

## **MSBA ELDER LAW SECTION E-NEWSLETTER**

**July 21, 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.

---

### **REMINDER: PRO BONO MEETING JULY 22**

The Elder Law Section's Member Education Committee, in conjunction with the Minnesota State Bar Association and Minnesota Legal Services Coalition, will meet at **noon on Wednesday, July 22, 2009** at the MSBA offices, 600 Nicollet Mall, Suite 380, ("Honors" room) Minneapolis, MN, to discuss collection and organization of elder law resources for use by attorneys representing low-income clients.

### **ELDER LAW NEWS**

Woman accused of swindling \$220,000 from her mother

[http://minnesota.publicradio.org/display/web/2009/07/16/swindle\\_mother/](http://minnesota.publicradio.org/display/web/2009/07/16/swindle_mother/)

What health care reform is all about -- A medical team focusing on those most at risk of returning to the hospital can greatly reduce their chances of going back, at a big savings

[http://www.startribune.com/lifestyle/health/50805902.html?elr=KArksLckD8EQDUoaEyqyP4O:DW3ckUiD3aPc:\\_Yyc:aUUsZ](http://www.startribune.com/lifestyle/health/50805902.html?elr=KArksLckD8EQDUoaEyqyP4O:DW3ckUiD3aPc:_Yyc:aUUsZ)

Patients Told of High Alzheimer Risk Suffer No Special Distress

<http://www.medpagetoday.com/Neurology/AlzheimersDisease/15104>

Minnesota delegation wary of proposed health care reform

[http://minnesota.publicradio.org/display/web/2009/07/13/obama\\_healthplan/](http://minnesota.publicradio.org/display/web/2009/07/13/obama_healthplan/)

Gov's budget cut hit nursing homes

<http://www.northfieldnews.com/news.php?viewStory=49055>

### **MINNESOTA CASES**

*The following are two unpublished decisions released by the Minnesota Court of Appeals on July 14, 2009:*

**A08-1998**

*In re the Myrtle Haack Irrevocable Trust Agreement*

MUEHLBERG, Judge

The district court's continuing supervision of an irrevocable trust, and the trustees' decade-long dispute over how to properly manage trust assets generates this appeal. The six trustee beneficiaries, five appellants and one respondent, challenge two district court orders governing the administration of the trust. Because the district court exceeded its discretion by requiring the trustees to act unanimously and by compelling them to undo a transaction involving trust assets, we reverse in part and remand. Because we conclude that the district court did not abuse its discretion by awarding no attorney fees, we affirm in part. We also grant the motion of one of the co-trustees to strike a portion of appellants' brief.

The decision is available at:

<http://www.lawlibrary.state.mn.us/archive/ctapun/0907/opa081998-0714.pdf>.

#### **A08-1734**

*Linda M. Cordes, f/k/a Linda M. Joyce, Appellant, vs. Holt and Anderson, Ltd., et al., Respondents.*

SHUMAKER, Judge

Appellant challenges the district court's grant of summary judgment to respondents, an attorney and law firm, on her claim for unjust enrichment. Because the district court correctly concluded that appellant's claim is barred by the applicable statute of limitations, we affirm.

[**Note:** The Respondent formerly represented the Appellant in an Estate matter and the Appellant claimed that the Respondent's fees were excessive.]

The decision is available at:

<http://www.lawlibrary.state.mn.us/archive/ctapun/0907/opa081734-0714.pdf>.

## STATUTES, REGULATIONS, BULLETINS

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

## UPCOMING EVENTS AND CLE PROGRAMS

### **Medical Assistance & Long Term Care 2009**

#### **Video**

August 17 – Minneapolis

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

### **Elder Law Institute**

October 8-9, 2009

Minnesota CLE Conference Center

## ELDER LAW SECTION ACTIVITIES

**MEMBER EDUCATION COMMITTEE MEETING:** The Elder Law Section's Member Education Committee, in conjunction with the Minnesota State Bar Association and Minnesota Legal Services Coalition, will meet at **noon on Wednesday, July 22, 2009** at the MSBA offices, 600 Nicollet Mall, Suite 380, ("Honors" room) Minneapolis, MN, to discuss collection and organization of elder law resources for use by attorneys representing low-income clients. (Bring a lunch if you like.) If you are unable to attend

on July 22<sup>nd</sup>, but have resources to contribute, please contact Brian Bell at [bbell@mnbar.org](mailto:bbell@mnbar.org) or 612-278-6309, or Laura Zdychnec at [lzdychnec@mnellderlaw.com](mailto:lzdychnec@mnellderlaw.com) or 952-929-0622.

**VULNERABLE ADULT COMMITTEE MEETING:** The next meeting of the Vulnerable Adult Committee will be Thursday, July 30, 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.

**MA COMMITTEE MEETING:** The next MA Committee meeting will be at 3:30 p.m. on Tuesday, August 18, 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@mnellderlaw.com](mailto:creher@mnellderlaw.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.

**GOVERNING COUNCIL MEETING:** The next meeting of the Elder Law Section Governing Council will be at 3:30 p.m. on Friday, August 21, 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.

\*\*\*\*\*  
\*\*\*\*\*

**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](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://www.mnbar.org/sections/elder-law/newsletters.asp>.