

MSBA ELDER LAW SECTION E-NEWSLETTER

December 7, 2020

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ELDER LAW NEWS AND HIGHLIGHTS

DHS Clarifies Treatment of Non-Homestead Life Estates in Medical Assistance for Long-Term Care

In bulletin number 20-21-12, released on November 10, 2020, DHS restated and clarified how to treat non-homestead life estates in the Medical Assistance for Long-Term Care asset evaluation and eligibility determination. You can find a link to the bulletin [here](#).

Contributed by Jill Sauber.

Save the Date!

The Education Committee anticipates announcing two CLEs soon. You may save the following dates: Thursday, February 18th, from 12:00 P.M. – 1:00 P.M. and Thursday, March 18th, from 12:00 P.M. to 1:00 P.M. If you are interested in joining the Education Committee or attending a meeting, please find further information under the Education Committee heading of the Elder Law Section Activities part of the newsletter.

Contributed by Laura Orr.

NOMINATIONS SOUGHT FOR 2020 ELDER LAW SECTION AWARDS

The Awards Committee of the Elder Law Section is seeking nominations for Section awards for 2020 to be presented at the Minnesota CLE Elder Law Institute on January 28, 2021.

Nominations are being sought for the following Awards:

The Mary Alice Gooderl Memorial Award

The Mary Alice Gooderl Memorial Award is presented by the Elder Law Section to acknowledge outstanding contributions to the field of Elder Law by a member of the Elder Law Section, as exemplified by Mary Alice Gooderl, one of the founders of the Elder Law Section.

The Lifetime Service Award

The Lifetime Service Award is presented to a member of the section who has made outstanding contributions to the Elder Law Section over an entire career or many years of service.

The Elder Law Section Hall of Fame

The Elder Law Section Hall of Fame was started in 2015. The criteria for admission to the Hall of Fame include:

1. Membership in the Elder Law Section.
2. Success in litigation or other public or private advocacy having a substantial positive impact on the elderly or on the way Elder Law attorneys practice Elder Law.
3. Success in persuading CMS, DHS or another government agency to adopt substantial positive changes in medical assistance or other government programs or policies affecting the Elderly.
4. Publication of important works in the literature or other media to educate consumers or Elder Law attorneys regarding any important subject affecting the Elderly.
5. Success in obtaining legislation to protect or improve the rights or condition of the Elderly.
6. Efforts to accomplish the criteria in sections 1 to 4 that fall short of success but still deserve recognition for substantial efforts toward an important goal.
7. Other important activities by Section members that the committee members believe deserve recognition in our Hall of Fame.

Special Recognition Awards

These awards are for special efforts or accomplishments of a more isolated nature that deserve special recognition since the last Awards ceremony.

Nominations will close at 5 pm on Friday, December 30, 2020. Please submit nominations to Julian J. Zweber at 1360 Energy Park Drive, Suite 310, St. Paul, MN 55108-5252, telephone 651-646-4354 or 651-646-4539 (FAX) or julianzweber@qwestoffice.net.

Submitted by Julian J. Zweber, Chair, Awards Committee.

Please submit news articles and notes of interest to mmoen@chandlerandbrown.com.

DECEMBER CLE AND EVENTS

All MSBA programming is currently REMOTE-ONLY participation. There is NO in-person attendance.

For the MSBA statement on COVID-19 click [here](#). Thank you.

REMOTE ONLY: Mediation with Experts – Best Practices and Pitfalls

Tuesday, December 8, 2020 from 12:00 P.M. to 1:15 P.M., Remote Only.

This session is going to focus on experts in mediation. Experts can be very effective and powerful in helping to resolve issues if they are properly prepared and you have knowledge in the area in order to ask appropriate questions and encourage interactive techniques to educate all of the parties in mediation. Experts can help diffuse tension, address unrealistic expectations, and clear up key points that may be misunderstood by the clients, the experts, or attorneys. This session will provide you with what you need to consider with the application of experts in mediations.

