

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

**Date: February 19, 2010**

**Council Members Present:** Vicki McIntyre, Jennifer Wright, Kristine Mullmann, Mark Anderson, Stuart Bear, Joel Button, Richard Hawke, Peter Hendricks, Paulette Joyer, John Kantke, Tom O'Connell (ex officio), Laura Orr (law student member), Sarah Rowley, Suzanne Sandahl, Suzanne Scheller, Joel Smith, Gary Smith (law student member), Julian J. Zweber, and Laura Zydchnech (ex officio) Lori Guzman, Kristina Ebbott (law student member) Jennifer Olin (law student member), Laurie Hanson, Vicki Ahl, Ken LaBore

**Present by phone:** Bonita Kallestad, Robert Russell, Jeffrey W. Schmidt

**Excused Absences:** Lori Skibbie, Sally Mortenson, Dan Steinheigen, Janet Totter, Margaret (Pook) Grathwol, Cathryn Reher, Stuart Bear, Kathleen M. Eveslage

**Unexcused Absences:**

**Guests:** Janice Frankman, Marjorie Austin

**MSBA Staff:** Elyse Farnsworth

- 1. Call to Order:** The Governing Council of the Elder Law Section of the Minnesota State Bar Association met on February 19, 2010, 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. Presentation of Bob Gunderson Special Appreciation Award:** Randy Boggio presented Beth Gunderson, Bob and Beth's son, and Bob's mother with a Special Appreciation Award for Bob's work as an advocate for the disabled. Bob's partners and colleagues from Thiel, Campbell, Gunderson, and Anderson also attended the ceremony.
- 3. Approval of Agenda:** The agenda was approved as presented.
- 4. Approval of December 18, 2009 Council Meeting Minutes:** Upon motion duly made and seconded, the minutes from the December 18, 2009, meeting of the Governing Council were approved as presented.
- 5. Treasurer's Report:** Upon motion duly made and seconded, the Treasurer's Report for the period ending December 31, 2009, was accepted.
  - 5.1. Vicki requested that everyone report the use of the conference phone number for better tracking. She reminded everyone that committees are free to use the conference number for committee meetings.

## 5.2. MSBA Request for \$250 for Haiti Relief

Vicki reported that the MSBA has requested a \$250 donation from the section, on behalf of section members, as part of a joint fundraising effort between the MSBA and the MABL (Minnesota Association of Black Lawyers) for Haiti earthquake relief. Vicki asked if the council wanted to make an exception to the section's policy of not donating money unless the donation will benefit members of the Elder Law Section. It was noted that other sections have declined the donation request; the Probate and Trust Section recently voted not to contribute directly to Haiti Relief. It was suggested that a notice be placed in the newsletter encouraging section members to donate to a Haiti relief fund of their choosing.

**\*\*Motion that the Elder Law Section donate money to the MSBA/MABL Haiti Relief Fund did not pass.\*\***

## 6. Committee Reports

### 6.1 Vulnerable Adult

Ken LaBore/Joel Smith

6.1.1 Ken LaBore passed around the new brochure produced by the committee to publicize the availability of speakers on issues of abuse, neglect, and financial exploitation of the elderly. The committee is now available to speak to groups and is working on a plan to distribute the brochure to the community.

6.1.2 Suzy Scheller circulated a second draft of the Vulnerable Adult Brochure that the committee revised at the request of Anoka County. The committee will oversee printing and distribution of the brochure. Additional funds will be needed for printing.

**\*\*Motion to increase the Vulnerable Adult Committee budget by \$150 passed unanimously.\*\***

### 6.2 Pro Bono/NHDD

Kristine Mullmann

#### 6.2.1 New NHDD Website

Kristine reported that the new NHDD Website is up and running. Everyone is encouraged to view the site frequently to move the address up higher on search engine pages. The new web address is: [www.mnhealthcaredecisions.info](http://www.mnhealthcaredecisions.info)

#### 6.2.2 NHDD Volunteers

Kristine noted that volunteers are still needed to assist with NHDD events.

## 6.3 Medical Assistance

Cathryn Reher/Vicki McIntyre

### 6.3.1 State Plan Update

In Cathryn's absence, Vicki reported that we have successfully acquired a full copy of the Medicaid State Plan. Unfortunately, the quality is very poor, but Nick Halbur and Heidi Hovis at St. Thomas are working to create a pdf version of the Plan to be posted online, if possible. In the interim, the Plan's Table of Contents will be posted on the Elder Law website early next week, with contact information for the person at DHS who can provide copies of specific sections for members upon request. Vicki and Cathryn both have copies of the full plan available for review.

### 6.3.2 State Plan Letter to CMS

Vicki circulated a copy of a letter that was sent on February 8th to the Director of the Center for Medicaid and State Operations of CMS, asking that the entire Medicaid State Plan for each state be placed on the CMS website and that proposed SPAs be posted as received from the states, with directions on how stakeholders may submit materials for CMS to consider in its review of proposed SPAs. The letter was drafted by Nick Halbur and signed by twelve members of the section.

## 6.4 Member Education

Laura Zdychnec

### 6.4.1 Nine Days in June: CLE in a Box Update

Laura reported that the section's CLE in a Box program will be presented in Willmar as part of the new Nine Days in June annual MSBA conference on June 18, 2010. Mark Wermerskirchen has agreed to be the presenter. Laura is working on the PowerPoint presentation and materials.

### 6.4.2 ProJustice Minnesota

Laura asked for content donations to the new Elder Law section of the ProJustice Minnesota website. The materials will be used only by member attorneys in Minnesota representing low income individuals in the elder law arena.

## 6.5 Law Student

John Kantke

### 6.5.1 New Mentor/Buddy Project

John and the students are in the process of structuring the new system and will contact prospective "buddies" when ready.

