

MSBA ELDER LAW SECTION eNEWSLETTER

September 27, 2007

eNewsletter Editorial Staff:

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Thoughts from the Chair: Here we are in Week Three of the Elder Law eNewsletter. We hope you are finding it useful. As the weeks go by, the eNewsletter will have more and more information – but only if we have more help! We'd like people to contribute essays on elder law topics and administrative or district court decisions on elder law issues. We would also like someone to take responsibility to report on Minnesota Cases each week and someone to report on "Members in the News." If you are interested in becoming a contributor... please contact Vicki McIntyre. We need the help and we'd like to have you join us.

If any of you do not know this, there is a national organization that focuses specifically on Elder Law issues – the National Academy of Elder Law Attorneys. You can get more information about NAELA on its website: www.naela.com

NAELA fellow and past president, Charlie Sabatino will be speaking at the Elder Law Institute in October. He is also the Director of the ABA Commission on Law and Aging. He will give us the behind-the-scenes on capitol hill during those months that led up to the passage – how and why it happened and what can we expect to see in the next 18 months or so.

Until next week,

Laurie Hanson, Elder Law Section Chair

ELDER LAW NEWS

Upper Minnesota Valley Regional Development Commission withdraws from Area Agency on Aging agreement

<http://tinyurl.com/2qrfvp>

FEMA homes arrive in Rushford, elderly flood victims will have priority

http://www.postbulletin.com/newsmanager/templates/localnews_story.asp?a=308252&z=

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A senior condo puzzler: Safety vs. privacy
<http://www.startribune.com/462/story/1426618.html>

ELDER LAW SECTION ACTIVITIES

The **17th Annual Elder Law Institute** will be held on October 25 - 26, 2007, at the Minnesota CLE Conference Center in Minneapolis . To register, call 651-227-8266 or 800-759-8840, or go online at www.MinnCLE.org

- **DON'T MISS THE SHORT SHOTS: Five 20-minute presentations, back-to-back, addressing common problems that clients and their advisors create for themselves, with practical solutions.**
- **PLEASE PLAN TO ATTEND THE SECTION COUNCIL MEETING at 7:30 a.m. on Day 2. This is a great opportunity to see how the council works and to share your ideas with your elected representatives.**

MINNESOTA CASES

This week there are four unpublished cases of interest to elder law attorneys.

Public Housing: These cases are applicable both for the discussions regarding housing but also administrative procedure and appellate review.

In one case, **Meyer v. Dakota County Community Development Agency**, <http://www2.mnbar.org/ctops/opa061290-0918.htm>, the Court of appeals reversed the hearing officer's decision to terminate Meyer's housing voucher due to criminal activity because (a) he was not convicted of a crime; (b) the housing authority failed to identify a crime that he had committed; (c) the record does not support the determination that he participated in violent criminal activity; and (d) the housing authority failed to consider all relevant circumstances in deciding to terminate his voucher (including that the alleged criminal activity was related to Meyer's mental health issues.

In another public housing case, **Barkhudarov v. Rensenbrink**, <http://www2.mnbar.org/ctops/opa061734-0918.htm> appellant challenged the calculation of the federal housing assistance benefit. The matter was dismissed on jurisdictional grounds.

Probate: In **Otto v. Christianson**, <http://www2.mnbar.org/ctops/opa070300-0918.htm>, Otto challenges the district court's award of summary judgment on his personal-injury claim against respondent estate. Good discussion of Collateral Estoppel, Workers Compensation and Personal Injury claims against estates.

Conservatorship: In **In re Conservatorship of Ruth V. Hopkins, Protected Person**, <http://www2.mnbar.org/ctops/opa061818-0918.htm>, appellant challenged a July 2006

district court order discharging respondent-conservator, arguing that her nursing home did not have authority to submit a receipt on her behalf for the balance due on her conservatorship accounts, the condition precedent for the conservator's discharge. The court affirmed with a discussion of standard of review, termination of Conservatorship, and collateral estoppel.

STATUTES, REGULATIONS, BULLETINS

There is one new regulation to report this week:

SUBMISSION OF THE ANNUAL QUALITY ASSURANCE PLAN FOR HOME AND COMMUNITY BASED SERVICE PROGRAMS FOR 2008

http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_139135.pdf

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>

Please send eNewsletter contributions by noon on Saturday of each week to Vicki McIntyre at vmcintyre2@yahoo.com

If you do not wish to receive this eNewsletter, send your request to be removed from the mailing list to Meaghan Harper at mharper@mnbar.org