

MINNESOTA STATE BAR ASSOCIATION
Elder Law Section Governing Council
Meeting Minutes

Date: June 9, 2009

Council Members Present: Jeffrey W. Schmidt, Vicki Ahl, Jennifer Wright, Mark Anderson, Joel Button, Kathleen M. Eveslage, Lori Guzman, Laurie Hanson, Richard Hawke, John Kantke, Ken LaBore, Vicki McIntyre, Sally Mortenson, Kristine Mullmann, Cathryn Reher, Sarah Rowley, Suzanne Sandahl, Lori Skibbie, Joel Smith, Dan Steinheigen, Janet Totter, Julian J. Zweber, Paulette Joyer, Suzy Scheller, Peter Hendricks, Jennifer Olin, Laura Orr, Kristina Ebbott, Laura Zdychnec, Tom O'Connell

Present by phone: Bonita Kallestad

Excused Absences: Beth Northrop-Day, Margaret Grathwol

Unexcused Absences: Stuart Bear, Robert Russell (**Note: Council members should contact the chair in advance when they are unable to attend a council meeting.**)

Guests: Thomas Meinz, Stuart Schmitz, Mathea Bulander, William Brown, Mary Frances Price, Rolf Nelson, Bryan Jamison, Jon Lips, and Kathy Tatone

MSBA Staff: No staff present

- 1. Call to Order:** The Governing Council of the Elder Law Section of the Minnesota State Bar Association met on June 9, 2009, at the St. Paul RiverCentre in St. Paul, Minnesota. The meeting was called to order at 1:17 p.m. by Chair, Vicki McIntyre, and was started with a thank you to outgoing officers and council members and a welcome to new council members.
- 2. Approval of Agenda:** The agenda was approved as submitted or with the following changes: NONE
- 3. Approval of April 17, 2009 Council Meeting Minutes:** Upon motion duly made and seconded, the minutes from the April 17, 2009, meeting of the Governing Council were approved.
- 4. Treasurer's Report:** Upon motion duly made and seconded, the Treasurer's Report for the period ending April 30, 2009, was discussed and accepted.
- 5. MSBA REP:** Jennifer Wright will keep this position and Vicki McIntyre will be the alternate.
- 6. Committee Reports**

- 6.1 **Awards:** Julian Zweber – Possible new award to a client who has given service “above and beyond the call of duty”.
- 6.2 **Bylaws:** Richard Hawke – Overview of duties and call for participation.
- 6.3 **Communications:** Laurie Hanson – Two arms of committee now including 1) Newsletter and 2) Website to facilitate a more useful coordination of communication.
- 6.4 **Elder Law Institute Planning:** Vicki McIntyre – EL Institute 2009 will include break-out sessions and have a “Basic” track for new elder law attorneys. Author and Wall Street Journal columnist Jane Brody will be the featured speaker. Contact Chair for any recommendations for this or other institutes.
- 6.5 **Greater MN:** Bonita Kallestad – Provides section opportunities for out-state attorneys including the possibility of using video conference in the future.
- 6.6 **Law Student:** John Kantke – Committee is now comprised of law students to work on projects they are interested in. First item on their agenda is to put together a break-out session for the EL Institute.
- 6.7 **Legislative:** Lori Guzman/Julian Zweber – This year MSBA focused on funding for courts and legal aid and avoidance of taxation on legal fees. Looking forward, *Barg* will force/demand changes in estate recovery if US Supreme Court upholds the decision. Possibility of new litigation committee if *Barg* stands in MN. Private Right of Action legislation and Guardianship/Conservatorship legislation will be discussed in upcoming Newsletters.
- 6.8 **Medical Assistance:** Cathryn Reher – “Work study” group to discuss MA issues and practice tips.
- 6.9 **Member Education:** Laura Zdychnec – Ensure members are getting the education they need including a recent project to compile an elder law library for those working on elder law pro bono or legal aid projects. Next meeting Laura will bring materials to distribute and review.
- 6.10 **Nominations:** Dan Steinhagen – Duties completed until next election in 2010.
- 6.11 **Pro Bono:** Pook Grathwol/Kristine Mullmann – NHDD on April 16, 2010, is the focus of this committee right now, but they welcome other ideas or suggestions.
- 6.12 **Strategic Planning:** Tom O’Connell – Plans to meet and discuss agenda items for the year.
- 6.13 **Vulnerable Adult/Abuse:** Ken LaBore/Joel Smith – Last meeting April 2009; will meet every 90 days and plan to put on CEU. Next meeting is July 30, 2009. See Newsletter for more info.

Chair, Vicki McIntyre, requested that all committees meet before the August 21, 2009, Governing Council meeting and provide a list of committee members and committee agenda for the year.

7. Old Business: None

8. New Business:

The Robert Wood Johnson Foundation has issued a call for proposals in the area of public health law. Through this grant, the foundation seeks to build evidence for and strengthen the use of regulatory, legal and policy solutions to improve public health.

The University of St. Thomas Interprofessional Center for Counseling and Legal Services is submitting a proposal to improve the efficacy of complaint handling at the Office of Health Facilities Complaints. The proposal will demonstrate that the OHFC process for taking and resolving complaints is not as effective as it should be and this lack of efficacy results in detriment to the physical and emotional health of long term care residents. The grant funds would be used to develop an interdisciplinary curriculum for St. Thomas students to research the existing system and make recommendations for improvement.

Jennifer Wright is assisting in the drafting of the grant proposal. As a part of the proposal, St. Thomas is seeking agency and community partners. She would like to know if the Elder Law Section would be willing to be an agency partner in this proposal. At this point, they are seeking only endorsement and general support. They are not now asking for any commitment of time or resources.

Upon motion duly made, the endorsement and general support of the proposal for the OHFC was discussed and voted on with a result of YEAS - 22; NAYS - 0; ABSTENTIONS – 1

9. Future Meeting Times:

Dick Hawke noted that the meeting regularly scheduled for April 16, 2010, falls on National Healthcare Decisions Day. To avoid the conflict, the meeting will be moved forward one week to April 23, 2009.

Adjourn: 2:15 p.m.

The next meeting of the Governing Council will be held at 3:30 p.m. on August 21, 2009, at M.A.O. Legal Services, 2021 E. Hennepin, Suite 200, Minneapolis.

Respectfully Submitted,

Kristine E. Mullman
Secretary, Elder Law Governing Council