

# **MSBA ELDER LAW SECTION eNEWSLETTER**

## **February 5, 2008**

### **eNewsletter Editorial Staff:**

**Chair:** Jonathan Dyrud, Esq.

**Editor in Chief:** Vicki McIntyre, Esq.

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Amanda Christman, Esq.

### **NEWSLETTER COMMITTEE SOLICITS IDEAS AND SUBMISSIONS FOR ENEWSLETTER.**

Are there topics that you would like to see covered in future issues of the Section's eNewsletter? The Newsletter Committee is meeting this week to discuss topics of interest and potential submitters for its upcoming issues. If you would like to see a particular topic or topics covered in the eNewsletter, or if you have suggestions regarding potential sources of submissions, please submit topic or submitter ideas by noon this Friday, February 8, 2008, to committee chair Jonathan Dyrud at [dyrud002@umn.edu](mailto:dyrud002@umn.edu). We appreciate your input!

### **PRO BONO COMMITTEE PLANS FOR NATIONAL HEALTHCARE DECISIONS DAY.**

The Elder Law Section's Pro Bono Committee met on January 30, 2008, to begin planning state efforts for the April 16, 2008, National Healthcare Decisions Day. The Committee met with representatives from Hospice Minnesota, Minnesota Justice Foundation, William Mitchell Elder Law Society, Allina, OutFront Minnesota, SMRLS, and the Interprofessional Center for Counseling and Legal Services. The Committee and organizational participants will be selecting the best available information materials and putting together a complete public education packet for site sponsors.

The Pro Bono Committee plans to distribute an invitation to sponsor NHDD events to a wide variety of groups, including social workers, nurses, doctors, chaplains, gerontologists, and lawyers throughout the state. Sponsors of NHDD events will receive information and support from the Committee, including a referral source for clients who wish to consult one-on-one with a professional to complete an advance directive after attending the event. At some sites, individual help in completing an advance directive will be available on the day of the event. The William Mitchell students' group is developing a model for on-site assistance.

The Committee would like to have at least two professionals present at each event, and will assist sponsors in lining up participants. Additionally, the Committee plans to provide statewide publicity about the event.

Serving as the Minnesota State Sponsor for National Healthcare Decisions Day provides the Pro Bono Committee and the Elder Law Section with the opportunity to build links

with a wide variety of organizations serving the elderly. The sponsorship also offers Section members the opportunity to participate in an important pro bono activity. Anyone interested in volunteering may contact Committee Chair Jennifer Wright at [jlwright1@stthomas.edu](mailto:jlwright1@stthomas.edu).

## **ELDER LAW NEWS**

Tax help for Minnesota seniors available around the state  
<http://www.startribune.com/local/15124816.html>

Governor says state is "overemphasizing" social services for seniors  
<http://www.startribune.com/local/south/14267256.html>

Class action lawsuit filed by foreclosure victims  
<http://sev.prnewswire.com/banking-financial-services/20080125/DC1241725012008-1.html>

Annuities: Beware of unsuitable investments for seniors  
<http://tinyurl.com/37kfuw>

## **ELDER LAW SECTION ACTIVITIES**

**ELDER LAW SECTION GOVERNING COUNCIL MEETING:** The next Governing Council meeting will be at 3:30 p.m. on Friday, February 8, 2008, at the MOA offices, 2021 E. Hennepin, Suite 200, Minneapolis. All members are welcome to attend. To participate by phone, please contact Laurie Hanson in advance at [lhanson@mnelderlaw.com](mailto:lhanson@mnelderlaw.com).

**MEDICAL ASSISTANCE COMMITTEE MEETING:** The next Medical Assistance committee meeting will be at 3:30 p.m. on Wednesday, February 19, 2008. For directions to the MAO offices, or to attend by phone, please contact Tracie Fenske with Long, Reher & Hanson, P.A. at 952-929-0622.

## **MINNESOTA CASES**

Unpublished decision from the MN Court of Appeals dated January 29, 2008. A06-2408

**Norwest Bank Minnesota North, N. A., n/k/a Wells Fargo Bank, N. A., Respondent, vs. Reed Beckler, Appellant**

KALITOWSKI, Judge

Appellant Reed Beckler challenges a money judgment entered against him in Scott County, pursuant to a Hennepin County determination that the amount respondent bank owed appellant as corporate trustee from a bequest was to be offset against the amount that appellant owed the trust on a promissory note. Appellant argues that (1) his due process rights were violated because there was no determination that respondent

was entitled to enforce the lost note; and (2) the district court lacked jurisdiction to rule on this matter and the doctrines of law of the case, res judicata, and collateral estoppel precluded the district court's action. We affirm.

The case is available at:

<http://www.mncourts.gov/opinions/coa/current/opa062408-0129.pdf>

*Unpublished opinions may not be cited except as provided by Minn. Stat. Section 480A.08, subd. 3 (2006).*

## **STATUTES, REGULATIONS, BULLETINS**

**DHS REPORTS AND FORECASTS DIVISION: FAMILY SELF-SUFFICIENCY AND HEALTH CARE PROGRAM STATISTICS.** DHS has released a report that includes statistics about caseload numbers and expenditures for cash/emergency/food assistance programs and health care programs, broken out by periods. Data is available for a series of 10 annual and 13 monthly periods, ending with December, 2007.

The full report is available at:

[http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/DHS\\_id\\_016338.pdf](http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/DHS_id_016338.pdf)

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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 Meaghan Harper at [mharper@mnbar.org](mailto:mharper@mnbar.org)