

## **Minutes of the Elder Law and Disability Rights Section Meeting on January 5, 2008**

**Attendance:** Present at the meeting were: John Payne, Don Rosenberg (Secretary), Caroline Dellenbusch, Valerie Rice, Thomas Fraser, Dolores Coulter (Chair), Amy Tripp (Vice Chair), Rosemary Buhl, Arthur Malisow, Sanford Mall, Patrick Bond, Kristina Barsch, Josh Ard, Rachel Holmes and Konrad Hitner.

Attending by telephone conference were: Brad Vauter, Harley Manela, Paul Sturgul (Treasurer), Susan Wideman and James Schuster.

Also attending was Ellen Hoekstra from Capitol Services.

**Treasury report:** There is currently a balance of \$98,000.00 in the existing account. The Crystal Mountain bill for the fall conference has now been paid. The total bill was \$9,561.03.

**Legislative update:** Ellen Hoekstra of Capitol Services was present at the meeting. She provided a lengthy summary to all members which was posted as usual to the list serv.

**Old business:** The dates for the fall conference are September 24-26, at the Homestead resort in Glen Arbor. Additionally, a meeting is scheduled for January 10, at 2p.m. with the members of the Department of Human Services as well as the Department of Community Health. An agenda regarding that meeting was emailed out to all members.

**DRA Litigation Committee:** The only new news is that Rene H. Reixach, an attorney from New York, has agreed to assist with the Federal Litigation issues under DRA. Jim Schuster wants to coordinate with him. The problem at this point is what are we litigating? Clearly, the first issue will be pertaining to hardship. At this point in time, there has been no commitment to pay him.

**Committee Reports:** Roxanne was not present to discuss her Committee Reports, so there is no new news.

### **New Business:**

1. **Legislative Priorities:** The section has agreed to retain Capitol Services. One legislation issue to be addressed is regarding Annuities, but there is no bill pending on this issue yet. The second issue is the unauthorized practice of law. The UPL Committee meeting is in February and they will be giving suggestions to the legislature after that.
2. **Compensation of Section Members:** There was great discussion about

compensating members for the additional work that they do to prepare for the conferences. Amy Tripp brought a motion to compensate Brad Geller \$2,500.00 for organizing the fall conference. The motion was seconded by Don. There were 14 yes votes and 1 abstaining vote, obviously Brad, and there were no objections. The second motion brought was to compensate the Mall Malisow Law Firm for preparation of the spring conference and they were going to provide him \$1,000.00 in compensation. There were 13 people in favor and 2 abstentions, Sandy Mall and Art Malisow, and no objections.

3. Joint Project with Physicians: Caroline Dellenbusch is going to coordinate with Dr. Foley regarding this project. The members all seem to agree that it is a good idea to proceed with this project.
4. Advance Directive Booklet: There is a cost to print up the booklet and they are going to print it in Spanish. There was a discussion that it should be uploaded to the State Bar website because it could be done at no cost. Rachel Holmes stated that she would get the cost for printing it up and they also discussed contacting Spanish speaking groups to see if they would want copies of these particular booklets. This is where it was left concerning the booklet.
5. Consultant Memberships: There have been discussions about having a financial planner, who prepares Annuities, become a member of the section. It was a unanimous decision by the members that this should not happen. That members of the section should remain attorneys.
6. New York State Bar Association regarding Long Term Care Findings: John Payne moved that we should support the resolution that the New York Bar Association proposed to the ABA. Sandy Mall seconded the motion. There were 13 yes votes and no objections. The motion carried.
7. Bootcamp: Josh suggested that perhaps there should be a boot camp for Administrative Law hearings. Perhaps that should be discussed at the spring conference or at another meeting. They considered getting the Administrative Law judges to attend. Josh agreed that he would organize this boot camp.
8. Uniform Durable Power of Attorney Act: There was a small discussion on the Uniform Durable Power of Attorney Act. Nothing was really decided.

Meeting adjourned.