

**MSBA ELDER LAW SECTION E-NEWSLETTER**

November 2, 2020

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Communications Committee Chair: Lucas Spaeth

Editor in Chief: Mallory Moen

Web Coordinator: Lucas Spaeth

Contributors: Laura Orr, Julian Zweber

**ELDER LAW NEWS AND HIGHLIGHTS**

**Nursing Home Visitation Guidance**

The Centers for Medicare & Medicaid Services issued revised guidance that provides detailed recommendations on ways nursing homes can safely facilitate visitation during the COVID-19 pandemic. Please find the press release and a link to further guidance [here](#).

*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](mailto:julianzweber@qwestoffice.net).

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

Please submit news articles and notes of interest to [mmoen@chandlerandbrown.com](mailto:mmoen@chandlerandbrown.com).

### **NOVEMBER 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: Resolving Ethics Issues in Estate and Probate Matters**

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

This presentation will focus on common ethics issues that occur in your estate planning and probate practice, with an emphasis on best practices in handling prospective clients, avoiding and resolving conflicts, permissible areas of joint representation, and more. You know your practice is fraught with personality conflicts and family dynamics. Make sure you have the tools to address these dynamics from an ethics perspective.

Presenter:

Susan Humiston, Director of the Office of Lawyers Professional Responsibility

The deadline to register is November 10, 2020. To register, click [here](#).

## **REMOTE ONLY: Covid and the Caregiving Crisis**

Thursday, November 19, 2020 from 9:00 A.M. to 11:00 A.M., Remote Only

The Covid-19 pandemic has disrupted every aspect of life in the United States, and here in Minnesota. Since March 2020, Minnesota families have navigated a new normal that no longer includes access to regular care for their children or other vulnerable family members. The new school year has presented additional challenges as many Minnesota schools have now shifted to hybrid or fully distance learning. Amidst these challenges, Minnesota parents and caregivers are forced to strike a precarious balance between remaining healthy, caring for children and vulnerable family members, and fulfilling their professional and workplace obligations. Likewise, Minnesota employers are balancing the need to return to business as usual with their moral and legal obligations to support their workers during the continuing pandemic. The impact of the Covid-19 caregiving crisis on women, women of color, and other protected classes who assume greater caregiving responsibilities is substantial and has both short-term and long-term effects.

### Presenters:

Leanne Fuith, Visiting Professor at Mitchell Hamline School of Law  
Ann Jenrette-Thomas, Chief Diversity and Inclusion Office at Stinson LLP  
Susan Trombley, Law Librarian

The deadline to register is November 17, 2020. To register, click [here](#).

Please submit upcoming CLEs to [mmoen@chandlerandbrown.com](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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.

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

#### 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](mailto:tnguyen@mnbars.org) or Jack Austin at [jack@hawkelawgroup.com](mailto: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](mailto: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](mailto:suzy@schellerlegalsolutions.com); or Vice-Chair, Julian J. Zweber, at (651-646-4354) or [julianzweber@qwestoffice.net](mailto:julianzweber@qwestoffice.net).

Please contact Tram Nguyen at [tnguyen@mnbars.org](mailto: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](mailto: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](http://my.mnbar.org). Please contact Tram Nguyen at [tnghuyen@mnbars.org](mailto: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](mailto: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](mailto:jack@hawkelawgroup.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.

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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](mailto:lucas.spaeth@voamn.org) to suggest changes to website content.

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Please send E-Newsletter contributions by 10 p.m. on the last day of each month to Mallory Moen at [mmoen@chandlerandbrown.com](mailto: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](mailto:tnguyen@mnbars.org).

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