

# **MSBA ELDER LAW SECTION E-NEWSLETTER**

## **SEPTEMBER 2, 2008**

### **E-Newsletter Editorial Staff:**

**Newsletter Committee Chair:** Laurie Hanson, Esq.

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### **COMMITTEE SPOTLIGHT: STRATEGIC PLANNING COMMITTEE**

The Strategic Planning Committee considers long-term planning for the Elder Law Section and makes proposals to the Governing Council for recommended actions. A major task is to work with the section treasurer to present a section budget to the Governing Council. In addition, the committee meets to discuss section issues or unmet needs. The committee takes a long-range view to create policies that are responsive to the needs of section members and that reach out to other members of the Bar. Recent recommendations have been to create several new committees within the Elder Law Section and to send the newsletter to other sections to create interest in the Elder Law Section. The committee meets 2-3 times a year, usually over lunch, and the meetings are lively and entertaining.

Section members who are interested in learning more about the strategic planning process, or who have suggestions for the committee, may contact Strategic Planning Committee Chair, Monica Lewis, at [mlewis@voamn.org](mailto:mlewis@voamn.org). The next committee report and discussion will occur at the Governing Council meeting to be held at 3:30 p.m. on October 10, 2008.

### **ELDER LAW NEWS**

With homes worth less and stocks sinking nest eggs, retirement remains elusive for a growing number of Minnesotans.

[http://www.startribune.com/business/27288574.html?elr=KArksLckD8EQDUoaEyqyP4O:DW3ckUiD3aPc:\\_Yyc:aUnciatkEP7DhUsX](http://www.startribune.com/business/27288574.html?elr=KArksLckD8EQDUoaEyqyP4O:DW3ckUiD3aPc:_Yyc:aUnciatkEP7DhUsX)

Baby boomers expect to have the same opportunity as their parents have to live independently as they age.

<http://www.sctimes.com/apps/pbcs.dll/article?AID=/20080824/NEWS01/108240043/1009>

Some early retirees have second thoughts because they miss the fulfillment a job provides. Increasingly, money is a concern, too.

[http://www.usatoday.com/money/perfi/retirement/2008-08-26-retired-too-soon\\_N.htm](http://www.usatoday.com/money/perfi/retirement/2008-08-26-retired-too-soon_N.htm)

The number of Americans without health insurance falls.

<http://www.latimes.com/business/careers/work/la-fi-census27-2008aug27,0,1095835.story>

Forensic skills seek to uncover elder abuse.

[http://www.nytimes.com/2006/09/27/us/27abuse.html?\\_r=1&pagewanted=print](http://www.nytimes.com/2006/09/27/us/27abuse.html?_r=1&pagewanted=print)

## **UPCOMING EVENTS AND CLE PROGRAMS**

### **Home and Community-based Medical Assistance in Minnesota**

Presented by Jeffrey W. Schmidt in conjunction with Medical Education Services, Inc.  
Professional Development Network

Thursday, September 25, 2008

Radisson Suites, 404 West St. Germain, St. Cloud

5.25 CLE credits have been approved by the Minnesota Board of Continuing Education

Information and online registration is available at: [www.meds-pdn.com](http://www.meds-pdn.com)

### **The New Transfer on Death Deed (TODD) Legislation**

Presented by Julian Zweber and Minnesota CLE Faculty

Tuesday, October 14, 2008

Minnesota CLE Conference Center, 3rd floor City Center, Minneapolis

More information and online registration available at:

<http://www.minncle.org/AABuy1.asp?ITEMTYPE=S&ITEMNMBR=101850901&ArticleID=> or call 800-759-8840.

## **ELDER LAW SECTION ACTIVITIES**

**The 2008 Elder Law Institute, "Protecting Vulnerable Clients in Tough Economic Times," will be held on Thursday and Friday, October 2-3, 2008, at the Minnesota CLE Conference Center, 3rd floor City Center, Minneapolis.**

The Institute will kick off Day 1 with a special presentation on the Minnesota Supreme Court's decision in the *Estate of Barg*. On May 30, 2008, the Minnesota Supreme Court decided that federal law does not allow MA recovery from the estate of a community spouse against assets in which the predeceased recipient spouse did not have an interest at the time of death. During this presentation, Thomas J. Mainz will provide an update on the latest developments in *Barg*, along with a discussion of the implications of the court's analysis. Don't miss the latest and greatest on *Barg* at 9:00 a.m. on October 2, 2008!

CLE CREDITS: Application has been made for 10.25 CLE credits, including 1.0 Ethics credit.

REGISTER TODAY! More information is and registration is available by phone at 651-227-8266 or 800-759-8840, or online at:

<http://www.minncle.org/AABuy1.asp?ITEMTYPE=S&ITEMNMBR=100540901&ArticleID=>

**MINNESOTA CASES**

The following is a Minnesota Court of Appeals decision released on August 26, 2008:

Minnesota Court of Appeals  
A07-1749

**Tenneh Johnson, individually and o/b/o Walker Methodist Health Center, Inc., et al., petitioners, Respondents, vs. Beverley Jean Berg, Appellant.**

WORKE, Judge

On appeal from the district court's grant of a harassment restraining order, appellant argues that (1) the record does not support the initial grant of a temporary restraining order; (2) the record does not support the harassment restraining order; (3) the conduct on which the harassment restraining order was based is protected by state and federal law; and (4) she was not afforded a full and fair hearing. We affirm.

The full decision is available at: <http://www.mncourts.gov/opinions/coa/current/opa071749-0826.pdf>

**STATUTES, REGULATIONS, BULLETINS**

Nothing to report this week.

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**DON'T FORGET THAT THE ELDER LAW WEBSITE IS A GREAT RESOURCE.** Here's what you can find on the Website: Links under "What's New" to the DHS Health Care Programs Manual, the updated Income and Asset Eligibility Figures for Minnesota Health Care Programs, the DHS Bulletin on treatment of uncompensated transfers, the Minnesota Bankers Association Compliance Bulletin on Powers of Attorney, and a legislative summary; Practice Links to organizations such as NAELA, ABA Commission on Law and Aging, Minnesota Senior Federation; Links to Federal and State Government Agencies, Statutes, and Regulations; Meeting Notices, Listings of Officers and Council Members, Section Bylaws, and more.

**To access the ELDER LAW SECTION WEBSITE**

Click here: <http://www2.mnbar.org/sections/elder-law/index.asp>

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Please send eNewsletter contributions by noon on Saturday of each week to Vicki McIntyre at [vmcintyre2@yahoo.com](mailto:vmcintyre2@yahoo.com).

If you do not wish to receive this eNewsletter, send your request to be removed from the mailing list to Kim Basting at [kbasting@statebar.gen.mn.us](mailto:kbasting@statebar.gen.mn.us)