

Elder Law and Disability Rights Section [ELDRS] of the State Bar of Michigan
Section Meeting – May 27, 2020
Webinar / Conference Call Only

Attendance by Phone: Christine Caswell*, Howard Collens*, Shannon DeWall*, Raymond Harris*, Catherine Jacobs*, Robert Mannor*, Erin Mortenson*, Amanda Murray*, Kelly Quardokus*, Tracey Rowens*, Sanford Mall*, Jackie Rygiel-Sprague*, Christopher Smith*, Terri Winegarden*, David Kerr, Harley Manela, Maria Messina Wiersma, Todd Tennis, Jean Doss, Beth Swagman, James Steward, David Lucas, Don Rosenberg, Kevin Gilhool, Kristen Gross

[*ELDRS Council Member]

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Chair Kelly Quardokus called the meeting at approximately 10:01 AM.

[A] ROUTINE BUSINESS

Agenda- Harley Manela asked to add to the Agenda a discussion of the 2021 Spring Conference. With the amendment, Howard Collens moved and Erin Mortenson seconded to adopt the agenda. Motion passed.

Minutes- Robert Mannor moved and Catherine Jacobs seconded to adopt the minutes. Motion passed.

Treasurer's Report- Kelly Quardokus reported on the most recent Treasurer's report. It was noted that some people have not received their refunds from their Spring Conference fees and Kelly or Angela will get with the State Bar of Michigan to check in on this.

[B] COVID-19 UPDATE

Executive Order 2020-41 regarding remote witnessing and notary is set to expire on May 6, 2020. Todd Tennis reported that he has been told by the Governor's office that the Executive Order will be extended. ELDRS has attempted to influence some minor changes to the Executive Order to make it more workable.

[C] COMMITTEE REPORTS

Added to Agenda. Spring Conference – The 2021 Spring Conference will be held March 19, 2021 at in at The Inn of St. Johns.

- 1. Fall Conference Update.** If permitted, the Fall Conference will be held October 7-9, 2020.
- 2. Disability Rights Committee -** Shannon DeWall discussed the concerns of ELDRS Disability Rights Committee about possible rationing of health resources and how that might impact those with special needs. The committee has been working with many other like-minded groups. A letter

was written to the Governor to address these concerns and a few days later, the Governor issued Executive Order 2020-64 to address the issue. Additionally, the like-minded groups conducted a webinar to educate the public and provide resources.

3. **Legislative Committee** - Christopher Smith and Todd Tennis discussed the three primary issues of interest that the legislative committee has addressed.
 - a. **Extending the Executive Order for remote witnessing and notary** – There are some practical problems in using the Executive Order for remote signing. Particularly the requirement that the document must be sent within 24 hours of the signing. Todd Tennis addressed this with the Governor's Office. The Secretary of State's Office of the Great Seal did not want the requirement changed for notaries. Todd Tennis, on behalf of ELDRS, requested that at a minimum the requirement for witnesses be extended to 72 hours.
 - b. **Legislative solution for remote signings** – Sen. Lucido and others are eager to create a permanent solution to remote signings. ELDRS has requested that we do not simply turn the Executive Order into legislation. ELDRS will promote a more practical and workable option for remote signings. Howard Collens pointed out that the legislation should address and affirm signings that occurred under the Executive Order. Howard Collens reported on a work group which currently includes two attorneys from ELDRS and two attorneys from the Probate Section. Sanford Mall agreed to work with the work group also.
 - c. **Power of Attorney Legislation** - Representative Wozniak and the Governor's Elder Abuse Task Force have supported two proposals related to powers of attorney. One issue is requiring banks to accept valid powers of attorney. The other issue is regarding the authority to gift in powers of attorney.
4. **Litigation** – No report, but Chair Ray Harris asked if anyone has relevant legal issues regarding COVID-19 to let him know.
5. **Membership and Education** - Maria Messina Weirsma discussed webinars conducted by ELDRS in March and April. Norm Harrison's webinar originally scheduled for May will be rescheduled. ELDRS would like to have a webinar in May on remote hearings. The ELDRS Exchange was conducted in April online. Seven attorneys attended that session. The committee intends to conduct an ELDRS Exchange every other month.
6. **Administrative** – No Report.
7. **Bylaws** – Recent events have shown the need to update the Bylaws for ELDRS. Robert Mannor and David Kerr agreed to assist Howard Collens with the Bylaws changes.

[D] CONTINUING BUSINESS

1. **DHHS / ELDRS / LEGISLATOR Joint Meetings ON HOLD - Christopher Smith/Kelly Quardokus**
2. **Governor's Task Force on Elder Abuse Update- Christopher Smith discussed the task force.**

[E] DISCUSSION QUESTION:

1. **In what ways do you foresee the practice of law changing in the aftermath of the COVID- 19 Crisis for Elderlaw and Disability Rights Attorneys?**
2. **What tools/ issues should the ELDRS be working on to help us adjust to the upcoming changes and best serve our clients?**

REMINDER UPCOMING MEETING SCHEDULE DATES

JUNE 6, 2020 (WEBINAR/CONFERENCE CALL ONLY)

NO JULY MEETING (4th of July weekend)

AUGUST 8, 2020 (in U.P)

SEPTEMBER 12, 2020

OCTOBER 7-9, 2020/ FALL CONFERENCE- ANNUAL MEETING

Meeting Adjourned at approximately 11:30 AM.