

MINNESOTA STATE BAR ASSOCIATION
Elder Law Section Governing Council
Meeting Minutes

Date: December 12, 2008

Council Members Present: Jeffrey W. Schmidt, Jennifer Wright, Vicki Ahl, Mark Anderson, Kathleen M. Eveslage, Margaret Grathwol, Lori Guzman, Laurie Hanson, Bonita Kallestad, John Kantke, Ken LaBore, Vicki McIntyre, Kristine Mullman, Cathryn Reher, Robert Russell, Lori Skibbie, Joel Smith, Dan Steinheigen, Janet Totter, Julian J. Zweber, and Laura Zdychnec (non-voting member)

Present by phone: Lori Guzman, Bonita Kallistad, Lorie Skibbie, Joel Smith (ALSO present in person)

Excused Absences: Stuart Bear, Joel Button, Richard Hawke, Monica Lewis, Sarah Rowley

Unexcused Absences: (Note: Council members should contact the chair in advance when they are unable to attend a council meeting.) Jake Baker, Nanzanin Barouti (student member), Allison Crandall (student member), Sally Mortenson, Suzanne Sandahl, and David Stahlman

Guests: Suzy Scheller, Letty Van Ert, Zachary Volk

MSBA Staff: Meaghan E. Harper (not present)

- 1. Call to Order:** The Governing Council of the Elder Law Section of the Minnesota State Bar Association met on December 12, 2008 , at MAO Offices located at 2021 East Hennepin, Suite 200, Minneapolis, Minnesota. The meeting was called to order at 3:35 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:** Upon motion duly made and seconded, the minutes from the June 10, 2008, meeting of the Governing Council were approved as submitted.
- 4. Treasurer's Report:** Upon motion duly made and seconded, the Treasurer's Report for the period ending October 31, 2008, was accepted.
- 5. Committee Reports**
 - 5.1. Awards [Julian Zweber] – No report.
 - 5.2. By-Laws [Richard Hawke] – No report.

5.3. Elder Law Institute Planning [Vicki McIntyre]

We have a date: October 8 and 9, 2009. Planning process will begin in April. Three planning meetings will be held in April, May and June. Volunteers for the committee will be sought beginning in January.

5.4. Greater Minnesota Support [Bonita Kallestad]

The committee is investigating setting up video conferencing of the governing council meetings for Greater Minnesota members. They will have more information in the future. They are planning networking opportunities for elder law section members in connection with the district bar association meetings. These are well attended, and it would be convenient to do a “tack-on” for section members. Meaghan Harper at MSBA Member Services will be providing information about where our section members are located. She also referred Bonita to the MSBA’s technology person and someone who might have access to the technology for video conferencing. Meaghan also indicated interest in developing CLEs connected with district bar association meetings. The Probate and Trust section has a monthly phone-in meeting for Greater Minnesota, with either a topic or general discussion for folks who phone in. The committee is exploring options for the Elder Law section, perhaps in conjunction with the Medical Assistance committee. Jeff noted the MSBA’s support for improved teleconferencing services for our governing council meetings, which is working very well and can be used from any location by any bar group. We expressed appreciation of Bonita’s and the committee’s good work.

5.5. Law Clerk [John Kantke]

The committee conducted an exit interview with Melissa. They started discussing the interview process, and came to the realization that they did not know who the supervising attorney would be and didn’t know what the law clerk was needed to do. They therefore send the issue to the Strategic Planning committee to recommend whether we should hire a law clerk at all. Melissa has completed her work and most of her final reports have been sent to Jeff. The rest will come after exams, etc. next January. Then the governing council will decide how to use/publicize this information.

5.6. Legislative [Lori Guzman & Julian Zweber]

The committee is waiting for legislative committees to be finalized to determine who the key players for our issues will be this session. The MSBA has approved its list of priorities for this session. Some sections had their issues shaved off. The Bar is saving most of its resources to fight the sales tax on attorneys fees legislation. Only 20% of the Bar’s lobbying resources will be dedicated to section proposals this session. We are waiting to hear about state budget cutting with bated breath.

5.7. Medical Assistance [Cathryn Reher]

Meeting next week – December 16 at 3:30 at MAO. So much stuff is happening, it will be a lively meeting.

5.8. Member Education [Laura Zdychnec]

Recently talked to Meaghan Harper about possibly co-sponsoring a CLE program with the Health Law section. This project is currently delayed until spring.

5.9. Newsletter

[Laurie Hanson]

Meeting noon, January 5, 2009, at Laurie's office.

5.10. Nomination

[Dan Steinheigen]

Dan Steinheigen has volunteered as chair. He does not have a committee yet. The committee needs at least one council member and one non-council member. Vicki McIntyre volunteered to serve as a council member.

