

**Elder Law and Disability Rights Section [ELDRS] of the State Bar of Michigan
Section Meeting – November 2, 2019
State Bar of Michigan Office, 306 Townsend, Lansing, MI 48933**

Attendance: In Person: Christine Caswell,* Shannon DeWall,* Raymond Harris,* Catherine Jacobs,* Robert Mannor,* Erin Mortenson,* Amanda Murray,* Kelly Quardokus,* Nick Ryan,* Jean Doss, Todd Tennis, John Roy Castillo, Beth Swagman

By Phone: Howard Collens, Angela Hentkowski,* Gregory Kish,* Tracey Rowens, * Howard Collens,* Christopher Smith,* Terri Winegarden,* Jacquelyn Rygiel-Sprague,* James Steward, Michael Bartnik, Paul Sturgul, and Jacob Spear,

[*ELDRS Council Member]

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Chair Kelly Quardokus called the meeting at approximately 10:05.

[A] ROUTINE BUSINESS

Chair Kelly Quardokus welcomed new council members Shannon DeWall, Catherine Jacobs, Erin Mortenson and Amanda Murray.

Agenda- Robert Mannor moved and Nick Ryan seconded to adopt the agenda. Motion passed.

Minutes- Catherine Jacobs moved, and Christine Caswell seconded to adopt the minutes with corrections. Motion passed.

Treasurer's Report- Angela Hentkowski reported that the State Bar of Michigan has not yet submitted a report for last month and therefore, there is nothing to report.

Fall Conference Committee- Angela Hentkowski reported on the successful fall conference and that the conference turned a small profit. There were 152 attendees registered for the event. We had a total of six sponsors: Southern Michigan Bank & Trust, ARC of Macomb, MANAGED REHABILITATION Consultants, Inc., Bright Star Care, ElderCounsel, and NAELA-MI. The committee reminded everyone to start thinking of companies that may be interested in sponsoring next year.

[B] ACTION ITEMS:

1. Motion for \$2000 stipend for ELDRS Newsletter

Catherine Jacobs moved and Tracey Rowens seconded that Christine Caswell continue to supervise and write the ELDRS newsletter at a continued total stipend to \$2000 for the year 2019-2020. A discussion of the motion pointed out that the payment for the newsletter has not increased in years and that we can consider raising the stipend later in the year. **A vote followed, and the motion passed unanimously except for the abstention by Christine Caswell.**

2. Motion to support letter to Detroit Leadership re: ADA issues with Coleman Young Building

Robert Mannor moved and Shannon DeWall seconded that the Elder Law and Disability Rights Section of the State Bar of Michigan (ELDRS) support the letter written (with edits discussed) by Attorney Michael Bartnik addressing the ADA compliance issues with the Coleman A. Young Municipal Center.

It was discussed that the Coleman A. Young Municipal Center in Wayne County has no wheelchair accessible bathrooms except in the basement and that bathroom is sometimes out of order. This is a significant burden for those that work there and others that interact with the court system who need accessibility. Kelly Quardokus discussed the issue with the State Bar of Michigan Diversity and Inclusion Advisory Council. Kelly stated that we want the City of Detroit to know that our Section is aware of the problem and request compliance with a previous consent order.

A vote followed, and the motion passed unanimously.

3. Motion to change opposition to HB 4260 to Support with Amendments*

Robert Mannor moved and Shannon Dewall seconded that that ELDRS change its public policy position from the previous objection to HB4260 (based on the definition of an "elder" at age 65 and the overbreadth of the " rebuttable presumption " of criminal actions re: gifting/ loans) to "Support with Amendments" requiring amendments to change the definition of "elder" to an individual 80 or older and to remove the entire paragraph re: "Rebuttable presumption" concerning gifting and loans. (A compromise worked on with the Michigan Prosecuting Attorneys Association of Michigan and Michigan Elder Justice Initiative.)

A roll call vote was held and the following council members voted in favor of the policy position: Christine Caswell, Shannon DeWall, Raymond Harris, Catherine Jacobs, Robert Mannor, Erin Mortenson, Amanda Murray, Kelly Quardokus, Nick Ryan, Howard Collens, Angela Hentkowski, Tracey Rowens, Howard Collens, Christopher Smith and Terri Winegarden. There were no opposing votes. **Motion Passes.**

[C] COMMITTEE REPORTS

1. **[NEW BUSINESS] Creation of New Committee – Disability Rights Committee**

Chair Kelly Quardokus announced that she created a new committee for the EDLRS Council. The Disability Rights Committee will be chaired by Council Member Shannon DeWall. Kelly Quardokus thanked Shannon DeWall for already forming the committee prior to the meeting. If anyone else is interested in joining this committee, please contact Shannon.

