

ELDRS Section Meeting
December 1, 2018
State Bar of Michigan Office, 306 Townsend, Lansing, MI 48933

Attendance: In person - Christopher Smith*, Kelly Quadorkus*, Christine Caswell*, Robert Mannor*, Caroline Dellenbusch*, Nick Ryan*, Susan Chalgian*, Ray Harris*, Sara Schimke*, Todd Tennis, Erin Mortenson, John Roy Castillo; by phone - Howard Collens*, Angela Hentkowski*, Greg Kish*, Tracey Rowens*, Jackie Rygiel-Sprague*, Terri Winegarden*, Harley Manela, John Payne, Don Rosenberg, Lisa Anderson, David Kerr, Catherine Jacobs, Beth Swagman, Krystal Danielak, Lisa Drew, Kara Jennings, Jim Steward, Jennifer Taylor-Haughey, Erma Thomas

Chair Chris Smith called the meeting to order at 10:03 a.m.

A motion was made by Caroline Dellenbush and seconded by Nick Ryan to accept the agenda as written.

Treasurer's Report - Bob Mannor still has no financial report from the Bar.

Spring Conference - Harley Manela reported the conference still has one open speaking spot. Harley is also working with Tracey Rowens and the membership committee to do a breakfast program for new attorneys who attend the conference. Don Rosenberg will present the Medicaid program, and Harley is hoping to have the incoming Attorney General Dana Nessel as the lunch speaker. Jackie Rygiel-Sprague and Bob Mannor are on the sponsorship committee and presented a sample application form. Bob proposed a cost of \$1000 for table sponsors and a lunch sponsor for \$3,000. But Bob noted that sponsorships only work if section members use their connections.

Membership Committee - Tracey Rowens reported that the membership committee recently sent a list of upcoming webinars designed to be casual discussion. The committee will do a webinar packet for presenters with a skeletal outline; in tandem, the committee will prepare letters and brochures for recent bar passers welcoming them and telling them about the benefits of section. John Roy Castillo asked about the process to register. Tracey said the committee will do e-blasts and the webinars will be announced at the Spring Conference.

Administrative Policy Committee - Sara Schimke and Greg Kish are looking at the proposed policy change to BEM 400. Comments are due Monday, December 3, 2018. The committee did prepare a response. The proposed change deals with the homestead, primarily changing assets of exclusion from 12 months to 3 months; excludes the 2nd income "dwelling" issue; and revamps mortgages and promissory notes in violation of federal law. The policy change is supposed to be implemented January 1, 2019 and effective February 1, 2019. Kelly Quardokus made a motion to approve the administrative policy committee's response to DHHS's proposed changes to BEM 400 and Bob Mannor seconded. Motion passed with 17 ayes and no nays nor abstentions.

Legislative Committee Todd Tennis reported that the legislature is trying to limit the powers of the incoming governor. A new pair of bills introduced in early November, SB 1182 and SB 1183, known as the "loser pay" bill, deal with vexacious appeals. Section members noted that it could really be harmful for those of limited means and have a chilling effect on the public seeking legal services. Kelly

Quardokus made a motion and Bob Mannor seconded that the Council oppose SB 1182 and SB 1183 because of their chilling effect on the legal system and recommended that the State Bar of Michigan also oppose these bills. The motion passed with 17 ayes and no nays or abstentions.

Discussion was held about the current POST bills, but it was decided that no action was needed at this time.

Todd reported that the certificate of trust and uniform trust bill passed the house and will probably be brought up in the senate. The isolation bill raised by Sen. Marleau amending the Social Welfare act is not going to move this year. It can be brought up again next year with a new sponsor. A new bill, 6551 is moving, creating statute requirements for applicants to become providers for PACE. Todd didn't think it makes any real changes.

ELDRS member Doug Wozniak was elected to the state house.

Susan Chalgian made a motion seconded by Kelly Quardokus to support U.S. House Resolution 1749, extending the community spouse's resource protections under MI-Choice Waiver which is set to expire December 31, 2018. They also asked Chair Chris Smith to send a thank you letter to U.S. Rep Debbie Dingell and U.S. Rep. Fred Upton for bipartisan support of the resolution. Motion passed with 17 ayes and no nays nor abstentions.

Chris Smith reported that Todd got the council on the Gretchen Whitmer transition team to get some quick wins at DHHS. Chris was on a conference call with the committee and sent in written comments trying to get rid of the income cap for waiver, asking DHHS to provide better treatment for family caregivers (review BEM 405), and expand the ombudsman program. Chris is also creating a survey for section members to express their legislative priorities.

Chris Smith is having call with Mission Point on Monday, December 3, regarding the problems attendees had with the resort and trying to resolve the issue with the final bill.

Some council members attended the SBM Connect demonstration. Currently, Chris Smith and Christine Caswell have control of the ELDRS site. Howard Collen's main concern was that the archive may not be searchable.

Ray Harris made a motion and Caroline Dellenbush seconded to approve the Section accepting a limited-time offer from SBM of \$500 to transfer ListServ archive data from the Modern Firm to SBM Connect. Motion passed.

The motion adjourned at 11:55 a.m.