

**ELDER LAW AND DISABILITY RIGHTS SECTION
COUNCIL MEETING
OCTOBER 7, 2006
The Mall Malisow Firm, PC**

COUNCIL MEMBERS PRESENT: Priscilla Cheever, Dolores Coulter, Caroline Dellenbusch, Patti Dudek, Tom Hartwig*, Konrad Hittner, Sandy Mall, Art Malisow, Harley Manela, John Payne, Don Rosenberg, Paul Sturgul*, Amy Tripp

SECTION MEMBERS PRESENT: Rosemary Buhl, Mark Cronmiller

ALSO PRESENT: Ellen Hoekstra

*Participated Via Conference Call

The meeting was called to order by Chair Sandy Mall at approximately 10:00 a.m.

1. Minutes of September 15, 2006 meeting were approved.

2. **Treasurer's Report**

As of August 31, 2006, the ending fund balance was \$47,939.37. Expenses for the Mission Point conference have not yet been submitted.

3. **Old Business**

- A. **Fall Conference** – All feedback regarding the fall conference was positive. The programs were of substance and quality. “The last program should have been the first.” The 2006 Fall Conference Committee previously entered into an agreement with Brad Geller as the conference coordinator. The committee previously received authorization from the Council to compensate Brad Geller at the rate of \$5,000.00 to provide that service. Due to recently amended State Bar rules, any payment authorized to be paid to either a Section member or a Council member for any service needs to comply with the new rules. Therefore, this matter is once again before the Council. To comply with the new rules the following must occur:
1. The service performed must not have been a duty to be performed by any Section member or Council member;
 2. An affirmative vote to make payment for services of at least two-thirds of the body (i.e., the Council quorum); and,

3. Public posting of the record of the vote on the Section State Bar Website.

Once determined that the service provided was not the duty of any Section or Council member the motion to compensate Brad Geller for this service was made by Art Malisow and seconded by Patti Dudek. The matter was put to a vote and passed unanimously.

B. Website Committee – No report.

C. Advanced Directive - License decal: Don Rosenberg will be working with Tom Hartwig regarding contacts.

D. Michigan Disability Rights Coalition Meeting on Guardian Legislation - No Report.

4. New Business

A. Katy Graham is requesting pro bono assistance from attorneys who can help. Katy Graham is currently overwhelmed with many calls from individuals in need of assistance in a variety of areas. If available to provide some pro bono assistance please e-mail her at kgraham@arounddetroit.biz.

B. Article 5 of the Uniform Trust Code – Patti Dudek reported that she and Doug Chalgian attended a sub-committee meeting on September 27, 2006. There was discussion as to whether the Section should take a position on the UTC. Recommendation was made that the Council begin reading and educating themselves regarding the UTC and its effects.

C. Health Law Section Collaboration – The Health Law Section has requested input from our Section with regard to a brochure for health care providers regarding the obligations, responsibilities and rights when encountering suspected victims of domestic violence. Rosemary Buhl has been in contact with Rob Iwrey from the Health Law Section and will obtain a copy of the existing draft for our review.

D. DPOA Brochures – Spanish Version: A draft has been completed. The Section has requested information regarding the cost for printing certain quantities. Priscilla Cheever is to report back on the cost, quantity and distribution.

E. Bar Section Liaisons

The following individuals have agreed to act as Bar Section Liaisons:

Josh Art: UPL, Probate, and Consumer Law

Harley Manela: Probate Tax Sub-Committee

Patti Dudek: Probate/UTC Sub-Committee, also, “Lurking Liaison”, Children’s Law Section

Doug Chalgian: Probate/UTC Sub-Committee

Rosemary Buhl: Health Law Section

Dolores Coulter: Social Security

In addition, Harley agreed to investigate the Real Estate Section.

- F. Spring, 2007 Conference – Harley Manela has agreed to act as Chair for the Spring, 2007 Conference. The Spring Conference date is to be announced. It appears that it will be some time at the end of March or early April. The location is also to be announced.
- G. Fall, 2007 Conference – A motion was made by Paul Sturgul and seconded by Patti Dudek that Brad Geller act as official conference coordinator for the Fall, 2007 Conference. Motion was carried unanimously. Potential locations could include: Crystal Lake or Treetops. There has been discussion to look for a venue on the west side of the state.

5. Legislative Update

Ellen Hoekstra distributed the Capitol Service Report which was also posted on list-serve earlier this week.

House Bill HB 5389, Single Point of Entry

This Bill which was sponsored by Representative Rick Shaffer passed in the House unanimously. After discussion regarding the bill Sandy Mall, Delores Coulter, Patti Dudek and Konrad Hittner have agreed to prepare comments and respond to the SPE legislation.

House Bill 6478 - Long Term Care Partnership Legislation

During discussion of this Ellen indicated that the Bill may not be strong enough to protect purchasers of long term care insurance policies. This Bill is expected to move in the Senate during the lame duck session. A sub-committee was appointed to review the long term care partnership legislation. This sub-committee includes Don Rosenberg as Chair along with Caroline Dellenbusch and Art Malisow.

Senate Bill SB 229 & 230 - Mental Health Parity

Motion was made by John Payne and seconded by Priscilla Cheever that the Council write a letter in support of the mental health parity legislation. A vote was taken and passed unanimously.

The next meeting will on November 4, 2006 at the State Bar Building. There being no other business, the meeting was adjourned at 11:50 a.m.

Minutes Respectfully Submitted by:

Amy R. Tripp
Secretary