

Minutes of the Elder Law and Disability Rights Section Meeting on 11/10/2007

Attendance

Present at the meeting were: John Payne, Don Rosenberg (Secretary and acting for Paul Sturgul as Treasurer), Caroline Dellenbusch, Valerie Rice, Roxanne Chang, Thomas Fraser, Valerie Lafferty, June Neuman, Todd Tennis, Dolores Coulter (Chair), Amy Tripp (Vice Chair), Rosemary Buhl, Arthur Malisow, Sanford Mall, Judge Allen Nelson, Patrick Bond, Doug Chalgian, Carol Hogan, Priscilla Cheever and Matt Joswick.

Attending by telephone conference were: Brad Vauter, Josh Ard, Kate White, Harley Manela and James Schuster.

The meeting began at 10:05 am.

Treasury Report

Based on the report from the treasurer we estimated that we have approximately \$70-\$75,000 in revenue. This is an estimate since the official reports were not available. We arrived at this number by taking the balance on hand \$57,000 minus \$18,000 that we owe for the fall conference, plus \$30,000 that we are owed in estimated dues, which equals \$70,000. Brad Geller is negotiating down the money owed to the conference so that is how we came up with the number of \$70-\$75,000.

Legislative update from Todd Tennis of Capital Services

Todd presented a detailed legislative update. He provided all members with a legislative report which was posted to the list-serv.

Old business

Council purchased 50 books titled "*Nursing Homes, Getting Good Care There*". It was agreed that we should give these out to various law makers in Lansing with a sticker on the inside saying that it is compliments of the Elder Law and Disability Rights section.

Letter To Paul Reinhart

A letter was sent to Paul Reinhart on October 26, discussing the inconsistent application of the new Medicaid Policy through out the state. We have yet to hear back from Mr. Reinhart. The letter was also copied to Janet Olszewski and Bridget Heffron.

Proposed legislation rights a person subject to guardianship or conservatorship

A revised draft has been posted of this proposed legislation. No official vote has been taken on the legislation.

Fall conference report

We made approximately a \$1,000 profit. Also, discussed was compensation to Brad Geller for all of his efforts. A motion was brought that Brad be compensated

\$2500 for the 2007 fall conference plus expenses. This motion was seconded and the vote of 2/3rds of the council passed the motion (14 yes; 1 no). It shall be understood that Brad is not being compensated for his actual time. The payment is in recognition of the enormous work involved.

Further, for the spring 2007 conference, a motion was brought and seconded that the Mall, Malisow & Cooney law firm be compensated \$1,000 for their services. The motion was passed by a 2/3rds of the council (14 yes; 0 no) with Sanford Mall abstaining from the vote.. A motion was also brought by Brad Vauter for not retroactively compensating and reimbursing those who put on the conferences. This motion failed.

Committee reports.

Roxanne Chang made some recommendations on the elder abuse task force. Roxanne testified before the house senior committee and discussed the bans on disinheriting elder law abusers, cross licensing and consistent reporting of nursing home abuse. Roxanne also discussed guardianships with money privileges and whether or not they should have to use some sort of accounting. There were strong objections voiced to this for the reasons that guardianship should not trigger court involvement in resources.

Litigation Committee

Doug Chalgian stated that its not functioning at this time. He recommended that we rededicate our litigation efforts, specifically that we hire a firm and spend money to prevent further erosion from DRA and the new attitude in Lansing. Jim Schuster recommended retaining a constitutional law professor from one of the local law schools. Sandy Mall recommended that we retain Renee Riexach who is internationally known for doing this sort of litigation and may be willing to assist us. The litigation committee has been allocated \$20,000 to support its efforts to fund research and other related activities. The Bar will not allow the Section to be a litigant but will allow the Section to use its money to help pay the costs of litigation.

New business

The 2008 conference will take place at the Homestead at the end of September. A discounted fee was discussed for members.

The 2008 Spring conference is going to be held in Plymouth at the Inn of St. Johns.

The proposed dates discussed were March 14th and April 11th. This will be further discussed at the December meeting.

With respect to the Capitol Services contract its is up for review. The issues are do we continue to retain them and if so is it for active lobbying or just for consulting? The fee for active lobbying is \$1,545 per month and \$1,000 for consulting. These issues were tabled to the December meeting.

In regards to a meeting with Paul Reinhardt its been recommended that Doug and or Amy, Don and John Payne meet with them. Don will try to organize a meeting date acceptable to all involved.

The annuity sales committee consisting of John Payne, Josh Ard, Robert Anderson are going to be working together with Larry Lacey of the consumer law section of the State Bar of Michigan.

Predatory Lending

Josh Ard reported the Senate passed a bill which was “decent”. We will revisit the issue next month. Todd Tennis of Capitol Services will look into the legislation and report back for the December meeting.

Convicted persons of elder abuse inheriting

Legislation is being proposed to prevent persons who are convicted of elder abuse from being prohibited from inheriting from the persons they abuse. The legislation is being looked at and further report will be made to the council.

The meeting was then adjourned at 12:15 pm.