

## MSBA ELDER LAW SECTION E-NEWSLETTER

### October 13, 2009

#### E-Newsletter Editorial Staff:

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

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### WHAT'S NEW IN THE ELDER LAW SECTION?

The 19th Annual Elder Law Institute, held at the Minnesota CLE Conference Center in downtown Minneapolis last Thursday and Friday, was again a great success. Registration for the Institute was up dramatically this year, and the Institute programs were given very high ratings by attendees. Thank you to the ELI Planning Committee members for all their hard work in making the event so successful:

- Stuart Bear
- Lori Guzman
- Laurie Hanson
- Richard Hawke
- Kristine Mullman
- Tom O'Connell
- Susan Peterson
- Mary Frances Price
- Cathryn Reher
- Sarah Rowley
- Suzanne Sandahl
- Jeffrey Schmidt
- Julian Zweber
- Lynne O'Connell, Minnesota CLE
- Tara King, Minnesota CLE

A special thanks to Sarah Rowley and her law firm, Barnes & Thornburg LLP, for sponsoring guest speaker Jane Brody and providing Ms. Brody's book, Jane Brody's Guide to the Great Beyond, to all Institute attendees. After Ms. Brody's popular presentation, she graciously stayed to talk with attendees and to sign books before flying back to her home in New York.

#### Congratulations to Award Winners

The annual section Awards Ceremony was held during the Institute luncheon on Thursday, October 8, 2009, and the presenters were able to surprise many of the award recipients. Congratulations to the deserving award winners:

- Special Appreciation Award - Family of Bob Gunderson, posthumously - Announced by Randy Boggio

- Special Appreciation Award - Randy Boggio and Julian Zweber, for work on *Barg* - Presented by *Barg* attorney, Tom Meinz
- Special Appreciation Award - The children of Michael Barg, for willingness to pursue the case all the way to the U.S. Supreme Court - Presented by Tom Meinz
- Mary Alice Goodrl Memorial Award - Lori Guzman, for outstanding contributions to the field of Elder Law, as exemplified by Mary Alice Goodrl, one of the founders of the Elder Law Section - Presented by Laurie Hanson, winner of the 2008 Goodrl Award

Those who missed the Institute may still attend special video replays which will be held in Minneapolis on October 22/23 and November 17/18, as well as in Moorhead on November 12, Hibbing on November 13, St. Cloud on November 13 and November 16, Park Rapids on November 20, Mankato on December 4, and Duluth on January 21/22 . All of the general sessions are included in the video presentations, plus the following breakout sessions: *Basics: Medical Assistance*, presented by Mark Anderson and Stuart Schmitz; *Special Needs Settlement Planning*, presented by Jeff Schmidt; and *Pearls of Wisdom: What Would June or Ward Cleaver Do?*, presented by Stuart Bear and Thomas O'Connell. The three breakout sessions selected for the video replays all received the highest possible marks from conference attendees. A limited number of the Jane Brody books are also available to be distributed to video replay attendees.

Further information and online registration for the video replay sessions are available at [www.minncle.org/SeminarDetail.aspx?ID=104211001](http://www.minncle.org/SeminarDetail.aspx?ID=104211001) (click on "Dates/Locations"), or by calling Minnesota CLE at 651-227-8266 or 800-759-8840.

Thanks again to all who worked so hard on the Institute! Kudos all around!

Vicki M. McIntyre  
 Chair, Elder Law Institute/Elder Law Section Governing Council  
[vmcintyre@mcintyrelegal.com](mailto:vmcintyre@mcintyrelegal.com)

### **PRO BONO OPPORTUNITIES**

One person can make a difference. For those who were not able to attend the Elder Law Institute Session on Pro Bono Opportunities in Elder Law, the following is a list of organizations and contact information for programs mobilizing volunteers and *pro bono* work for attorneys:

**Lutheran Social Services**, Eric Jonsgaard at [eric.jonsgaard@lssmn.org](mailto:eric.jonsgaard@lssmn.org) or 651.310.9410.

**MAO Legal Services** (Volunteers of America of Minnesota), Monica Lewis at [mlewis@voamn.org](mailto:mlewis@voamn.org) or 612.676.6301.

**National Healthcare Decisions Day**, Pook Grathwol at [pook@grathwollaw.com](mailto:pook@grathwollaw.com) or 952.406.1917 or Kristine Mullman at [kmullmann@estatecrafters.com](mailto:kmullmann@estatecrafters.com) or 763.560.4000.

**Legal Aid Society of Minneapolis**, Greg Marita at [gmarita@midmnlegal.org](mailto:gmarita@midmnlegal.org) or 612.746.3608.

**Office of Ombudsman for Long-Term Care**, Sherilyn Moe at [sherilyn.moe@state.mn.us](mailto:sherilyn.moe@state.mn.us) or 651.431.2551.

**Southern Minnesota Regional Legal Services (SMRLS)**, Andrea Jepsen at [andrea.jepsen@smrls.org](mailto:andrea.jepsen@smrls.org) or 651.222.5863.

