



**ELDER LAW SECTION E-NEWSLETTER**  
September 11, 2023

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Communications Committee Chair: Lucas Spaeth

Editor in Chief: Margaret (Maggie) Cook

Web Coordinator: Lucas Spaeth

Contributors: Laura Orr and Bridget-Michaele Reischl

**ELDER LAW NEWS AND HIGHLIGHTS**

**Elder Law Institute Scholarships**

The Elder Law Section offers up to four (4) scholarships to attend the [2023 Minnesota Elder Law Institute](#) (ELI). To apply, email a completed [application form](#) to Laura Orr at [laura.orr@elderjusticemn.org](mailto:laura.orr@elderjusticemn.org) by **Friday, September 15, 2023**. Applications will be reviewed by the Elder Law Scholarship Committee. Selected applicants will receive notice by 5 P.M. on Wednesday, September 20.

*Contributed by Laura Orr*

**Survey of Proficiency in Languages Other Than English**

Did you take French in high school? Use the pandemic or long commutes to learn a new language? Grow up in a household speaking a language other than English? The Diversity Committee for the Elder Law Section would like to hear from you.

The committee developed [a survey](#) to learn the identity of attorneys practicing in elder law who have proficiency in languages other than English. Please complete the survey if you have ability to communicate in a language other than English and are willing to identify your ability to other practicing attorneys.

The survey is located here: <https://www.surveymonkey.com/r/XSXS9CZ>

You may contact Laura Orr ([laura.orr@elderjusticemn.org](mailto:laura.orr@elderjusticemn.org)), Diversity Committee chair, with any questions.

*Contributed by Laura Orr*

Please submit upcoming news and highlights to [mcook@vgllaw.com](mailto:mcook@vgllaw.com)

## **UPCOMING CLE AND EVENTS**

The MN-NAELA Chapter Education Committee is hosting a free CLE entitled:

**VSED in Minnesota: Patient and Agent Rights to Take Control of their Deaths.**

The program will take place on **Tuesday, September 12, 2023 at 12:00 PM - 1:00 PM** over Zoom.

### **Description:**

Many of us have had clients express interest in Voluntarily Stopping Eating and Drinking (VSED), currently the only legal option in Minnesota to control one's own death. But, do we know the legal and practical ways to support them through the process? Prof. Thaddeus Pope, widely known author and legal expert on the law of end-of-life decision-making, discusses the legal and ethical implications of hastening death by VSED. Ashleigh Lundy, an experienced hospice nurse will address the practical issues and questions clients have as they consider their options.

Link to recent Star Tribune article on VSED and a local personal experience:

<https://www.startribune.com/a-good-death-for-a-minnesota-woman-who-championed-the-right-to-die-with-dignity/600285077/>

*Contributed by Bridget-Michaele Reischl*

### **Speakers:**

**Dr. Thaddeus M. Pope**, JD, PhD, HEC-C, Health Law Professor and Bioethicist

(biography link) [https://www.thaddeuspope.com/images/Pope\\_150\\_word\\_BIO\\_April\\_2022\\_.pdf](https://www.thaddeuspope.com/images/Pope_150_word_BIO_April_2022_.pdf)

**Ashleigh Lundy**, Experienced Hospice and Palliative Care Practitioner, working with Minnesota Network of Hospice & Palliative Care.

### **CLE Credits:**

This course is pending approval for 1.0 Standard hours of CLE Credit

**Cost:** FREE

### **Registration Required:**

*You are invited to a Zoom meeting.*

*When: Sep 12, 2023 12:00 PM Central Time (US and Canada)*

*Register in advance for this meeting:*

[https://maserlaw.zoom.us/meeting/register/tZYlce6grzwpHNZRI\\_MNFbNJ24Ku7zjREzxi](https://maserlaw.zoom.us/meeting/register/tZYlce6grzwpHNZRI_MNFbNJ24Ku7zjREzxi)

### **Remote Participation:**

After you register for the event, the login information will be sent to you.

**Program Managers:**

If you have any questions on the presentation or the registration process, please contact either Brenna Galvin at [bgalvin@maserlaw.com](mailto:bgalvin@maserlaw.com) or Bridget-Michaele Reischl at [bridget@decorolaw.com](mailto:bridget@decorolaw.com) We look forward to seeing you all there!

