted Gary and asked if he was interested in serving in Beth's place, and he said he was. **\*\*Motion to approve Gary Smith's election to the Governing Council as a law student member was passed unanimously.\*\***

**4. Approval of June 9, 2009 Council Meeting Minutes:** Upon motion duly made and seconded, the minutes from the June 9, 2009, meeting of the Governing Council were approved.

**5. Treasurer's Report:** Upon motion duly made and seconded, the Treasurer's Report for the period ending May 31, 2009, was discussed and accepted.

5.1. Strategic Planning Committee report / proposed budget Vicki McIntyre

The proposed budgets for 2009-10 and 2010-11 were reviewed. The amount of \$1,500 to support the ElderCare Guide is planned to be paid out of reserve funds. The committee recommended that the amount of \$3,200 allotted to obtain a red-lined copy of the Health Care Programs Manual be unallotted, due to the fact that the law student research on this topic indicates that the Elder Law Section lacks standing to raise a challenge to the HCPM in its own right. The results of the research are being made available to members of the section, in hopes that others will lead the charge on this important issue. There are indications that some section members and other organizations are interested in taking advantage of this important information. **\*\*Motion to revoke the previous authorization of \$3,200 to obtain a red-lined copy of the HCPM was passed.\*\*** **\*\*Motion to approved revised 2009-10 budget and the 2010-11 budget was passed.\*\***

5.2. Reimbursement forms

Vicki McIntyre

Section expense reimbursement form should be used for any committee expenses and for mileage and parking for any Greater Minnesota council members attending council or committee meetings. The form should be submitted to Janet, NOT directly to the MSBA.

**6. REPORT ON MSBA PRESIDENT'S MEETING**

Vicki McIntyre

6.1 Section profile report

We noted some interesting points, including the large number of law student members (47), the fact that 75% of section members are solo or in firms of 5 or less, that nearly a third of our members come from Greater Minnesota, and that two-thirds of our members also belong to the probate and trust law section and nearly half also belong to the real property section (21 of the latter are certified).

6.2 2009 MSBA Legislative Report

The MSBA was successful in helping to avoid huge cuts to the judicial department, which was where most of their lobbying efforts were focused this session. Bar dues and attorney registration fees will be increasing. The funding issues will return in the coming session, both potential cuts to the judiciary and the sales tax on legal services. Likely the issue of judicial selection process will come up again, with MSBA continuing to support retention elections only.

6.3 New MSBA Convention Model: Nine Days in June

Due to very low rates of attendance, the MSBA is dramatically revising the paradigm for the annual bar convention. There will be one-day meetings in various parts of the state, including the local bench, ending with a one-day statewide meeting in the Twin Cities.

#### 6.4 Request for Section Participation: Development of CLE in a Box

The bar wants to offer an a la carte list of CLE options to offer at each meeting. The sections are invited to provide an hour-long “CLE in a Box” on a topic of our choosing, to be presented by a local member at some or all of the meetings. Laura for the Member Education committee, in liaison with Bonita for the Greater Minnesota committee, will work with Vicki to decide what to develop and how to use the opportunity to develop membership in Greater Minnesota. Julian suggested that we look at using already existing elder law CLE materials rather than trying to come up with new programs from scratch. Jennifer suggested that we seek maximum support and assistance from MCLE and the bar in getting our program organized. **\*\*Motion that we recommend that the Member Education committee, together with the Greater Minnesota committee, develop a CLE in a Box for use in the Nine Days in June was passed.\*\***

### 7. Committee Reports

Our chair noted that it is a requirement that every member of the Governing Council serve on a committee, but that not all are currently signed up. Tell the chair what committee you want to serve on.

#### 7.1 Strategic Planning

Vicki McIntyre

At the recent committee meeting, the question about what, if anything, we as a section should do about elder-related consumer scams was discussed. Suzie has already published an article in the e-newsletter alerting members to the scams and telling them how to report them to the AG’s office. We should add a link on the website helping people report consumer scams.

The question of sponsoring a law student writing contest was discussed. We could involve more law students and perhaps generate useful research and writing on current issues. We discussed that such a contest would not be a substitute for a student law clerk’s research on ongoing litigation, because of timing and other logistical problems. It would reach out to our student members and raise our profile with them. But if the Law Student committee is in charge of a competition, the students on the committee might not be able to participate. **\*\*Motion to refer the issue to the Law Student Committee to generate a recommendation to bring back to the council was passed.\*\***

#### 7.2 Elder Law Institute

Vicki McIntyre

Everything is going great. We will have breakout sessions this year.

#### 7.3 Awards

Julian Zweber

Julian distributed a solicitation for awards nominations. It will go out in the e-newsletter.

#### 7.4 Bylaws

Richard Hawke

The committee will be planning a meeting soon. The only pending question that has been raised is whether a committee chair ex officio member of the council should have a vote. New committee members are welcome (as always).

7.5 Communications

Suzy Scheller

The committee met in early June. The different organization for the e-newsletter and the website were clarified. The website is being reworked. Interesting articles are always welcome.

7.6 Greater Minnesota

Bonita Kallestad

Bonita put notes in the last two e-newsletters asking for issues and volunteers. She got two volunteers but no issues so far.

7.7 Law Student

John Kantke

The committee is working hard on its breakout session for the Elder Law Institute. Discussions of the mission of the committee continue.

7.8 Legislative

Lori Guzman/Julian Zweber

Currently, the committee is publicizing the Barg amendments and soliciting reactions. There is significant concern from the Real Property section, but there will not be a lot of MSBA resources available for section issues in the next session either. Julian has solicited comments on the Uniform Power of Attorney Act, which will likely be reintroduced next session. The committee will meet sometime before session to review issues that will be arising.

7.9 Medical Assistance

Cathryn Reher

No report. Next meeting is the third Tuesday in October. Julian noted that there is a group interested in filing a 1983 action in federal court to challenge the treatment of irrevocable trusts as revocable. They got a lot of encouragement from committee members. This group wants stories of clients who have been affected by this issue. They will be submitting something to the e-newsletter.

7.10 Member Education

Laura Zdychnec

Laura met with folks from the MSBA and the Legal Services Coalition. We are trying to develop an elder law library for the ProJustice website. Laura requests submissions of pleadings, letters, forms, legal research, practice aids, etc. in the areas indicated on her list. This website is available to all legal aid attorneys and attorneys working on pro bono cases.

7.11 Nominations

Dan Steinhagen

Dan is lonely but not currently busy. We need one more council committee member and a non-council committee member by January.

7.12 Pro Bono

Pook Grathwol/Kris Mullman

No report.

7.13 Vulnerable Adult/Abuse

Ken LaBore/Joel Smith

There is a good strong group with a variety of backgrounds meeting. They will create teams to do public informational trainings in power of attorney abuse, elder maltreatment, and nursing home abuse. Next meeting is the last Thursday in October. Members of the group will be involved in the group discussing the Uniform Power of Attorney Act.

**8. Old Business/New Business:**

No old or new business.

**Adjourn**

**The next meeting of the Governing Council will be held on October 9, 2009.**

2009-10 MEETING SCHEDULE

Friday, October 9, 2009 - 12:30 pm - ELI  
Friday, December 18, 2009 - 3:30 pm - MAO  
Friday, February 19, 2010 - 3:30 pm - MAO  
Friday, April 23, 2010 - 3:30 pm - MAO  
Tuesday, June 8, 2010 - 1:00 p.m. - RiverCentre, St. Paul

<b>Call-In Instructions:</b> Call: 1-866-939-8416	Enter Participant Code: 9797594 #
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