

**MSBA ELDER LAW SECTION E-NEWSLETTER**  
**September 17, 2018**

Vol. 9, No. 42

E-Newsletter Editorial Staff:

Communications Committee Chair: Rachel Schromen

Editor in Chief: Emily Flesch

Web Editor: Bridget-Michaele Reischl

Contributors: Laura Orr, Julian J. Zweber and Stuart C. Bear, Maya Missaghi

**NEWSLETTER HIGHLIGHTS**

**Suicide Prevention**

September is Suicide Prevention Awareness Month. In Minnesota, the rate of death by suicide rose by 40.6% between 1999 and 2016. Nationally, over half of people who died by suicide did not have a known mental health condition.

Thoughts of suicide are a symptom of depression, and depression is not a normal part of aging. Older adults are often misdiagnosed and undertreated. Healthcare providers may mistake an older adult's symptoms of depression as a natural reaction to illness or life changes associated with aging and may not see the depression as something to be treated. Older adults themselves often share this belief and do not seek help because they don't understand that they could feel better with appropriate treatment.

As an attorney representing older adults facing critical civil legal service needs, I encounter clients experiencing suicidal thoughts. Based upon training that I received as a law student and then as a clinical law fellow at the University of St. Thomas' Interprofessional Center for Counseling and Legal Service, I treat any mention of suicide seriously--and directly tell my clients so. I most frequently hear clients say, "Maybe it would be better if I just wasn't around anymore." I then directly ask whether a client is thinking about killing him- or herself. Asking whether someone is having suicidal thoughts won't make them suicidal. In fact, offering an opportunity for the person to talk about the feelings may reduce their risk of acting on them. When I ask, clients know I care. They may laugh and say, "No, I don't really mean that. I'm just want to be done with this case." Clients have also responded, "Yes." Yes, they are thinking about suicide.

When a client acknowledges feeling suicidal, I tell the person that I do not have the skills necessary to help them process their emotions. Then I explain that I would like to involve someone that does, adding that I would like to call a crisis hotline while the client is still on the

telephone line. I next ask the client whether the client is okay with me placing the call. I asked this question 1) to avoid increasing any sense of powerlessness that the client may be feeling and 2) to avoid the client hanging up on me. (Even if a client hangs up, under Minnesota Rules of Professional Conduct Rule 1.6(b)(6), a lawyer "may reveal information relating to the representation of a client if [...] the lawyer reasonable believes the disclosure is necessary to prevent reasonable certain death or substantial bodily harm." Other provisions may apply.)

The current best crisis number to call within Minnesota is the National Suicide Prevention Lifeline at 1-800-273-TALK (8255). (The future of Minnesota-based Crisis Connection is uncertain, and calls from the national line will be directed to Crisis Connection while Crisis Connection remains funded.) A staff member on the National Suicide Prevention Lifeline can remain on the telephone line with the client until someone can be there with the client. I have stayed on the line until emergency medical personal have arrived. I have also excused myself from the call with the National Suicide Prevention Lifeline after receiving the client's permission to call a trusted family member or friend to be with him or her.

Here are a few additional helpful resources related to preventing suicide among older adults, our communities, and ourselves:

BeThe1To

Promoting Emotional Health and Preventing Suicide: A Toolkit for Senior Centers

Promoting Emotional Health and Preventing Suicide: A Toolkit for Senior Living Communities

Crisis Text Line - 741741

Lawyers Concerned for Lawyers

Submitted by: Laura Orr, [laura.orr@smrls.org](mailto:laura.orr@smrls.org)

## **Nominations Sought for Elder Law Section Awards**

The Awards Committee of the Elder Law Section is seeking nominations for Section awards to be presented at the Minnesota CLE Elder Law Institute on October 22, 2018. 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.
3. Publication of important works in the literature or other media to educate consumers or Elder Law attorneys regarding any important subject affecting the Elderly.
4. Success in obtaining legislation to protect or improve the rights or condition of the Elderly.
5. 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.
6. 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, September 28, 2018. 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](mailto:julianzweber@qwestoffice.net).

Submitted by Julian J. Zweber and Stuart C. Bear, Chair and Vice-Chair, Awards Committee

### **Elder Law Institute Scholarships**

The MSBA Elder Law Section has allocated funds to offer up to five or six (5 or 6) scholarships to attend the 2018 Elder Law Institute. Scholarship Committee will exercise its discretion to determine the exact way funds are divided based on the number of applications and any other pertinent factors. The institute occurs on October 22 and 23, 2018, at the Minnesota CLE Conference Center in Minneapolis. Each scholarship covers the complete cost of tuition. (Recipients will need to cover any other expenses that they may incur.)

