

MSBA ELDER LAW SECTION E-NEWSLETTER

September 8, 2009

E-Newsletter Editorial Staff:

Communications Committee Chair: Laurie Hanson, Esq.

Editor in Chief: Suzy Scheller, Esq.

Contributors: Joel Smith, Esq., Kristine Mullmann, Esq., Peter Hendricks, Esq., Amanda Christman, Esq., Vicki McIntyre, Esq.

WHAT'S NEW IN THE ELDER LAW SECTION?

A new development for the MSBA and the Elder Law Section this year is the restructured MSBA annual conference, for which sections have been asked to develop a "CLE in a Box." The previous annual conference format, typically a three-day statewide event, will be replaced in 2010 by a new format called "Nine Days in June."

Nine Days in June

"Nine Days in June" is the merger of the traditional annual MSBA conference and the District Bar Outreach program, which has been very successful in Greater Minnesota. In 2010, the MSBA will host eight one-day programs in outstate judicial districts, with a ninth day of programs in the metro area. The outstate events will consist of CLE programs sponsored by sections, which may vary from one district to another, and a one-hour program produced by the district's chief judge. The metro event will focus on the statewide judicial system and will include the State of the Judiciary message presented by the Chief Justice of the Minnesota Supreme Court. The metro event will also include the President's Reception, the MSBA ceremonial exchange of the gavel, and entertainment. As an added attraction, attendance at all nine events will be free for MSBA members, except for a fee to cover the cost of lunch.

The nine days of conference presentations are currently scheduled to be held on Tuesday, Wednesday, and Thursday, June 8-10, June 15-17, and June 22-24, with the statewide metro event on June 24. A typical outstate day will include six free CLE credits, one of which would be a judicial district update, and five of which would be produced and presented by MSBA sections.

CLE in a Box

During the August 21, 2009, Elder Law Section Governing Council meeting, the council voted to participate in the new MSBA conference by creating a "CLE in a Box" which will be presented by Elder Law Section members in selected outstate locations as part of the Nine Days in June events. We are already thinking about potential topics for the CLE. Leo Brisbois, our MSBA President, has suggested that, in his experience, outstate areas tend to be "grayer" than the metro area, so a presentation by the Elder Law

Section may be particularly important to members and their clients in Greater Minnesota. We also view the new format as an opportunity for members to become more involved in both the section and the association, and would particularly welcome input from our section's outstate members, who comprise a third of our section membership.

Anyone with suggestions about topics for the section's CLE in a Box, or anyone wishing to be considered as a presenter at one of the Nine Days in June events, may contact me or Member Education Committee chair, Laura Zdychnec, at lzdychnec@mnelderlaw.com. We'll keep you posted as more information becomes available.

Also, please be aware that Minutes from the August 21, 2009, Elder Law Section Governing Council meeting are now posted on the MSBA website and are available at: <http://www.mnbar.org/sections/elder-law/minutes.asp>.

Have a great week!

Vicki McIntyre
Chair, Elder Law Section Governing Council

vmcintyre@mcintyrelegal.com

**"FINANCIAL EXPLOITATION OF THE ELDERLY" SEMINAR –
FRIDAY, SEPTEMBER 11, 2009**

The Minnesota Legal Services Coalition is presenting a full-day CLE this Friday, September 11, 2009, which may be of special interest to elder law attorneys. The seminar, entitled "Financial Exploitation of the Elderly: Protecting Your Elderly Clients," will be presented from 9:00 a.m. to 4:00 p.m. at William Mitchell College of Law. Six standard CLE credits have been applied for.

Trainers for the seminar include Assistant Attorney General Deborah Peterson, Patricia Siebert of the Disability Law Center, and members of the Hennepin County Adult Protection Team. Registration fee for the day is \$95.

The complete program agenda and online registration are available at: <http://www.projusticemn.org/link.cfm?13233>.

ELDER LAW NEWS

Seniors, advocates say private Medicare plans put profits above care; Washington mulls changes

<http://www.startribune.com/business/56075972.html?elr=KArksUUUoDEy3LGDiO7aiU>
Roseville man pleads guilty to scamming elderly woman with dementia

http://www.twincities.com/ci_13256760?IADID=Search-www.twincities.com-www.twincities.com

Mortgage Fraud: A Classic Crime's Latest Twists (As 'Reverse' Loans Grow More Popular, Scams Put Older Adults at Risk)

<http://online.wsj.com/article/SB10001424052970204044204574362641338197748.html>
National Residents' Rights Week 2009: October 4-10, 2009

http://www.ltcombudsman.org/ombpublic/49_607_3140.CFM
Advance Directives: Planning for the Future

http://assets.aarp.org/external_sites/caregiving/multimedia/EG_AdvanceDirectives.html
A Son's Suspicions About an Adviser

