

MINNESOTA STATE BAR ASSOCIATION

Elder Law Section Governing Council
Meeting Minutes

Date: August 8, 2008

Council Members Present: Jeffrey W. Schmidt, Jennifer Wright, Joel Button, Allison Crandall (student member), Lori Guzman, Richard Hawke, Bonita Kallestad, John Kantke, Ken LaBore, Vicki McIntyre, Kristine Mullman, Cathryn Reher, Sarah Rowley, Lori Skibbie, Dan Steinheigen, Janet Totter, Julian J. Zweber, and Laura Zdychnec (non-voting member)

Present by phone: Kristine Mullman

Excused Absences: Vicki Ahl, Nanzanin Barouti (student member), Kathleen M. Eveslage, Margaret Grathwol, Laurie Hanson, Monica Lewis, Sally Mortenson, Joel Smith,

Unexcused Absences: Mark Anderson, Jacob J. Baker, Stuart Bear, Robert Russell, Suzanne Sandahl, David Stahlman (**Note: Council members should contact the chair in advance when they are unable to attend a council meeting.**)

Guests: Melissa Hunt, section law clerk

MSBA Staff: Meaghan E. Harper

1. **Call to Order:** The Governing Council of the Elder Law Section of the Minnesota State Bar Association met on August 8, 2008, 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, Jeff Schmidt.
2. **Approval of Agenda:** The agenda was approved as submitted.
3. **Approval of June 10, 2008 Council Meeting Minutes:** Correction to the minutes: Lori Guzman should be listed as an "excused absence". Upon motion duly made and seconded, the amended minutes from the June 10, 2008 meeting of the Governing Council were approved.
4. **Treasurer's Report:** Upon motion duly made and seconded, the Treasurer's Reports for the periods ending January 31, 2008 through May 31, 2008, were tabled until the Governing Council has an opportunity to discuss them when the Treasurer can be present.
5. **Appointment/Confirmation of Committee Chairs and Committee Reports:**
 - 5.1. Awards [Julian Zweber]
The committee will start seeking nominations for the Gooderl and other awards later in August.
 - 5.2. By-Laws [Richard Hawke]
No by-laws issues are pending.
 - 5.3. Elder Law Institute Planning [Jeffrey W. Schmidt]
The planning process is complete for this year's Elder Law Institute. The Institute will be October 2 and 3, 2008. A mailing was sent to presenters a couple weeks ago, but some people present at the Council meeting did not receive the packet with deadlines, etc. Jeff will check on it with the MSBA.
 - 5.4. Greater Minnesota Support [Bonita Kallestad]
Bonita graciously agreed to serve as chair. Reminder that committee members do not have to be on the Governing Council. Each committee should try to recruit members outside the Council. Bonita needs to receive a copy of the survey to look at the issues that were raised by the section membership
 - 5.5. Law Clerk [John Kantke]

Our current clerk is doing a great job. No complaints. Melissa graduates in December, at which point the committee will look for a new law clerk. ***Motion to approve continuing funding for the law clerk through the next Council meeting, at which time the Council will be able to review total law clerk expenditures thus far in relation to the budget was passed.*** Melissa updated us on her work. Some progress has been made on request for red-line copy of the Health Programs Manual. Research into issues relating to proper promulgation of administrative rules has been completed, and a report has been submitted to Kim Dayton. Research into issues relating to section 1983 jurisprudence is ongoing and should be completed within the month. Research into issues relating to standing under various claims is being updated and will be completed by the end of the month. Eventually, contact with Legal Aid Advocacy Project should be initiated.

5.6. Legislative

[Lori Guzman & Julian Zweber]

The committee will be meeting Monday, August 25 from 12 noon to 1:30 p.m. in Room 229 at William Mitchell. Some potential issues: Barg fallout, TOD issues, Vulnerable Adult Act, assisted living issues. Those who cannot attend the meeting should contact one of the chairs to raise potential legislative issues.

5.7. Medical Assistance

[Cathryn Reher]

The next meeting is August 19. Jennifer Wright will do a presentation on the assisted living statutes.

5.8. Member Education

[Laura Zdychnec]

No meeting yet. Laura has been working on defining the mission of the committee. Question whether Laura can be committee chair without serving on the Governing Council was deferred to Dick Hawke, who reported that, while all committee chairs are automatically members of the Council under our by-laws, Laura will have to be a non-voting member of the Governing Council, since the Council currently has its maximum number of voting members.

5.9. Newsletter

[Laurie Hanson – not confirmed]

The newsletter continues to need input from members. Please let Vicki McIntyre know about committee meetings, for listing in the newsletter. It would be very helpful if each committee would create and submit a description of the work of the committee. Chairs should look at past descriptions and review and update them and then submit them to Vicki for publication in the newsletter. Committee descriptions should be posted on the website. The newsletter could feature each committee in the newsletter – first come, first served. Some other ideas for additional content include: Back to Basics articles, Outrageous Case Worker Action of the Week stories, etc. We need a backup editor to cover for Vicki's vacations, or there will be a few missed issues.

5.10. Nomination

[Dan Steinheigen]

Dan graciously agreed to serve as chair.

5.11. Pro Bono

[Jennifer Wright & Vicki McIntyre]

The committee will continue with National Healthcare Decisions Day. The committee will gather information about general pro bono opportunities and get that information out to the section membership via the newsletter and other means. The committee will also try to identify any gaps in pro bono services that are particularly needed by elders and that could be provided by section members.

5.12. Strategic Planning

[Monica Lewis]

The committee will be meeting to come up with a proposed budget and a proposal on the budgeting process to be presented to the Governing Council at the next meeting.

6. Old Business:

6.1. Schedule for Governing Council meetings:

Jeff made a final executive decision as to the meeting schedule (see below). There will NOT be a meeting in conjunction with the Elder Law Institute.

7. New Business:

7.1. DHS Contact Group

7.1.1. Concept

DHS has expressed interest in establishing a forum for DHS personnel and elder law practitioners to discuss policy and practice concerns and issues together. This idea is in the initial stages of discussion and implementation.

7.1.2. Implementation

Jeff is working on the fairly delicate process of creating such a group that will be able to endure and to serve a useful purpose. The nature, composition, meeting schedule, and agenda of such a group are still in the process of being determined.

7.1.3. Topic Solicitation

Jeff wants people to give him stories about how state policies and practices affect “the little guy”, perhaps in ways that are unintended or unreasonably harsh. Please send issues, ideas and stories to Jeff.

Adjourn

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| <p>The next meetings of the Governing Council will be held on: Friday, October 10, 2008, 3:30 p.m. @ MAO. Friday, December 12, 2008, 3:30 p.m. @ MAO Friday, February 13, 2009, 3:30 p.m. @ MAO Friday, April 17, 2009, 3:30 p.m. @ MAO</p> |
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