There was further discussion of the accessibility of court houses throughout the state. Kelly Quardokus was advised that the State Bar of Michigan Diversity and Inclusion Advisory Council conducted a survey of court houses several years ago and that the committee should look into reviewing those survey results. Catherine Jacobs noted that after the letter is sent (See Action Item #2 above), the Council should be prepared to take follow-up actions.

Chair Kelly Quardokus met with State Bar of Michigan Diversity and Inclusion Advisory Council and plans to have an on-going dialog on these matters and we will look for natural partners outside ELDRS Council to effectuate changes. Howard Collens noted that this is a worthy project for ELDRS Council and we should look to focus statewide and not just on one county.

2. Legislative – Christopher Smith / Capitol Services *

(a) DHHS Meetings Update: Immediate Past Chair Christopher Smith reported on the meetings and expected on-going meetings with officials of the Michigan Department of Health and Human Services. Michigan State Representative Doug Wozniak was instrumental in setting up these meeting and has gone to great lengths to create a dialog between the Department and ELDRS. So far there have been two meetings with DHHS to develop a better working relationship and address multiple concerns outside the legislative process. Monday, October 28, 2019 was the last meeting with representatives from the Department. Topics of discussion include promissory notes and caregiver agreements. The next meeting is scheduled for early December. It was discussed that we may want to help the Department see what other states are doing with caregiver agreements.

(b) HB 4260 Proposed Amendments * (See Action item #3): Chair Kelly Quardokus and Capitol Services had an opportunity to sit down with key legislators after the ELDRS Fall Conference. This discussion led to key agreements that would allow ELDRS Council to support the proposed law with the agreed upon changes. Michigan State Representative Anthony has agreed to the changes.

(c) Governor's Task Force on Elder Abuse Report: Chris Smith reported on the activities of the Task Force.

(d) AG Office - Robo Call Initiative: Christopher Smith discussed the initial call related to the AG's initiative on robo calls. The AG would like participation from ELDRS on this initiative. Council Member Jacquelyn Rygiel-Sprague will be the ELDRS representative / liaison for this initiative.

Robert Mannor moved and Christine Caswell seconded that ELDRS support the Michigan Attorney General's initiative on robo calls without currently taking a position on future proposed legislation. A roll call vote was held and the following council members voted in favor of the policy position: Christine Caswell, Shannon DeWall, Raymond Harris, Catherine Jacobs, Robert Mannor, Erin Mortenson, Amanda Murray, Kelly Quardokus, Nick Ryan, Howard Collens, Angela

Hentkowski, Tracey Rowens, Howard Collens, Christopher Smith and Terri Winegarden. There were no opposing votes. **Motion Passes.**

(e) Other legislative matters: Other legislative matters discussed were State Senator Runestad's Senate Bill 77 on cameras in long term care facilities and State Senator Lucido's Senate Bill 110 on visitation and appointing a limited guardian. Capitol Services' detailed report was submitted to Council. Council Treasurer Angela Hentkowski will join the Legislative Committee.

3. Litigation – Ray Harris

Raymond Harris reported on the activities of the Litigation Committee. On remand, we are waiting on written decisions on the Hegadorn and Lollar decisions. On the Ford decision, benefits were awarded.

4. Membership and Education – Maria Messina Weirsma

The following upcoming webinars are scheduled:

- 11/12/19 – Noon -Handling Fiduciary Real Estate Transactions, Christine Caswell, Caswell Law PLLC, Lansing,
- 1/09/20 – Noon - PACE Program, Erin Majka, Chalgian & Tripp Law Offices PLLC, Kalamazoo, Michigan,
- 3/12/20 – Noon, Caregiver Contracts, Lisa H. Beatty, Nawrocki Center for Elder Law, Special Needs & Disability Planning, PLLC

5. Administrative – Gregory Kish and Sara Schimke

The Committee is working on a letter to CMS on promissory notes.

6. Bylaws – Howard Collens – No report

[D] NEW BUSINESS

2020 Goal Ideas:

Kelly Quardokus stated that ELDRS is looking to find more collaboration with natural partners on elder and disability rights issues and building new relationships with government agencies. She indicated that we may look to coordinate with other like-minded clients of Capitol Services.

Kelly Quardokus would like to create a section brief bank. There are still logistical questions of where to store and how to maintain the brief bank. Kelly also suggested we may want to seek sponsorship at other Section events.

[E] "UN-MEETING "Q & A

Members weighed in on recent issues brought up on the listserv.

The meeting adjourned at approximately 12:30 PM.