<http://blogs.wsj.com/financial-adviser/2009/09/01/suspicious-about-a-parents-adviser/>
Are Treatment Priorities Sensible or a Slippery Slope?
<http://online.wsj.com/article/SB10001424052970203706604574379183416553084.html>

Aging: Moderate Drinking May Help the Brain

http://www.nytimes.com/2009/09/01/health/research/01aging.html?_r=1&scp=29&sq=elderly&st=cse
Convincing An Aging Mother To Take A Hard Step

<http://www.npr.org/templates/story/story.php?storyId=112310174&ft=1&f=3>
A Reluctance to Retire Means Fewer Openings

<http://www.nytimes.com/2009/09/03/business/03retire.html>

MINNESOTA CASES

The following is an unpublished case from Minnesota Court of Appeals released on September 1, 2009:

A08-1727

In re the Guardianship of: Rodney Patterson, Ward.

KALITOWSKI, Judge

Appellant-ward Rodney Patterson contends that the district court erred in denying his petition for termination of his guardianship because (1) the evidence was not clear and convincing that he continued to need a guardian and (2) the district court's order continuing the guardian's powers was overbroad. We affirm.

The decision is available at:

<http://www.lawlibrary.state.mn.us/archive/ctapun/0909/opa081727-0901.pdf>.

Unpublished opinions may not be cited except as provided by Minn. Stat. § 480A.08, Subd. 3 (2008).

STATUTES, REGULATIONS, BULLETINS

There are no Statutes, Regulations or Bulletins to report this week.

UPCOMING EVENTS AND CLE PROGRAMS

Financial Exploitation of the Elderly: Protecting Your Elderly Clients Minnesota CLE Live Presentation

September 11, 2009 at William Mitchell College of Law

Contact information: <http://www.projusticemn.org/link.cfm?13233>

Elder Law Institute

Minnesota CLE Conference

October 8-9, 2009

Contact Information: <http://www.minncle.org/SeminarList.aspx> or 1 800-759-8840.

Estate Planning in Uncertain Times (including Medical Assistance)

Minnesota CLE Live Presentation

October 19, 2009

Contact Information: <http://www.minncle.org/SeminarList.aspx> or 1 800-759-8840.

ELDER LAW SECTION ACTIVITIES

GOVERNING COUNCIL MEETING: The next meeting of the Elder Law Section Governing Council will be at 12:30 p.m. on Friday, October 9, 2009, at the conclusion of the Elder Law Institute, at the Minnesota CLE Conference Center, 3rd floor City Center, Minneapolis. All members are welcome to attend. To participate by phone, please contact Vicki McIntyre at vmcintyre2@yahoo.com or 612-722-8572.

MA COMMITTEE MEETING: The next MA Committee meeting will be at 3:30 p.m. on Tuesday, October 20, 2009, at the MAO Offices, 2021 E. Hennepin, Suite 200, Minneapolis. Topics for the meeting may be submitted to MA Committee Chair, Cathryn Reher, at creher@mnelderlaw.com, or faxed to 952-542-9201. For directions, or to attend by phone, please contact Tracie Fenske with Long, Reher & Hanson, P.A. at 952-929-0622.

VULNERABLE ADULT COMMITTEE MEETING: The next meeting of the Vulnerable Adult Committee will be Thursday, October 29, at Noon, at the offices of Pearson, Randall, Schumacher & LaBore, P.A., 100 S. 5th Street, Suite 1025, Minneapolis, 612.767.7500. Contact co-chairs Ken LaBore at klabore@prslegal.com or Joel Smith at joel@koslaw.com for more information.

GREATER MINNESOTA COMMITTEE: Please contact Bonita Kallestad at 1-320-235-9600 or bkallestad@westernlegal.org with issues you would like the Greater Minnesota Committee to address. Also contact Bonita if you would like to serve on the Greater Minnesota Committee.

DON'T FORGET THAT THE ELDER LAW WEBSITE IS A GREAT RESOURCE. Here's what you can find on the Website: Links to the DHS Health Care Programs Manual, the DHS Bulletin on treatment of uncompensated transfers, the Minnesota Bankers Association Compliance Bulletin on Powers of Attorney, legislative summary; Practice Links to organizations such as NAELA, ABA Commission on Law and Aging, 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>

Please send E-Newsletter contributions by noon on Saturday of each week to Suzy Scheller at sscheller@prslegal.com.

If you do not wish to receive this E-Newsletter, send your request to be removed from the mailing list to Elyse Farnsworth at efarnsworth@statebar.gen.mn.us.

Current and prior E-Newsletters are posted on the website for the MSBA Elder Law Section and are available at: <http://www.mnbar.org/sections/elder-law/newsletters.asp>.