



ELDER LAW SECTION E-NEWSLETTER

January 8, 2024

Vol. 15, No. 106

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ELDER LAW NEWS AND HIGHLIGHTS

New Lobbyist Registration Requirements Became Effective January 1, 2024

Sweeping new lobbyist registration requirements became effective January 1, 2024. Although most Elder Law attorneys might not consider themselves “lobbyists,” if an attorney is paid \$3,000 or more in a year to attempt to influence a board that includes local elected officials regarding spending or investments of public funds, the new registration requirements would apply. You might be surprised to find that you are considered a lobbyist subject to registration without realizing it.

A summary of the registration requirements is available at the Minnesota Campaign Finance Board’s website at: <https://cfb.mn.gov/citizen-resources/board-programs/overview/lobbying/>. At the request of the League of Minnesota Cities and various other entities that lobby at the State Capitol regarding legislative proposals that affect various units of local government, the Board has issued Advisory Opinion #456, which is available at: https://cfb.mn.gov/pdf/advisory_opinions/AO456.pdf?t=1704382682.

The Minnesota State Bar Association requested an Advisory Opinion regarding a number of common real estate situations where an attorney might be representing individuals or organizations before a local board or committee that includes local elected officials. The Advisory Opinion issued in response to the MSBA request was approved on January 3, 2024, Advisory Opinion No. 457, and is available at:

https://cfb.mn.gov/pdf/advisory_opinions/AO457.pdf?t=1704469032.

Additional Advisory Opinions are available at:

<https://cfb.mn.gov/citizen-resources/the-board/board-decisions/advisory-opinions/>

Attorneys who represent clients before the Metropolitan Council or other local boards or committees that include local elected officials that make recommendations or approve

expenditures or investment of public funds should review the new lobbyist registration requirements found in Minn. Stat. Ch. 10A.

Submitted by Suzanne M. Scheller, Chair of Legislative Committee, and Julian J. Zweber, Vice Chair of Legislative Committee

UPCOMING CLE AND EVENTS

Serving Clients Across Language Barriers

Thursday, January 18, 2024, from 12:00 pm to 1:00 pm

This presentation by Joanna Labastida of the Office of Lawyers Professional Responsibility will review the American Bar Association Opinion 500 and the ethical implications of language access in the client-lawyer relationship. The discussion will review specific rules of professional conduct, scenarios you might encounter in your practice, pitfalls to avoid and practical resources to ensure you are communicating effectively with your clients.

Presenter:

Joanna Labastida joined the Office of Lawyers Profession Responsibility in April of 2022, previously having practiced law in Kansas. She spent over six years at the Kansas Appellate Defender's Office, representing indigent criminal defendants on appeal. Joanna also spent six years at the Kansas Department of Revenue, first as a staff attorney in the Legal Services Bureau, and most recently as the Director of the Office of Special Investigations. Joanna received her B.S. from Northern Arizona University and her J.D. from the University of Kansas

CLE Credits: 1.0 Ethics CLE Credit applied for | Event Code: Pending

Cost:

Elder Law Section Member: FREE
MSBA/HCBA/RCBA Member: \$15
Non-Member: \$45
Law Student/New Lawyer: FREE

Registration Deadline: January 16, 2024. To register after that time, email the program manager.

Remote Participation: Remote instructions will be emailed to you the day prior to the event. A calendar file with a Zoom link is available for download in the automatic receipt.

Program Manager: Tram Nguyen | tnguyen@mnbars.org | 612-278-6316

Payments/Cancellations: Please register online or over the phone by credit card whenever possible. If you must pay by check, please use this [registration form](#). Need to cancel? Please see our [cancellation policy](#) .

Accommodations: We are committed to creating an inclusive environment in which all members can participate fully. If you need reasonable accommodations to participate in this

event, please notify the program manager with at least 72 hours notice prior to the meeting to allow sufficient time to make arrangements for accommodations. Thank you.

Link to Register: [Tri-Bar Event \(mnbar.org\)](http://mnbar.org)

Please submit upcoming CLEs to mcook@vgllaw.com.

ELDER LAW SECTION ACTIVITIES

ADVOCACY SUPPORT COMMITTEE:

The Advocacy Support Committee is currently recruiting members. Interested individuals can email Martha Amdahl at marthaa@northwoodlawgroup.com or call her at (952) 259-9647.

The Advocacy Support Committee meets remotely at the call of the chair.

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. For more information, please contact Julian J. Zweber at 651-646-4354 or 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 editor, associate editors, contributors, and any other interested section members. Meetings will be held remotely every other month to review issues related to the e-newsletter and the website, and to conduct an annual member survey.

The meeting will be arranged by video chat on Zoom or Microsoft Teams. The meeting link will be emailed to all committee members. Anyone interested in joining the meeting should email Lucas Spaeth at lucas.spaeth@voamn.org for a link to the meeting.

Anyone interested in serving on the committee or suggesting ideas for the newsletter or website may contact Communications Committee chair Lucas Spaeth at lucas.spaeth@voamn.org or (612) 676-6302.

DIVERSITY COMMITTEE:

Are you interested in advancing equity in elder law practice? Please contact the current chair, Laura Orr (laura.orr@elderjusticemn.org), with any questions.

EDUCATION COMMITTEE:

The Education Committee plans CLE seminars sponsored by the Elder Law Section and meets via Zoom on the second Thursday of each month from 9:00 A.M. to 10:00 A.M. Subcommittees of the Education Committee include New Lawyers and Law Students.

The Education Committee will meet next on **January 11, 2024, at 9:00 A.M.**

If you would like to participate, please contact the committee chair, Lauren Fink at lfink@maserlaw.com. Anyone is welcome to join the committee or simply attend a meeting.

GOVERNING COUNCIL:

The Elder Law Section Governing Council is chaired by Lauren Fink.

The next meeting is on **Thursday, February 22, 2024, at 3:30 P.M.**

Please contact Tram Nguyen at tnguyen@mnbars.org or Lauren Fink at lfink@maserlaw.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 Jack Austin at jack@hawkelawgroup.com.

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; or Vice-Chair, Julian J. Zweber, at (651-646-4354) or julianzweber@qwestoffice.net.

Several Elder Law Section only proposals are in effect for the current legislative session. The Elder Law Section is currently supporting proposals to pass new legislation regarding medical assistance treatment of life estates and irrevocable trusts as well as opposing proposed language related to resident trusts. Please contact Suzy Scheller at suzy@schellerlegalsolutions.com with questions or requests for further information.

Please contact Tram Nguyen at 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 under the subject heading "MA Committee Topic."

Please note, all meetings will be held remotely by telephone at this time.

To attend by telephone, call 1-888-354-0094 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. Please contact Tram Nguyen at tnguyen@mnbars.org to be added to the community.

PRO BONO COMMITTEE:

Please contact Emily Weichsel at 612-596-9243 or emilyweichsel@gmail.com if you are interested in participating in this committee.

STRATEGIC PLANNING COMMITTEE:

The Strategic Planning Committee meets at the call of the Section Chair. Questions can be directed to Lauren Fink at 651-952-4147 or LFink@maserlaw.com.

The 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 to suggest changes to website content.

Please send E-Newsletter contributions by 10 p.m. on the last day of each month to Maggie Cook at mcook@vglaw.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.

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