

**MARCH 2017 MINUTES OF THE
ELDER LAW & DISABILITY RIGHTS SECTION
STATE BAR OF MICHIGAN**

March 4, 2017

Location: State Bar of Michigan, 306 Townsend, Lansing, MI. Participants had the option to appear by telephone.

Attendance:

- **In Person:** Michele Fuller-Urbatsch*, Sara Schimke*, Beth Swagman*, Howard Collens*, Raymond Harris*, Robert Mannor*, Maria Messina Wiersma*, Michael Mestelle*, Kelly Quardokus*, Jill Goodell, Susan Chalgian, Jean Doss, Megan Edmonds, Tracey Rowens, Scott Robbins, Nick Ryan, Todd Tennis

- **On Phone:** Christopher W. Smith*, Angela Hentkowski*, John Payne*, Jacquelyn Rygiel-Sprague*, James Steward*, David Sprague*, Scott Brogan, Kimberly Browning, Catherine Jacobs, David Kerr, Harley Manela, Erin Mortenson, Paul Sturgul, Elizabeth Vincent, Kim Winokur

15 out of 20 members of Council were present.

* Indicates Council member.

I. Executive Reports.

1. **Minutes.** The minutes from the February meeting were submitted for Council's approval. **Beth Swagman** moved to approve the minutes. **Sara Schimke** seconded the motion. The February minutes were approved unanimously.

2. **Treasurer's Report.** **Beth Swagman** presented her proposed budget. The only change was an addition of \$5,770 to the litigation budget as a refund of a retainer previously paid to Rene Reixach. The budget provides for a cash balance at the end of the year to \$47,829 (a \$7,170 increase). **Howard Collens** made the motion to approve the budget. **Raymond Harris** seconded.

The budget was approved with 13 yeas and 0 nays. **Beth Swagman** and the Chair abstained.

Beth also mentioned that membership is down slightly

A copy of the approved budget is attached to these minutes.

II. **Committee Reports.**

1. **Litigation Committee.**

- a) *Vansach Case.* The Michigan Court of Appeals granted our request to file an amicus brief in this matter. **Jim Schuster** will be filing the brief on behalf of the Section. The brief is due in March.
- b) *Litigation policies.* The Council's litigation policy, which was approved at the last meeting, is not on the State Bar's website.
- c) *SBO Conference Funds.* **Michele Fuller-Urbatsch** has been holding funds related to the training session that was held as part of the change in the State's policy on SBO trusts. Michele will be donating these funds (apx. \$3,500) to the NAELA Michigan Litigation Fund.

2. **Legislation Committee.**

- a) *Legislative training.* After the meeting, **Jean Doss** and **Todd Tennis** will be giving a lunch and learn on legislative advocacy. **Kelly Quardokus** thanked **Howard Collens** for the suggestion.
- b) *POST.* **Robert Anderson** and **Caroline Dellenbusch** have been working Representative Tedder's office to address regarding the apparent duplicate consents in the legislation that are required before removing feeding tubes/hydration. The Committee is optimistic that these concerns can be worked out with Representative Tedder and Right to Life (the organization that has expressed concerns about the changes).
- c) *Probate Appeals.* The Committee recommended that the Sections does not take action regarding comments for the drafting of the Michigan Court Rules to comply with Michigan law, which now allows for probate appeals to go directly to Court of Appeals. The sentiment is that the Probate Section has this adequately covered. Council agreed.

- d) *Guardianship Reimbursement.* The Committee expressed concerns about Senate Bill 49, which requires court approval before a guardian is paid from the funds of the estate. The Committee's concern is that it could be interpreted as requiring court approval for the payment of guardian fees from another payer source, such as a special needs trust. **Michele Fuller-Urbatsch** and **Patti Dudek** are working to resolve this issue.
 - e) *Proactive Legislation.* The Committee is looking into possibly leading legislation in three different areas: (1) Family visitation rights (stemming from the Casey Kasem case) (contact: **Robert Anderson** and **Kelly Quardokus**); (2) supported decision making as an alternative to guardianship/conservatorship (contact: **Christopher Smith**); and (3) injunctive proceedings to more quickly prevent suspected financial exploitation (contact: Open).
 - f) *Zip Codes.* The Committee is attempting to collect zip codes of Section members in an effort to start targeting Section members in the districts of key legislators for a particular legislative issues.
 - g) *Other Issues of Interest.* **Todd Tennis** said the legislature's efforts have been primarily dedicated towards a failed attempt to repeal the income tax in Michigan. **David Kerr** asked if there has been any movement on block grants. The legislature is essential waiting right now for more information regarding what Congress/the Trump administration will do. **ELDRS** asked to be notified if anything develops so we can attempt to be involved.
3. **Spring Conference.** **Harley Manela** reported that the Spring Conference is trending towards normal attendance levels. The Conference will be held on March 10, 2017, at the Inn at St. John. Also, **Maria Messina Wiersma** made arrangements for first-time attendees to have badges.
4. **Membership Committee.**
- a) *Recent Activity.* Rebecca Simkins Nowak of Detroit Mercy Law School contacted the section about referring law students that might be interested in the section. **Erma Thomas** attended the Public Service Internship Fair at Wayne State.

Also, section information will be added to agenda of Spring Free Legal Aid Clinic student training.

- b) *Our Diverse Bar Event.* **Maria Messina Wiersma** asked that Council sponsor the Celebrating Our Diverse Bar event to be held at the Detroit Seafood Market on March 30th. The sponsorship cost is \$100. **Kelly Quardokus** made the motion to sponsor the event. **Jill Goodell** seconded.

Motion passed: 14 yeas; 0 nays, chair abstained.

- 5. **Section Collaboration.** Michele Fuller-Urbatsch indicated that she is working with other sections regarding possible collaborations (e.g., business section, real property, LGBT).

The meeting was then adjourned.

A wonderful session on legislative advocacy by Capitol Services followed the meeting.

Next Meeting: April 1, 2017, State Bar of Michigan, 306 Townsend, Lansing.