### 6.5.2 Spring Project

The student members of the Governing Council have identified a volunteer Opportunity with Handy Works to do Spring Clean-up in South Minneapolis, to be followed by a gathering hosted by Steinhagen & Crist on Saturday, May 1, 2010. The goal of the project is for students and practicing attorneys to volunteer in small groups to assist elderly homeowners with spring yard work, then gather informally in a social setting.

### 6.6 Nominations

Vicki McIntyre/Dan Steinhagen

In Dan's absence, Vicki reported that Bonita Kallestad and Jeff Schmidt will not be seeking re-election, so two seats will be available on the Governing Council for 2010-11. Nominations are now officially open for the two council seats and for officer positions. Nominations will close on April 1, 2010. A slate will be presented at the April council meeting, then will be voted on by the full section membership at the Annual Meeting in June.

### 6.7 Elder Law Institute

Jennifer Wright

Jennifer reported that the dates for the Elder Law Institute are October 8 & 9, 2010. Anyone interested in serving on the ELI planning committee should let Jennifer know. There will be three planning meetings, held at Minnesota CLE's St. Paul offices from 11:30am-1:00pm on the following dates: April 20, 2010; May 19, 2010; June 17, 2010.

### 6.8 Awards

Julian Zweber

The Bob Gunderson award was presented today and next year's awards will be solicited in June, to be presented during the 2010 Elder Law Institute.

### 6.9 Bylaws

Richard Hawke

No report

### 6.10 Communications

Laurie Hanson

Laurie noted that Marjorie Austin will be taking over as Editor-in-Chief of the section's eNewsletter on March 1st. Laurie thanked Suzy for the great job she's done as Editor-in-chief over the past year. Laurie also asked for submissions of articles and links of the week.

### 6.11 Greater Minnesota

Bonita Kallestad

Bonita has put several notices in the eNewsletter asking for participation on the

committee, but only three people have responded and only one has been able to be contacted. Bonita will try to set up a phone call with the interested party; if there is no further response, the usefulness of the committee will be evaluated.

6.12 Strategic Planning

Tom O'Connell

No Report

6.13 Legislative

Lori Guzman/Julian Zweber

Julian attended an MSBA meeting today to speak on behalf of the Real Property section's legislative proposal to delay the effective date of the 2009 amendments to Minn. Stat. 256B.15, the MA estate recovery statute. The Real Property section approved the legislative proposal 18-0; however, the MSBA must determine whether any conflicts exist with other MSBA agenda items. If the MSBA refuses to support the proposed legislation, the Real Property Section would like to propose it as a section. The MSBA President is concerned that a proposal from attorneys that "costs the state of Minnesota money" may cause the legislature to ask for a sales tax on legal fees. The MSBA will let Julian know by the end of the day. Julian noted that it is now safest to get Clearance Certificates, though some counties are reluctant because they don't believe it is required.

6.14 Law School Mixer Report

Sarah Rowley

Sarah noted that the event was very successful and that she had follow-up meetings with several students after the mixer. (Potential new section members!) Elyse said that the Elder Law Section had the most attorney representatives at the event. The next mixer will be moved back to fall, on the third Tuesday in October, 2010, from 5:30-6:30. Any suggestions on how to strengthen the event are welcomed.

**7. Old/New Business**

7.1 New Lawyers Section Request

Vicki McIntyre

Vicki received a request from the New Lawyers Section to partner with them on a project for next year. The New Lawyers section is preparing a grant proposal to work with the ABA Young Lawyers Division and its "Serving Our Seniors" project. The project would focus on providing pro bono legal services to the elderly, and would assist with legal issues at assisted living facilities, such as understanding government benefits, health insurance coverage issues, estate planning, and advance directives. Vicki asked if we are interested in partnering with the New Lawyers Section on this project. Elyse explained that each year the ABA Young Lawyers Division challenges all state New Lawyers Sections to get a project going and this year it is focused on

seniors. Laurie suggested that we agree to partner with them if they narrow the project to emphasize completion of health care directives, in concert with our NHDD initiative.

**\*\*Motion to approve partnering with the New Lawyers Section on the project if they will focus the project on the completion of health care directives (with a challenge to get all 87 counties to participate in NHDD) passed unanimously.\*\***

7.2 Request for Volunteers

Paulette Joyer

Paulette Joyer explained that some MOA work includes pro bono work, for which volunteers are needed. While most people volunteering at MOA are hoping to get mentored on elder law, the program really needs experienced volunteers who can work independently. Monica Lewis and Paulette Joyer are asking for volunteers from the Elder Law Governing Council since our council members are very qualified and could be sent out to meet with a client. Pro bono work for MAO Legal Services may qualify for CLE credit. Anyone wishing to volunteer should let Paulette or Monica know.

7.3 Annual Meeting Time

Vicki McIntyre

Vicki noted that the Probate and Trust conference has scheduled a 2-hour bias program directly following their conference this June, which would conflict with our section's Annual Meeting. The council discussed the pros and cons of moving forward with the Annual Meeting as currently scheduled or moving the meeting time and/or date to avoid the conflict. Vicki will consult with Jennifer Wright and make a decision.

**7. Adjournment**

The meeting was adjourned at 5:02 p.m.

**The next meeting of the Governing Council will be held on Friday, April 23, 2010, at 3:30 pm at MAO**

2009-10 MEETING SCHEDULE

Friday, April 23, 2010 - 3:30 pm - MAO

Tuesday, June 8, 2010 - 1:00 p.m. - RiverCentre, St. Paul

**Call-In Instructions:** Call: 1-866-939-8416

Enter Participant Code: 9797594 #