To qualify:

- 1) you must practice at least partly in elder law;
- 2) you must be practicing law within a solo, small firm, legal aid, or public interest law practice in either a paid or unpaid capacity; and
- 3) you must either reside over 150 miles from the Twin Cities or have started your practice in elder law within the last three (3) years.

Preference will be given to applicants who come from and/or serve diverse and underserved populations. Unemployed and underemployed attorneys are particularly encouraged to apply. Applications are available [here](#).

Interested applicants must apply by midnight on Friday, September 21, 2018. Scholarship recipients will be notified by Tuesday, September 26, 2018. Scholarship recipients must be MSBA Elder Law Section members by October 22, 2018; however, applicants do not need to be section members in order to apply and be selected. Previous recipients of scholarships from the MSBA Elder Law Section are ineligible.

Submitted by: Maya Missaghi

## **SEPTEMBER EVENTS**

### **Upcoming CLE: Medical Aid in Dying**

On September 27, 2018, the MSBA Elder Law Section will be offering a CLE free to its members on medical aid in dying (MAID) from 12 P.M. to 1:30 P.M. Members may attend in person or via webinar and should register by September 25, 2018.

A number of states have legalized MAID. While MAID is not legal in Minnesota, lawmakers have introduced related legislation. Meanwhile, people who seek help from Minnesota attorneys on end-of-life issues may not remain in Minnesota.

The MSBA Elder Law Section has taken no position on whether MAID should be legal or legalized (and does not have plans to take a position). The CLE is intended to keep our membership informed about emerging legal issues affecting older clients. As elder law attorneys, we have a responsibility to understand laws that may affect our clients, even laws to which we may individually have moral or theological objections.

The CLE will take place at the Hennepin Room of Stinson, Leonard Street, LLP in Minneapolis, which seats 120 people. High attendance is anticipated in light of the Houck case, which is based upon events that happened after this CLE was initially scheduled to occur at the MSBA's Glacial Lakes Room.

## **ELDER LAW NEWS**

**PRO BONO SPOTLIGHT:** Jill Sauber, Chesnut Cambronne

Jill Sauber came to the practice of elder law via a rather unusual route. She is a licensed mortician and worked as such for a couple years before attending law school. Jill graduated from the University of St. Thomas School of Law in 2013 and took their elder law clinic. She started her legal career at Maser Amundson Boggio and Hendricks, and is now an associate at Chestnut Cambronne, working in elder law and related litigation. Jill has been active in the Elder Law Section from the very beginning of her legal career, including chairing the Section's Pro Bono Committee for two years.

I asked Jill why she does pro bono work. She responded that she does pro bono “for selfish reasons.” Jill’s definition of “selfish” may be a bit unusual – she reflects that she, like many, became a lawyer in order to serve people, and pro bono work offers her a great opportunity to do so. She also mentioned the “selfish” benefits of grateful clients and the ability to take challenging cases and to learn new things and stretch her boundaries. She noted that the pro bono cases she takes are often more complex than much of her regular caseload.

Jill does a minimum of 50 hours of pro bono per year, as encouraged by Minnesota Rule of Professional Conduct 6.1. She participates in the North Star program, which registers and recognizes the pro bono work of Minnesota lawyers. She joins in ongoing projects, such as Wills for Heroes, as well as taking on one or two full cases a year. These pro bono cases come in through her firm or sometimes through Jill’s personal contacts at the Volunteer Lawyers’ Network and other pro bono referral programs.

Jill sees an enormous need for pro bono work by elder law attorneys in the next 10 to 15 years. She anticipates a serious lack of affordable senior housing and long-term care. Elder law attorneys need to step up now to help expand resources and options for elders, or we will have a crisis of homeless elders and elders effectively captive in their homes without adequate care. She calls on Section members to see what role they can play in meeting these crucial needs.

Please submit news articles of interest to [emily.flesch@mitchellhamline.edu](mailto:emily.flesch@mitchellhamline.edu).

## **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](mailto:lzdychnec@mnelderlaw.com) for call-in instructions or more information.

Upcoming meeting dates to be announced.

### **PRO BONO COMMITTEE:**

Meetings will be held via teleconference on the third Friday of every other month from 12-1 pm unless otherwise communicated.

Questions may be directed to Jennifer Wright at [jlinderwright@gmail.com](mailto:jlinderwright@gmail.com).