Presenter:

Mike Gregory, Michael Gregory Consulting, LLC

To register, click [here](#).

REMOTE ONLY: Trust and Estates Section Practitioner's Toolkit for Capacity

Thursday, December 10, 2020 from 12:00 P.M. to 1:00 P.M., Remote Only

The materials will (1) give the attorney a working understanding of how to test for capacity, (2) explain clinical capacity testing, (3) help the practitioner to understand how and why the tests are done, and (4) explain how to review expert opinions on clinical testing.

Presenters:

Robert McLeod, Best & Flanagan

Dr. Paul Reitman, Forensic and Clinic Psychologist

The deadline to register is December 8, 2020. To register, click [here](#).

Please submit upcoming CLEs to mmoen@chandlerandbrown.com.

ELDER LAW SECTION ACTIVITIES

ADVOCACY SUPPORT COMMITTEE:

The Advocacy Support Committee meets at the offices of Long, Reher, Hanson & Price. Telephone participation is available. Please contact committee chair Laura Zdychnec at lzdychnec@mnelderlaw.com for call-in instructions or more information.

Upcoming meeting dates to be announced.

AWARDS COMMITTEE:

The Awards Committee Chair is appointed by the incoming Council Chair after the Council Chair takes office each year. The current Committee Chair is Julian J. Zweber. Members of the Committee are appointed each year by the Council Chair on recommendation by the Committee

Chair as approved or modified by the Council Chair. The Committee usually meets from July to October of each year, at the call of the Committee Chair. The Committee solicits nominations from Section members for Section Awards and determines what Awards should be presented at the next Elder Law Institute sponsored by MN CLE. Because of the Covid Emergency, the next Elder Law Institute has been delayed to January 28 and 29, 2021. The Awards Committee will begin its deliberations for the next set of Awards in November of this year. See the Request for Nominations at the beginning of this e-Newsletter. The Request will be repeated in the December e-Newsletter. For more information, please contact Julian J. Zweber at 651-646-4354 or julianzweber@qwestoffice.net.

COMMUNICATIONS COMMITTEE:

The Communications Committee oversees the monthly Elder Law E-Newsletter and the Elder Law Section website. The committee is composed of the e-newsletter editor, web coordinator, associate editors, contributors, and any other interested section members. Meetings are to be held every other month to review issues related to the e-newsletter and the website, and to conduct an annual member survey.

Please note, due to COVID-19, all meetings will be held remotely by telephone at this time.

If you are interested in serving on the committee or suggesting ideas for the newsletter or website, contact Communications Committee chair Lucas Spaeth at lucas.spaeth@voamn.org.

DIVERSITY COMMITTEE:

Meetings will be held via teleconference on the second Tuesday of every month from 9:30-10:15 am.

Please contact Maya Missaghi at maya@mmlawservices.com if you would like to join!

EDUCATION COMMITTEE:

The Education Committee plans CLE seminars sponsored by the Elder Law Section and meets via conference call on the second Thursday of each month from 9:30 A.M. to 10:30 A.M. The Education Committee will meet at **9:30 A.M. on Thursday, December 10th, 2020**, by video conference. Subcommittees of the Education Committee include New Lawyers and Law Students.

If you would like to participate, please contact the committee chair, Laura Orr at laura.orr@smrls.org. Anyone is welcome to join the committee or simply attend a meeting.

GOVERNING COUNCIL:

The Elder Law Section Governing Council is chaired by Jack Austin and is currently meeting via Zoom. Meetings are currently scheduled for the following dates:

Friday December 18, 2020 at 3:30 P.M.

Friday, February 19, 2021 at 3:30 P.M.

Friday, April 16, 2021 at 3:30 P.M.

Friday, June 18, 2021 at 3:30 P.M. *Note that this is the Annual Elder Law Section Meeting, the Governing Council meeting will take place immediately after.

Please contact Tram Nguyen at tnguyen@mnbars.org or Jack Austin at jack@hawkelawgroup.com to receive Zoom instructions to join the meeting.