**Center for Elder Justice and Policy** at William Mitchell College of Law, Kim Dayton at [kim.dayton@wmitchell.edu](mailto:kim.dayton@wmitchell.edu) or 651.290.6410.

**Catholic Charities Caregiver Support and Senior Care Management**, Anderson Wingfield at [volunteer@ccspm.org](mailto:volunteer@ccspm.org) or 612.664.8600.

**Elder Care Rights Alliance**, Janet Golden at [jgolden@eldercarerights.org](mailto:jgolden@eldercarerights.org) or 952.854.7304.

**HandyWorks with Greater Minneapolis Council of Churches**, Megan Nolan-Elliasen at [mnolan@gmcc.org](mailto:mnolan@gmcc.org) or 612.721.8687.

**Little Brothers – Friends of the Elderly**, Carolyn Swenson at [cswenson@littlebrothersmn.org](mailto:cswenson@littlebrothersmn.org) or 612.746.0753.

## **ELDER LAW NEWS**

Cambridge man once accused of stealing from elderly father charged in North Branch bank robbery

[http://www.twincities.com/localnews/ci\\_13519189?nlick\\_check](http://www.twincities.com/localnews/ci_13519189?nlick_check)

Mayo will limit Medicare and Medicaid patients

[http://news.postbulletin.com/newsmanager/templates/localnews\\_story.asp?z=2&a=420214](http://news.postbulletin.com/newsmanager/templates/localnews_story.asp?z=2&a=420214)

Broker Barred For Defrauding 90-year-old Of Life Savings

<http://www.fa-mag.com/fa-news/4580-broker-barred-for-defrauding-90-year-old-of-life-savings.html>

Where AARP stands on health care issues

<http://www.albertleatribune.com/news/2009/oct/08/where-aarp-stands-health-care-issues/>

Community support helps elderly couple stay together

<http://www.rhinelanderdailynews.com/articles/2009/10/07/news/doc4accb35d97d9e196768088.txt>

Can health care co-ops live up to expectations?

[http://www.startribune.com/lifestyle/health/63642867.html?elr=KArksc8P:Pc:UthPacyPE7iUiD3aPc:\\_Yyc:aUU](http://www.startribune.com/lifestyle/health/63642867.html?elr=KArksc8P:Pc:UthPacyPE7iUiD3aPc:_Yyc:aUU)

### MINNESOTA CASES

*There are no Minnesota cases to report this week.*

### STATUTES, REGULATIONS, BULLETINS

**DHS BULLETIN # 09-62-02: DHS ADJUSTS NURSING HOME PROPERTY LIMITATIONS AND DOLLAR THRESHOLDS FOR 2009.** The bulletin announces limitations and dollar thresholds for the investment per bed limit, moratorium exceptions, equity incentives and alternative payment system property rate inflation index for nursing homes in 2009. The bulletin, dated September 25, 2009, is available at: [http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16\\_146445.pdf](http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_146445.pdf).

### UPCOMING EVENTS AND CLE PROGRAMS

#### **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 Institute**

##### **Video Replays**

October 22-23, 2009 – Minneapolis

November 12, 2009 – Moorhead

November 13, 2009 – Hibbing

November 13 & 16, 2009 – St. Cloud

November 20, 2009 - Park Rapids

November 17-18, 2009 – Minneapolis

December 4, 2009 – Mankato

January 21-22, 2010 – Duluth

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

#### **Estate Planning in Uncertain Times (including Medical Assistance)**

##### **Video Replay**

November 3, 2009 – Minneapolis

November 20, 2009 – Rochester

November 20, 2009 – St. Cloud

November 23, 2009 – Minneapolis

December 1, 2009 – Moorhead

December 10, 2009 – Mankato  
December 11, 2009 – Crookston  
December 11, 2009 – Park Rapids  
February 12, 2010 - Duluth  
Contact Information: <http://www.minncle.org/SeminarList.aspx> or 1 800-759-8840.

### **ELDER LAW SECTION ACTIVITIES**

**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](mailto: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. 5<sup>th</sup> Street, Suite 1025, Minneapolis, 612.767.7500. Contact co-chairs Ken LaBore at [klabore@prslegal.com](mailto:klabore@prslegal.com) or Joel Smith at [joel@koslaw.com](mailto:joel@koslaw.com) for more information.

**GOVERNING COUNCIL MEETING:** The next meeting of the Elder Law Section Governing Council will be at 3:30 p.m. on Friday, December 18, 2009, at the MAO offices, 2021 E. Hennepin, Suite 200, Minneapolis. All members are welcome to attend. To participate by phone, please contact Vicki McIntyre at [vmcintyre2@yahoo.com](mailto:vmcintyre2@yahoo.com) or 612-722-8572.

**GREATER MINNESOTA COMMITTEE:** Please contact Bonita Kallestad at 1-320-235-9600 or [bkallestad@westernlegal.org](mailto: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.

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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 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>

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Please send E-Newsletter contributions by noon on Saturday of each week to Suzy Scheller at [sscheller@prslegal.com](mailto: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](mailto: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://www2.mnbar.org/sections/elder-law/newsletters.asp> .