### **COMMUNICATIONS COMMITTEE:**

The Communications Committee oversees the monthly Elder Law E-Newsletter and the Elder Law Section website. The committee is composed of the newsletter editor, web editor, associate

editors and contributors, and any other interested section members. Meetings are to be held every other month to review issues related to the newsletter and the website, and to conduct an annual member survey. Upcoming meetings for the Communications Committee are as follows:

**November 14, 2018 at 8:30 a.m.**

The meeting location is Schromen Law, 600 Marshall Avenue, Saint Paul, MN 55102.

Anyone interested in serving on the committee or suggesting ideas for the newsletter or website may contact Communications Committee chair Rachel Schromen at [rachel@schromenlaw.com](mailto:rachel@schromenlaw.com) or 651-571-2515.

**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 [missaghilaw@gmail.com](mailto:missaghilaw@gmail.com) if you would like to join!

**EDUCATION COMMITTEE:**

The Education Committee plans CLE seminars sponsored by the Elder Law Section and meets by telephone on the second Thursday of each month from 9:30 A.M. to 10:30 A.M.

The next meeting will be announced.

If you would like to participate, please contact the committee chair, Laura Orr at [laura.orr@smrls.org](mailto:laura.orr@smrls.org).

**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 Jack Austin at [jack@hawkelawgroup.com](mailto:jack@hawkelawgroup.com).

**MA COMMITTEE:**

The 2017-2018 Medical Assistance (MA) Committee meetings will be at 3:30 p.m. on the third Tuesday of even-numbered months.

Upcoming meeting dates:

**October 16, 2018 at 3:30 p.m.**

**December 18, 2018 at 3:30 p.m.**

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 Traci Sherman with Pluto Boes Legal, PLLC, at [tsherman@plutoboeslegal.com](mailto:tsherman@plutoboeslegal.com) or [507-247-5900](tel:507-247-5900) at least 24 hours in advance of the meeting. Topics for the meeting may be submitted to [tsherman@plutoboeslegal.com](mailto:tsherman@plutoboeslegal.com) under the subject heading "MA Committee Topic," or faxed to [507-247-5868](tel:507-247-5868).

The Committee is hosted by Estate & Elder Law Service at Monroe Village, 1900 Central Avenue NE, Minneapolis, MN 55418. Parking is available behind the building and along adjacent streets. In-person attendees should enter through the door facing the parking lot behind the building. This door leads directly into the community room.

MA Committee members are invited to join the Medical Assistance Community forum at [my.mnbar.org](http://my.mnbar.org). Please contact Tram Nguyen at [tnguyen@statebar.gen.mn.us](mailto:tnguyen@statebar.gen.mn.us) to be added to the community.

#### NEW LAWYERS COMMITTEE:

Meetings will be held the second Thursday of even-numbered months at noon. Each meeting has a different topic based upon input from the new lawyers committee. Minutes of past meetings are available. The meetings are formatted so that a seasoned elder law attorney will speak for the first half hour, and the second half hour will be questions and answers.

Upcoming meeting dates will be announced.

Meetings will be held at Chestnut Cambronne PA, 17 Washington Ave N #300, Minneapolis, MN, 55401. Please contact Pook Grathwol at [pgrathwol@chestnutcambronne.com](mailto:pgrathwol@chestnutcambronne.com) or (612) 336-2919.

#### STRATEGIC PLANNING COMMITTEE:

The next Strategic Planning Committee meeting date is to be announced. Meetings are held at the law office of Maser, Amundson, Boggio & Hendricks, P.A., located at 6601 Lyndale Avenue South, Suite 320, Richfield, MN 55423. Questions may be directed to Brenna Galvin at [bgalvin@maserlaw.com](mailto:bgalvin@maserlaw.com).

#### VULNERABLE ADULT COMMITTEE:

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

GOVERNING COUNCIL:

Meeting dates to be announced.

Meetings will be held at the Monroe Village Community Room. Monroe Village is located at 1900 Central Avenue NE, Minneapolis, Minnesota 55418. Parking is available behind the building and along adjacent streets. In-person attendees should enter through the door facing the parking lot behind the building. This door leads directly into the community room. For further information, please contact Tram Nguyen, section services manager, at [tnguyen@mnbar.org](mailto:tnguyen@mnbar.org) or 612-278-6316.

\*\*\*\*\*

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

You may email Bridget-Michaele Reischl at [bridget@decorolaw.com](mailto:bridget@decorolaw.com) to suggest changes to website content.

\*\*\*\*\*

Please send E-Newsletter contributions by 10 p.m. on the last day of each month to Emily Flesch at [emily.flesch@mitchellhamline.edu](mailto:emily.flesch@mitchellhamline.edu). The e-newsletter is distributed on the first Monday of each month. If the first Monday occurs on a holiday, the 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@statebar.gen.mn.us](mailto:tnguyen@statebar.gen.mn.us)

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