LAW STUDENT COMMITTEE:

The Law Student Committee helps attract students to become the next generation of elder law attorneys. The committee meets as needed during the school year. Our goal for this bar year is to host a panel event at each local law school where students can ask questions about the practice of elder law. We are always looking for other ways to engage students, so please feel free to attend meetings and make suggestions.

If you have questions about the committee, contact John Kantke at john.kantke@voamn.org.

LEGISLATIVE COMMITTEE

The Elder Law Section's Legislative Committee monitors proposed legislation at the state and federal level affecting the Section's membership; reviews legislative proposals put forward by other Sections and Committees of the MSBA; reviews proposals from other groups, agencies and individuals; keeps Section membership informed of proposed legislation; provides comment and other responses to legislative proposals; makes recommendations concerning support of, or opposition to, legislative proposals; develops relationships with other organizations affected by legislation of interest to the Section; acts as a coordinator for the Section's legislative activities; develops legislative proposals for inclusion in the MSBA legislative agenda; provides witnesses and testimony in support of, or opposition to, legislative proposals; and in general supports the MSBA and the Section's legislative agendas. Members interested in joining the committee or learning more about the legislative issues being reviewed by the committee may contact the Legislative Committee Chair, Suzy Scheller, at (763) 647-0042 or suzy@schellerlegalsolutions.com; or Vice-Chair, Julian J. Zweber, at (651)-646-4354 or julianzweber@qwestoffice.net.

Please contact Tram Nguyen at tnguyen@mnbars.org to be added to the Elder Law Section Community Forum.

MEDICAL ASSISTANCE COMMITTEE:

The Medical Assistance Committee is a study group to analyze the members' questions and case studies and to discuss administrative policies and procedures in relation to Medical Assistance in Minnesota. For directions, or to attend by phone, please contact Callyn Bedker at 507-587-8766 at least 24 hours in advance of the meeting. Topics for the meeting may be submitted to Callyn at callyn@bedkerlaw.com under the subject heading "MA Committee Topic".

The Medical Assistance (MA) Committee meetings will be at 3:30 p.m. on the third Tuesday of even-numbered months. 2020 meetings are tentatively scheduled for the following dates:

December 15, 2020 at 3:30 p.m.

Please note, due to COVID-19, all meetings will be held remotely by telephone at this time.

To attend by telephone, call 1-800-226-9607 at the designated meeting time. When prompted, enter Conference Identification Number [or Participant Code] 8157976029# to be connected to the conference.

MA Committee members are invited to join the Medical Assistance Community forum at my.mnbar.org. Please contact Tram Nguyen at tnghuyen@mnbars.org to be added to the community.

PRO BONO COMMITTEE:

The Pro Bono Committee, due to lack of attendance, is suspending committee meetings until further notice. The Pro Bono Committee currently does not have a Chair. If you have an interest in working with the Pro Bono Committee, please contact Elder Law Section President, Jack Austin, at jack@hawkelawgroup.com.

STRATEGIC PLANNING COMMITTEE:

The next Strategic Planning Committee meeting date is to be announced. Questions may be directed to Committee Chair, Jack Austin, at jack@hawkelawgroup.com.

VULNERABLE ADULT COMMITTEE:

Contact Marit Peterson at marit.peterson@elderjusticemn.org or 651-440-9303, if you are interested in participating in this committee.

The MSBA Elder Law Section's Website contains information about section committees and leadership. It also contains useful practice resources.

You may email Lucas Spaeth at lucas.spaeth@voamn.org to suggest changes to website content.

Please send E-Newsletter contributions by 10 p.m. on the last day of each month to Mallory Moen at mmoen@chandlerandbrown.com. The E-Newsletter is distributed on the first Monday of each month. If the first Monday occurs on a holiday, the E-Newsletter will be distributed on the following Monday.

If you do not wish to receive this E-Newsletter, send your request to be removed from the mailing list to Tram Nguyen at tnguyen@mnbars.org.

Current and prior E-Newsletters are posted on the website for the MSBA Elder Law Section and are available [HERE](#).