

**MSBA ELDER LAW SECTION E-NEWSLETTER**  
**November 6, 2017**

Vol. 9, No. 35

E-Newsletter Editorial Staff:

Communications Committee Chair: Rachel Schromen

Editor in Chief: Emily Flesch

Web Editor: Bridget-Michaele Reischl

Contributors: Adam Rohne, Julian Zweber, Jennifer Wright

**NEWSLETTER HIGHLIGHTS**

2017 Elder Law Institute Awards:



Julian Zweber was inducted into the Elder Law Hall of Fame.



Sue Sandahl received the Mary Alice Gooderl award.

Photo credit: Laura Orr

## **EVENTS SCHEDULED IN THE NEXT MONTH**

### ADVOCACY SUPPORT COMMITTEE

**November 29, 2017 at 3:30 p.m.**

The Advocacy Support Committee will meet the offices of Long, Reher, Hanson & Price. Phone participation will be available. **We need members!!!!** We need your ideas and input! We are challenged to respond in advocacy on multiple fronts – come help us assure that we are providing the supports our section members need.

Please contact Committee Chair, Laura Zdychnec at [lzdychnec@mnellderlaw.com](mailto:lzdychnec@mnellderlaw.com) with any suggestions or information, or for the call-in instructions. I look forward to seeing you on the 29<sup>th</sup>!

### COMMUNICATIONS COMMITTEE

**November 8, 2017 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.

## PRO BONO COMMITTEE

**November 17, 2017 at 12:00 p.m.**

The Meeting will be held via conference call. To receive meeting emails and/or call-in information, please contact Maya Missaghi at [mayamissaghi@gmail.com](mailto:mayamissaghi@gmail.com).

## **ELDER LAW NEWS**

### [How the Elderly Lose Their Rights](#)

Submitted by: Adam Rohne, [ARohne@felhaber.com](mailto:ARohne@felhaber.com)

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

## **QUESTIONS AND ANSWERS FROM THE MSBA COMMUNITIES**

**Q1:** I have a client who has a life estate (deed prior to 2003) interest in farmland. She spent about \$30,000.00 on tiling last year and wishes to spend another \$50,000.00 this fall. She has less than \$200,000.00 cash on hand and may need MA assistance relatively soon. Would this be considered repair and upkeep of property, or would she be looking at an objection? Any thoughts and suggestions are much appreciated.

### **A1:**

A life tenant has a duty to maintain the property in reasonable repair. The remaindermen are responsible for any capital improvements to the real estate. Typically, installation of tile to agricultural land is considered a capital improvement that is depreciable and not a repair (unless it is a repair to already existing tile) that would allow an immediate deduction. Consequently, by paying for the tiling, there is a strong argument that she is essentially making a gift to the remaindermen. If she is potentially going to need MA soon, I would advise her not to pay for it.

I would be very careful to document repairs as repairs in all bids, estimates, payments and receipt to avoid a repair being called an improvement, and the value being treated as an uncompensated transfer of value to the remainder persons. I would never use the word "improvement" to describe a repair no matter how much the repair might enhance the value of the property. If the expense cannot be documented as a repair, the county will likely treat the expense as an improvement subject to uncompensated transfer penalty. Beware!

## **DIVERSITY COMMITTEE**

On August 16, 2016, the Elder Law Council established our section's Diversity Committee, with Jeanine Hill as its original chairperson. Jean Gustafson of Brainerd will be chairing the committee for the coming year. If you would like to join the committee, please contact Jean Gustafson at [jean@guslaw.net](mailto:jean@guslaw.net).

### **ELDER LAW CASES**

Please submit Elder Law cases of interest to [emily.flesch@mitchellhamline.edu](mailto:emily.flesch@mitchellhamline.edu)

### **STATUTES, REGULATIONS, BULLETINS**

[50 State Survey of Mandated Reporters](#) compiled by Megan McNiven, research librarian, and student researchers at the University of St. Thomas Law School.

Submitted by: Jennifer Wright, [jlinderwright@gmail.com](mailto:jlinderwright@gmail.com)

Please submit statutes, regulations, or bulletins of interest to [emily.flesch@mitchellhamline.edu](mailto:emily.flesch@mitchellhamline.edu)

### **ELDER LAW SECTION ACTIVITIES**

#### **ADVOCACY SUPPORT COMMITTEE:**

**November 29, 2017 at 3:30 p.m.**

The Advocacy Support Committee meeting will be held at the offices of Long, Reher, Hanson & Price. Phone participation will be available. **We need members!!!!** We need your ideas and input! We are challenged to respond in advocacy on multiple fronts – come help us assure that we are providing the supports our section members need.

Please contact Committee Chair, Laura Zdychnec at [lzdychnec@mnelderlaw.com](mailto:lzdychnec@mnelderlaw.com) with any suggestions or information, or for the call-in instructions.

#### **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 8, 2017 at 8:30 a.m.**

**January 10, 2018 at 8:30 a.m.**

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

**May 9, 2018 at 8:30 a.m.**  
**July 7, 2018 at 8:30 a.m.**  
**September 12, 2018 at 8:30 a.m.**  
**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.

#### GOVERNING COUNCIL:

The Elder Law Section Governing Council will meet at the following dates and times during the MSBA year ending in June 2018:

**December 15, 2017 3:30 pm at Monroe Village Community Room**  
**February 16, 2018 3:30 pm at Monroe Village Community Room**  
**April 20, 2018 3:30 pm at Monroe Village Community Room**  
**June 15, 2018 3:30 pm at 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.

#### 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 [john.j.austin3@gmail.com](mailto:john.j.austin3@gmail.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:

**December 19, 2017 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 Legal, PLLC, at [tsherman@plutolegal.com](mailto:tsherman@plutolegal.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@plutolegal.com](mailto:tsherman@plutolegal.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.

**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 to 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.

**PRO BONO COMMITTEE:**

Meetings will be held on the third Friday of every other month from 12-1pm unless otherwise communicated. Meetings will be held at Chestnut Cambronne PA, 17 Washington Ave N #300, Minneapolis, MN, 55401.

Upcoming meeting dates:

**November 17, 2017 at 12:00 p.m. via conference call.**

Questions may be directed to Maya Missaghi at [mayamissaghi@gmail.com](mailto:mayamissaghi@gmail.com).

**STRATEGIC PLANNING COMMITTEE:**

The next Strategic Planning Committee meeting will be 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.

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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 Bridget-Michaele Reischl at [bridget@decorolaw.com](mailto:bridget@decorolaw.com) 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 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](#).