

**NOVEMBER 2016 MINUTES OF THE  
ELDER LAW & DISABILITY RIGHTS SECTION  
STATE BAR OF MICHIGAN**

**NOVEMBER 5, 2016**

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

**Attendance:**

- **In Person:** Sara Schimke\*, Beth Swagman\*, Christine Caswell\*, Caroline Dellenbusch\*, Raymond Harris\*, Michael Mestelle\*, Kelly Quardokus\*, Theresa Orlaske-Rich\*, Jean Doss, Tracey Rowens, Todd Tennis
  
- **On Phone:** Michele Fuller-Urbatsch\*, Christopher Smith\*, Howard Collens\*, Angela Hentkowski\*, John Payne\*, David Sprague\*, Jacquelyn Rygiel-Sprague\*, Erma S. Yarbrough-Thomas\*, David Kerr, Harley Manela, Elizabeth Vincent

\* Indicates Council member.

**I. Introductory Matters.**

A. **Welcome.** Michele Fuller-Urbatsch opened her first meeting as Chair by welcoming new members **Caroline Dellenbusch, Raymond Harris, and Theresa Orlaske-Rich.**

B. **Mission Statement and Committee Reports.** Michele also opened up the new year by reminding the section about our mission and goals. Council had some discussion regarding whether our mission statement might need to be revised. **Christine Caswell** volunteered to lead the Section's efforts on possibly revising our mission statement.

Michele also took a moment to reflect on our committee structures and asked that committees actively submit reports in advance (ideally at least 5 days before) and she will incorporate the committee reports into each meeting's agenda.

C. **Section Document Space and Increased Use of Social Media.** Council also had a discussion regarding using a Dropbox type space (in addition to the State Bar website) for Council use. **John Payne** also suggested that, for conferences, we also make conference materials available on a non-State Bar hosted website, particularly for non-attorneys.

Council also discussed using social media. **Howard Collens** indicated that it could be effective, but social media needs active management. It was decided that Council would start with exploring a Facebook page. **Raymond Harris** agreed to lead the Council's Facebook efforts. **Angela Hentkowski** and **Teresa Rich** also volunteered to assist.

D. **Executive Reports.**

1. **Minutes.** Sara sent out minutes for the October Fall Conference meeting. Council decided to delay approving these minutes until the December meeting.
2. **Treasurer's Report.** Beth Swagman indicated that we do not have new numbers due to the State Bar finalizing the year end. It looks like the Section will end the year with about \$40,659 in cash, which is a loss of \$12,461 and over budget by \$10,200 due to litigation efforts.

II. **Regular Business.**

A. **Litigation.**

1. **Partnership with NAELA Michigan.** The Committee reported on the fundraising partnership with NAELA MI and the NAELA Foundation for litigation funds. **Angela Hentkowski** indicated that she would work on preparing an e-mail to the Section to inform them of the NAELA MI litigation fund.
2. **Litigation Request Forms.** **David Kerr** pointed out that it has been difficult to make informed litigation decisions when they are presented to Council as emergency matters. He suggested that the Litigation Committee work to get the forms and procedure for requesting litigation support up on the State Bar website so that our litigation request policies are clear.
3. **Rescind SBO Litigation Support Allocation.** It was brought to Council's attention that we still have an approved motion for up to \$35,000 be allocated for SBO Trust related litigation (e.g., Lollar / Hegadorn / Ford) dating back to September 2014. Because only a small fraction of that allocation has been used, there was a concern that this allocation would blow our budget if needed in the future. **John Payne** expressed concern that the SBO issue is still possibly ripe for litigation and the allocation should remain available if needed as it would still essentially require Council's approval for payment.

**MOTION (Kelly Quardokus; Second: Michael Mestelle):** Council moves to rescind the previously approved motion approved at Council's September 2014 meeting that allocated up to \$35,000 to SBO Trust related litigation. **Motion passed: 13 ayes, 1 nay (John Payne), Chair abstains.**

B. **Legislation.**

1. **Appointment of Committee Chair.** Despite her doing a wonderful job already acting as such, it was determined that **Kelly Quardokus** has not been formally appointed as the Chair of the Legislation Committee. Michele formally appointed Kelly as chair.
2. **Legislative Updates.** Kelly and Capitol Services gave an update regarding various legislative issues. The Capitol Services's written report is incorporated into these Minutes by reference.
3. **POST.** The Legislative Committee is actively working on the POST legislation, most notably through the advocacy work of **Caroline Dellenbusch, Robert Anderson, and Jim Steward.** It is unclear how fast the legislation is moving. Council determined that while it has not formally taken a public policy position on the POST bill, the Committee has authority to continue to work with Representative Tedders on technical aspects of the bill.

- C. **Newsletter.** With the beginning of the year, Council needs to renew its agreement with **Christine Caswell** as editor of the Section's newsletter.

**MOTION (Beth Swagman; Second: Michael Mestelle):** Council approves \$500 per newsletter (up to \$2,000 for four newsletters) to Christine Caswell. **Motion passed: 13 ayes, 0 nays, Christine Caswell and Chair abstain.**

- D. **Fall Conference.** Council thanked **Angela Hentkowski** and the Committee for its work on the successful 2016 Fall Conference. **Angela Hentkowski** put great fear into Council in stressing the importance of finding a venue now for the 2018 Fall Conference.
- E. **Spring Conference.** Harley Manela reported on the initial plans for the Spring Conference. There is no theme yet. Harley indicated that he is interested in ways to continue and increase sponsorships.

Council also decided that it wants to keep the large room format and should not have breakout sessions. There was significant discussion regarding the appropriate pricing with **Christine Caswell** expressing a concern that our price is getting too high.

**MOTION (John Payne; Second: Theresa Rich)**: Council moves to host the Spring Conference on Friday, March 10th. Price: \$140/Section Member; \$190/Non-Members with lunch at an additional charge. **Motion passed: 13 ayes, 1 nay (Christine Caswell), Chair abstains.**

- F. **Membership and Outreach Committee.** **Erma Yarbrough-Thomas** reported on behalf of the Member and Outreach Committee. The Committee is looking at increased outreach to law schools (particularly elder law clinics), other sections (including the new LGBT focused section), and local probate bar associations. Council also discussed doing more as a section related to elder abuse prevention outreach and education. Council asked the Committee to brainstorm ways that Council could further advocate in these areas.

**Christine Caswell** moved to adjourn the meeting. **Kelly Quardokus** seconded.

**Next Meeting:** December 3, 2016, State Bar of Michigan, 306 Townsend, Lansing.