

Elder Law Section

State Bar of New Mexico

Minutes of Meeting
held on March 13, 2008

Prepared by Mary Ann Baker-Randall (Dwight Hurst, Secretary, was absent)

Members present: Brian Jennings, Chair; Mary Ann Baker-Randall, Debbie Armstrong, Laurie Hedrich, Lynn McKeever, Barbara Ann Michael (by phone), and Tony Horvat of the State Bar staffed the meeting

Absent board members: Amanda Hartmann, Mary Ann Green, Dwight Hurst, Mary H. Smith, Robert Rosebrough, and Sarah Weems YLD Liaison (submitted written report)

1. New POA: The members discussed their various concerns about the new POA, particularly the fact that the statutory form goes into effect immediately, unless you state elsewhere that it's "springing."

2. Elder Law Section co-sponsorship of new workshops: Mary Ann Baker-Randall explained that the Public & Legal Services Department of the NM Bar Foundation wants to start a new public workshop program at the State Bar addressing estate planning and informal probate, similar to the Consumer Debt/Bankruptcy workshops presently offered in Albuquerque and Las Cruces that are co-sponsored by the Bankruptcy Law Section. Initially, the estate planning and informal probate workshops would be offered quarterly.

The workshops function as follows: The workshops are held in the evening at 6 pm at the State Bar offices. An attorney gives a presentation of about 45-60 minutes, outlining the basics of the subject matter. Then, people meet one-on-one with an attorney to discuss their particular questions. If further representation is needed, the attorney is free to take on that person as a client, at the attorney's regular rates. If the circumstances so warrant and the attorney is so inclined, the attorney may represent that client on a pro bono or reduced fee basis. The State Bar asks that Advance Health Care Directives and financial POAs be prepared for free, if the attorney uses the Lawyer Referral for the Elderly Program forms. Once a pool of volunteer attorneys is created, training will be provided.

Each workshop needs 5 – 6 volunteer attorneys. The attorneys rotate who gives the main presentation. Brian Jennings and Laurie Hedrich volunteered on the spot.

Mary Ann made a motion that the Elder Law Section be a sponsor of the estate planning and informal probate workshops, and the motion passed unanimously.

3. CLE & Annual meeting 2008: Brian reported that the CLE topics and speakers for the Annual Meeting on May 16th are set, with the exception of a speaker he is trying to find through the Alzheimer's Association. Debbie Armstrong offered to contact AARP for a potential speaker. Other potential speakers were mentioned, i.e. Dr. Lena Smith (on dementia) and Bob Schwartz (teaches Health Law at UNM).

4. Report on YLD projects with potential interest to the Section (by Sarah Weems)
 - a. *Wills for Heroes* – National ABA program to provide simple estate planning to firefighters and police. No dates for ABQ area, but YLD is looking for volunteers to do everything from drafting the actual wills and POAs to babysit to provide laptops and printers. Will give more info as it becomes available.
 - b. *Call-in Program* – May 3. Looking for volunteers to give free legal advice for the day. Note: this is in conjunction with the annual Law Day, and attorneys are needed in four cities: ABQ, Farmington, Roswell and Las Cruces.
 - c. *UNM Summer Law Camp*: One week camp at UNM for middle schoolers. Not restricted to Hispanic students. If you know kids interested, have them apply. Briana Zamora is the contact.
 - d. *Equal Access to Justice* – “*Justice for All Ball*” – will be held in Nov. 1, 2008 at the Embassy Suites in Albuquerque. YLD is a co-sponsor.
5. Next year’s CLE/Annual Meeting: A possible theme for the 2009 annual meeting was discussed, “What Does ‘Best Interests’ of the Ward Really Mean?” Lynn wants clarification of what judges look for in the role of GALs and Visitors. The real world assessment of “capacity” could be discussed from the perspectives of GALs, judges, attorneys, family members and medical personnel.
6. Scholarship money still available: There is still money available for scholarships (\$450 each) to attend national conferences and report back at a future CLE. Tony Horvat offered to send out an eBlast reminding people of this opportunity, and providing links to information about upcoming national conferences.
7. Budget Balance and the Justice for All Ball: The Section has approximately \$3,700 to spend this calendar year. Various ideas for spending the money were discussed. Mary Ann Baker-Randall asked the Section to contribute to the first annual “Justice for All Ball” sponsored by Equal Access to Justice, which funds certain legal service providers helping low-income New Mexicans. A motion was made to buy a table at \$1,000 and sell 10 tickets at \$50 (essentially having the Section contribute \$500). The motion passed. Laurie Hedrich agreed to take the lead in selling the tickets, and Mary Ann will provide her with more information about the Ball.
8. 2008 State Bar Annual Meeting: At the previous board meeting, the Section offered to pay for two nights’ hotel room at the State Bar Annual Meeting in Scottsdale to anyone who proposed giving a CLE on an elder law topic. An eBlast was sent out to Section members to this effect. Nobody applied for this offer. There will not be a CLE on an elder law topic at this year’s State Bar Annual Meeting.
9. Next meeting: **Friday, May 16, 2008** at the State Bar office in conjunction with the CLE & Annual Meeting of the Section.