

**MSBA ELDER LAW SECTION E-NEWSLETTER**

February 1, 2021

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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**

**SECTION AWARDS PRESENTED AT THE 2020 ELDER LAW INSTITUTE HELD  
JANUARY 28-29, 2021**

The Mary Alice Gooderl Memorial Award was presented to Margaret M. (Pook) Grathwol at the 2020 Elder Law Institute on January 28, 2021. The Gooderl Award is presented to a member of the Elder Law Section who has made outstanding contributions to the Section and the field of Elder Law.

Special Recognition Awards were presented to Laurie M. Hanson for her successful representation of the Estate of Richard Pfoser in its challenge to the MA uncompensated transfer penalty imposed by Dakota County on Richard Pfoser for funding a Pooled Special Needs Trust after age 65. The Estate was substituted for Richard after his death. The Estate won on all points contested by DHS. Estate of Richard Pfoser v. Jodi Harpstead, Commissioner of MN Department of Human Services, Minnesota Supreme Court File A19-0853 (January 20, 2021). The Supreme Court's decision has important implications for not just pooled special needs trusts after age 65, but also for other challenges to uncompensated transfer penalties.

A Special Recognition Award was also presented to Brenna M. Galvin for co-authoring an amicus brief in support of the Pfoser Estate on behalf of the Special Needs Alliance, and to Margaret M. (Pook) Grathwol for authoring an amicus brief in support of the Pfoser Estate on behalf of the Minnesota Chapter of the National Academy of Elder Law Attorneys. The National Academy of Elder Law Attorneys filed a separate amicus brief in support of the Pfoser Estate.

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

**Editor in Chief Needed for the Elder Law Section eNewsletter**

The Elder Law Communications Committee is now searching for an Editor in Chief to replace the current Editor in Chief, Mallory Moen, who is resigning from the position following the

March eNewsletter publication. Interested individuals should reach out to Lucas Spaeth via email at [lucas.spaeth@voamn.org](mailto:lucas.spaeth@voamn.org) to learn more about the role.

### **Save the Date!**

The Education Committee anticipates announcing a CLE soon. You may save the following date: Thursday, March 18<sup>th</sup>, from 12:00 P.M. to 1:00 P.M. If you are interested in joining the Education Committee or attending a meeting, please find further information under the Education Committee heading of the Elder Law Section Activities part of the newsletter.

*Contributed by Laura Orr.*

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

### **FEBRUARY 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: Trusts and Estates Section – The View from the Bench**

Thursday, February 11, 2021 from 12:00 P.M. to 1:00 P.M., Remote Only.

Hear directly from Ramsey County Probate Court Referee Olson about current issues, and answers to your questions about probate practice in the current environment.

Presenter:

Hon. Joel Olson, Ramsey County Probate Court Referee

To register, click [here](#). The deadline to register is February 9, 2021.

#### **REMOTE ONLY: Supported Decision Making for Attorneys**

Thursday, February 18, 2021 from 12:00 P.M. to 1:00 P.M., Remote Only.

Join social worker, Anita Raymond, and attorney, John Kantke, for a closer look at supported decision making. Supported decision making was added to Minnesota law in 2020 as part of the revisions to the guardianship statute. What is supported decision making? How do I integrate supported decision making into my law practice? How does supported decision making benefit both individuals helping and needing help? John and Anita will break down supported decision

making looking at forms and case studies to illustrate options. This event is specifically geared for attorneys in greater Minnesota.

**This CLE is free for Elder Law Section Members.**

Presenters:

John Kantke, Attorney with Estate & Elder Law Services  
Anita Raymond, Program Director of Center for Excellence in Supported Decision Making, Volunteers of America Minnesota

To register, click [here](#). The deadline to register is February 16, 2021.

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@mnelaw.com](mailto:lzdychnec@mnelaw.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. Subcommittees of the Education Committee include New Lawyers and Law Students.

If you would like to participate, please contact the committee chair, Laura Orr at [laura.orr@smrls.org](mailto:laura.orr@smrls.org). Anyone is welcome to join the committee or simply attend a meeting.

#### 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, 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:

**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 [tnguyen@mnbars.org](mailto:tnguyen@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](#).