5.11. Pro Bono

[Jennifer Wright]

Jennifer announced that she has to resign as co-chair because she has not had the time to do anything. Vicki McIntyre is co-chair, but only through June. She wants to primarily work on National Healthcare Decisions Day. Pook will co-chair. Jennifer will serve on the committee and will try to come back as co-chair in June. Planning for NHDD will begin very shortly.

5.12. Strategic Planning

[Vicki Ahl]

A budget for fiscal years ending 6/30/09 and 6/30/10 was presented, with the following corrections to the written materials: MA Committee reduced for both years from \$1,000 to \$500. Public Education was renamed to Member Education, and its line was reduced from \$200 to \$100 per year. Website was reduced from \$500 to \$100 per year, and Pro Bono was allocated \$100 per year. Under the committee's proposal, as corrected above, we would end with a surplus of \$880 instead of \$80.

The committee recommended that we not budget any money for a law clerk. We spent a considerable amount on a law clerk this past year, and there is not an apparent need for a law clerk at this point. If someone sees a need for a law clerk, s/he can submit a proposal to the governing council for a special allocation of funds. We should try to get law students to work on a volunteer basis. Proposals should be made to the chair and will come to the governing council for approval after the proposal has been fully fleshed out. Julian indicated that there wasn't that much benefit from a student clerk to help monitor the legislative process. If a need develops, the Legislative committee can make a proposal.

The \$600 line for the newsletter is too low. The proposed amount was based on past-year expenditures which didn't include a full year's costs. ***Motion to increase the amount budgeted for the newsletter to \$1,200 per year was passed by unanimous vote.*** The changes in beginning and ending balances, etc., will be recalculated based on this change and a new written budget will be circulated.

Motion to approve the budgets as amended was passed by unanimous vote.

6. New Business

6.1. Establish a Vulnerable Adults/Abuse and/or Litigation Support Committee.

Proposal by Ken LaBore for mission statement and goals/tasks of proposed committee was circulated before the meeting. Ken has not been attending the VAA stakeholders task force that

has been meeting. Jennifer has been meeting with the task force and will communicate with Ken and Joel about the last stages of that process. ***Motion to establish a Vulnerable Adults committee with the proposed mission and goals was passed unanimously.*** Jeff appointed Ken LaBore and Joel Smith as co-chairs.

6.2. Collaboration with Real Estate Section to provide public education about mortgage/reverse mortgage scams. (Jeffrey W. Schmidt).

Such a project could be referred to the Vulnerable Adults committee. Or we could just appoint an individual or individuals to liase with the Real Estate section. The Real Estate section wants to know how to get the information out to the seniors – let them know who the players are (Senior Federation, AAAs, AG’s office, etc.). Jeff is seeking anyone who is interested in talking to the Real Estate folks who are discussing the concept. Vicki Ahl and Bob Russell will attend the next meeting on behalf of the Governing Council. Ken is also interested in participating on the part of the Vulnerable Adults committee. Perhaps reverse mortgage fraud should be included as a topic in the Elder Law Institute.

6.3. Minnesota Senior Federation Recognition. (Zachary Volk).

Zach is an Elder Law section member working for the Upper Midwest Pension Rights Project under the Senior Federation. He advocates on behalf of folks who are trying to collect on a pension which is not being paid, or who have had pension benefits cut, or who are having any kind of dispute regarding pension benefits. He wanted to reach out to look for opportunities to work together with the section. Bonita suggested that the Project be publicized as a resource through the newsletter. Zach will write an article for the newsletter about the Pension Project and the Senior Federation, including information about their lawyer referral service. Cathryn suggested giving examples of the kind of work that the Project does. What questions should we be asking clients about their possible pension rights? Perhaps we should include pension rights as a topic in the Elder Law Institute. Julian pointed out that we should reach out to other senior advocacy groups generally. The Newsletter committee could contact people in other organizations to solicit articles about the work that they are doing with seniors. Jeff will contact the director of the Senior Federation, and he requests ideas, names and contact information for other important senior advocacy groups.

7. Old Business

7.1. Update on Elder Care Guide. Project Description: Identification of all the Types of Facilities and the Standards and Eligibility for each. (Ken LaBore).

The second draft was emailed out to Governing Council members and available in hard copy at the meeting. If anyone needs a copy, contact Ken or Suzy. They solicit comments from anyone about the content and/or format. They hope to present a third and final draft to the Governing Council in February. They will then publish it as a professional resource and then revise it as a resource for consumers. They are still looking for material on veterans’ homes and benefits.

7.2 Ways to connect law students seeking practical research projects and attorneys with research needs.

Elder law professors from each law school should meet with Law Clerk and Newsletter committees to discuss ways of creating those connections in an organized way.

8. Adjourn

Next Meetings:	Friday, February 13, 2009, 3:30 p.m. @ MAO Friday, April 17, 2009, 3:30 p.m. @ MAO
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