**Financial Exploitation of Older Adults**

Thursday, September 21, 2023, from 11:00 AM to 1:00 PM

Older adults are especially vulnerable to violent crime, neglect, and exploitation, including financial fraud. Elder abuse is often difficult to detect, as the perpetrator may be a caretaker, family member, or other individual on whom the victim must rely for basic needs. Accordingly, victims may be reluctant to report a crime. This presentation will focus on financial exploitation and provide you with an overview of this crime, its prosecution and the role of the Attorney General's Office. Additionally, an elder lawyer will discuss the challenges of representing a vulnerable adult client or concerned family member where there are allegations of financial exploitation. We'll also explore "cautionary tales" for lawyers who represent vulnerable adults and how to avoid ethical conundrums. Lastly, there will be a discussion of consumer fraud scams targeted at older adults and MN laws that enhance civil remedies for seniors.

**Presenters:****Nick Wanka**

Nick is Director of the Medicaid Fraud Control Unit (MFCU) with the Minnesota Attorney General's Office. The MFCU prosecutes health care providers defrauding the Medicaid program and providers or other individuals who abuse, neglect, and financially exploit vulnerable adults.

**Rachell Henning**

Henningson & Snoxell, LTD.

Rachell is an elder law attorney who assists clients and their families with Medical Assistance, guardianships and conservatorships, asset protection planning, and estate planning. In her practice, she has collaborated with adult protection, police officers, social workers, and family members to protect vulnerable adults from financial exploitation.

**Karin Ciano**

Karin is a Senior Assistant Director at the Minnesota Office of Lawyers Professional Responsibility. She investigates and litigates complaints of misconduct by Minnesota-licensed attorneys.

**John Goolsby**

Owner, Goolsby Law Office, LLC

The Goolsby Law Office, LLC, helps Minnesotans stand up for their rights under federal and state consumer protection laws, including civil laws that specifically protect seniors.

*Moderator:***Elizabeth I. Wrobel, Esq.**

Elizabeth is a partner at Wrobel & Smith PLLP specializing in long-term care and medical insurance disputes. Elizabeth formerly worked for the MFCU from 2001-2006.

This CLE is free to Elder Law Section Members.

Remote participation only.

1.5 Standard and 0.5 Ethics CLE Credits applied for.

Interested attendees may register here: <https://www.mnbar.org/members/cle-events/tri-bar-event?EventID=6099>

### **2023 Elder Law Institute**

Thursday, October 5, 2023 – Friday, October 6, 2023, from 9:00 AM – 5:00 PM

Register at <https://www.minncle.org/seminar/1045142401>

The Elder Law Institute is \$495 for MSBA members.

Approved for 11.0 CLE credits.

Please submit upcoming CLEs to [mcook@vgllaw.com](mailto: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](mailto: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. Nominations will be accepted year-round by the Committee from Section members for Section Awards to be presented at the next Elder Law Institute sponsored by MN CLE, usually in October of each year. 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 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 Communications Committee will meet on **October 11, 2023, at 8:30 A.M.**

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](mailto: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](mailto: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](mailto: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 **September 14, 2023, at 9:00 A.M.**

If you would like to participate, please contact the committee chair, Lauren Fink at [lfink@maserlaw.com](mailto: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 **October 6, 2023, at 7:30 A.M., and will be held at the MSBA Office to coincide with the Elder Law Institute.**

Please contact Tram Nguyen at [tnguyen@mnbars.org](mailto:tnguyen@mnbars.org) or Lauren Fink at [lfink@maserlaw.com](mailto: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](mailto: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](mailto:suzy@schellerlegalsolutions.com); or Vice-Chair, Julian J. Zweber, at (651-646-4354) or [julianzweber@qwestoffice.net](mailto: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](mailto:suzy@schellerlegalsolutions.com) with questions or requests for further information.

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."

**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](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:

Please contact Emily Weichsel at 612-524-7356 or [emilyweichsel@gmail.com](mailto: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](mailto:LFink@maserlaw.com).

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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](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 Maggie Cook at [mcook@vgllaw.com](mailto:mcook@vgllaw.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 Elder Law Section and are available [HERE](#).