

Elder Law and Disability Rights Section 2010 Annual Report

Bar Year: **2010**

Section Name: Elder Law and Disability Rights Section

Mission Statement:

The Elder Law and Disability Rights Section of the State Bar of Michigan provides education, information and analysis about issues of concern through meetings, seminars, this site, public service programs, and publication of a newsletter. Membership in the Section is open to all members of the State Bar of Michigan. Statements made on behalf of the Section do not necessarily reflect the views of the State Bar of Michigan.

Officers and Council Members:

Officer	Name	Address	Telephone	Email
Chair	Don L. Rosenberg	1310 W. Long Lake Rd. Ste 340 Troy, MI 48098	248-641-7070	rosedr@brmmlaw.com
Chair-Elect	Paul A. Sturgul	312 Silver St Hurley, WI 54534	(715) 561-4600	passtu@aol.com
Secretary	Caroline M. Dellenbusch	2944 Fuller Ave NE Ste 100 Grand Rapids, MI 49505	(616) 451-4242	cmd@cdelderlaw.com
Treasurer	Bradley A. Vauter	1805 Drexel Rd Lansing, MI 48915	(517) 853-8015	(517) 853-8015

Member	Term Expires	Member	Term Expires
60293 Patrick J. Bond, Saint Clair Shores	9/30/2010	59632 Patricia M. MacKinnon, Lansing	9/30/2011
64983 Roxanne J. Chang, Plymouth	9/30/2010	55324 James N. Bauer, Flint	9/30/2012
52502 Arthur L. Malisow, Farmington Hills	9/30/2010	67574 Rosemary H. Buhl, East Lansing	9/30/2012
40453 Harley D. Manela, Farmington	9/30/2010	66431 Rachael Louie Holmes,	9/30/2012

Hills		Ann Arbor	
35472 John B. Payne, Dearborn	9/30/2010	18224 Hon. Allen J. Nelson, Harbor Springs	9/30/2012
50062 Susan Goodkind Wideman, Marquette	9/30/2010		
29567 Priscilla Cheever, Ann Arbor	9/30/2011		
53316 Michele P. Fuller, Shelby Township	9/30/2011		
60237 Konrad F. Hittner, East Lansing	9/30/2011		
41106 Diane Kuhn Huff, Traverse City	9/30/2011		

General Budget Information: The section's budget has been stable over the last several years. As of April 2010 the section had a balance of \$64,074.67. This number reflects the expenses related to the Sections' Spring Conference and the cost of Section sponsored litigation which is discussed below.

Section Membership. A comprehensive review of the section membership was conducted by the section and evidences that dues income shows a drop between 2008, to 2009 and again from 2009 to 2010. Looking at the same periods (March end, 2008, 2009, and 2010) the drops in membership income as reported are as follows: \$3570 between 2008 and 2009 and another drop between 2009 and 2010 of \$ 1767.50. Current membership dues are \$35.00 (they were raised 5 dollars by vote in the spring of 2007). Using the individual regular membership dues amount as a divisor, it appears that membership has dropped about 107 members between 2008 and 2009; another 53 or so dropped in the same time period between 2009 and 2010. This is nearly a 15 per cent drop in membership since 2008.

Section Publications. The Section has not had a newsletter during this year. However, we are currently exploring the idea of reinstating the section newsletter or creating and monitoring a blog. No decision has been made at this time. It was decided the Section would survey the membership through some web based process similar to Survey Monkey.

Meetings, Activities, and Seminars:

The Section hold two conferences: A fall conference usually in October and a Spring Conference.

In the last year the Section presented The 12th Annual Interdisciplinary Conference on Law, Aging and Disability Biting the Bullet September 23-25, 2009 at Crystal Mountain Resort and Spa Thompsonville, MI. The conference was a huge success. We brought in national speakers and the feedback was overwhelming positive. The conference featured several speakers:

- Robert Fleming, JD, Tucson, Arizona, NAELA Fellow; author, *Elder Law Answer Book*

Ann M. Soden, AdE, Montreal, Canada, Executive Director, National Institute of Law, Policy and Aging

David M. Godfrey, JD, Washington, D.C., Senior Attorney, ABA Commission on Law and Aging

Jeffrey Geller, MD, MPH, Worcester, Massachusetts, Professor of Psychiatry; co-author, *Women of the Asylum*

Topics include: Drafting special needs trusts; end-of-life decision-making; determining capacity; consumer problems and debt collection; extending waiver services to AFCs and HFAs; Olmstead issues; the panoply of veterans benefits; administrative appeals; technology and the small elder law firm; estate planning; involuntary nursing home discharges; working with the difficult client; Medicare and Medicaid eligibility and benefits; and proposals for national health care reform.

The 13th Annual Conference will be held on Oct. 6, 7 and 8, and the location is Crystal Mountain, Thompsonville, MI. Some of the speakers that will be presenting are David Illesand; Charlie Sabatino (director of the ABA Commission on law and Aging); Kenneth Ross, Commissioner of OFIR; Monica Martinez, Commissioner, Michigan Public Service Commission.

We also held a one day Spring Conference at the Inns of St. Johns, Plymouth, MI. There were 125 attendees including 13 walk-ins the day of the conference. Comments received were good. The mock ALJ hearing and the lunch speakers were especially well received.

Section Legislature, Policy and Committees. Over the past year the following committees were formed:

1. **Health Care Reform Committee** - to monitor and comment on legislation in regard to health reform.
2. **Litigation Committee.** The Section continued with its legislation against the State of Michigan in regard to Michigan's failure to comply with Federal policy concerning Pre-Eligibility Medical Expenses as is relates to Medicaid long term care patient pay amount set offs.
3. **POLST Committee.** This refers to establishing a state wide policy in regard to the Physician Orders for Life-Sustaining Treatment.
4. **Nursing Home Model Contract.** The purpose of this committee is to propose to the nursing home industry or create legislation for a model nursing home contract.
5. **UTC Committee.** This committee was formed to review and comment on the Uniform Trust Code.

6. **Pooled Account Trusts.** Section members held a positive discussion with Representative Young on the legislation regarding pooled trusts (HB 5028). It was noted that the Representative was unaware of the need for pooled trusts or their function and is willing to have the Section provide its own version of the bill that would give better protections.

7. **Professional Rules of Responsibility Comment.** The Section formed a committee to review and comment on proposed Professional Rules of Responsibility.

8. **Nominating Committee.**

Recommendations for next Council: In addition to continuing ongoing committees the next council will have to make an important decision concerning what additional litigation, if any, should be brought against the state.