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THE FLORIDA BAR
ELDER LAW SECTION

The Elder Law Section cultivates and promotes expertise and professionalism in the practice of law affecting people as they age and individuals with special needs.

EXECUTIVE COUNCIL MEETING MINUTES

Washington Marriott at Metro Center. – Jr. Ballroom Salon 1
Friday, October 5, 2018 | 12:30 p.m. – 2:00 p.m.

I. Call to Order and Welcome – Jason A. Waddell, Chair

Chair Jason Waddell called the meeting to order 12:33 p.m. and welcomed everyone to Washington, D.C.

II. Approval of Minutes – Howard S. Krooks, Secretary (Exhibit A)

Minutes from the June 15, 2018 meeting were approved unanimously.

III. Chair's Report – Jason A. Waddell, Chair

Chair Waddell reported that Elder Law Section legislative advisor Brian Jogerst's contract has been approved. The Medicaid and Guardianship Committees have been very active. The Elder Law Section Annual Update preparations are underway including sponsorship recruitment. The section has been in touch with Senator Nelson's Guardianship Committee in D.C. based on the Guardianship Committee's work. Chair Waddell announced that he had recently updated the Committee Chair's Handbook and urged committee chairs to use the handbook.

IV. Past Chair's Report – Collett P. Small, Immediate Past Chair

Immediate Past Chair Collett Small had no report to give.

V. Chair-Elect's Report – Randy C. Bryan, Chair-Elect

Chair-Elect Randy Bryan reported that the January Annual Update preparations are going well and that the program schedule and speaker line up have been solidified.

VI. Treasurer's Report – Victoria E. Heuler, Treasurer (Exhibit B)

Treasurer Victoria Heuler reported that the section budget is looking good but reminded everyone that this is still early in the fiscal year. It looks like the section will be under budget for this year's retreat. Budget drafting for FY 19-20 will be kicking off this month. CLE aftermarket sales are looking good and strong, so the section should continue marketing available webcasts in The Florida Bar catalog.

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VII. Substantive Division – Carolyn Landon, Vice Chair (Committees):

- a. **Exploitation & Abuse Committee – David Weintraub & Ellen Cheek (Exhibit C)**
Submitted written report.
- b. **Estate Planning & Probate Committee – Horacio Sosa & Amy Collins (Exhibit D)**
Submitted written report.
- c. **Guardianship Committee – Debra Slater & Twyla Sketchley (Exhibit E)**
Submitted Written report.
- d. **Legislative Committee – William Johnson & Shannon Miller**
Co-Chairs Bill Johnson and Shannon Miller reported that for this upcoming year, the committee will be meeting every other week via teleconference. The Guardianship and Special Needs Trust committees are actively working, especially on the E-wills issue. The Legislative Committee will be implementing strategic planning goals after mid-term elections and will be very busy after that. Legislative Session will begin in March next year. A few proposals they are monitoring include a *Slayer*-esque statute which would provide that an individual who exploits a family member cannot inherit from same person. There are also some Guardianship jurisdiction issues. Section members can contact Nick Curley with the RPPTL section for more information. The section has been liaising in different forms with RPPTL. There has also been positive outreach with Senator Passidomo. Co-Chair Shannon Miller emphasized that ELS does not yet have a robust reputation with legislators or the public. This is a shame since ELS members are more well-rounded practitioners than just Medicaid Planning. Chair Waddell reminded committee chairs that Substantive Committees must have at least one representative at every Legislative conference call.
- e. **Medicaid/Government Benefits Committee – John Clardy & Heidi Brown (Exhibit F)**
Submitted written report.
- f. **Special Needs Trust Committee – Travis Finchum & Howard Krooks**
There will be a Special Needs Trust CLE held in Tampa on March 22, 2019.
- g. **Veterans Benefits Committee – Javier Centonzio & Jodi Murphy**
This committee has been busy with the new VA Pension Rule changes. There will be a webcast CLE later this month on the rule changes.

VIII. Administrative Division – Steven Hitchcock, Vice Chair

- a. **Budget Committee – Victoria Heuler**
Victoria Heuler reiterated that the FY 19-20 budget process will kick off this month. There will be a Budget Committee conference call in the coming days to begin.
- b. **CLE Committee – Marjorie Wolasky & Danielle Faller**
The Co-Chairs reported that there will be an audio webcast CLE on November 2 regarding the new VA Rule Changes. The 3-hour webcast will satisfy VA accreditation. CLE Committee Rep Sam Boone reported that The Florida Bar CLE Committee is re-working its handbook.
- c. **Membership Committee – Donna McMillan & Scott Selis (Exhibit G)**
Submitted written report.
- d. **Mentoring Committee – Stephanie Villavicencio & Dayami Sans**
Co-Chair Villavicencio reported that the Mentoring Committee will host a *Tricks of the Trade* CLE call on October 11. Travis Finchum will present on Special Needs Trusts. The committee is still working to implement a “speed dating” model for mentoring at St. Thomas University, but the campus dates did not work for this October. The committee will wait until Spring with possible February dates for the pilot event. If it goes well, it may carry over to other campuses. An event like this would present good face to face time between the section and law students.

- IX. **The Advocate – Heather Samuels & Genny Bernstein (Exhibit H)**
Submitted written report.

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X. Special Committees

- a. **Certification Committee – Amy Fanzlaw & John Clardy III**
Co-Chair Amy Fanzlaw reported that they are working on the certification exam and will be meeting again in a few weeks.
- b. **Law School Liaison Committee – Enrique Zamora & Max Solomon (Exhibit I)**
Submitted written report.
- c. **Sponsorship Committee – Jill Ginsberg**
Chair Jill Ginsberg reported that sponsorship recruitment is going well. The section offered a special to Annual Update sponsors which included exposure at the Annual Retreat if they committed to Annual Update sponsorship by September 30. It currently looks like the Annual Update sponsorships will sell out. Space limitations at the hotel will restrict any additional sponsorship slots.
- d. **UPL Committee – John Frazier & Leonard Mondschein (Exhibit J)**
Submitted written report.
- e. **Technology Committee – Alison Hickman & Lawrence Levy (Exhibit K)**
Submitted written report
- f. **Strategic Planning Committee – David Hook & Jill Ginsberg**
The Co-Chairs reported that the committee is reviewing a proposal from a strategic planning hosting group from St. Petersburg. The firm has excellent reviews but is very expensive. The committee is considering a half-day session.
- g. **Litigation Committee – Ellen Morris**
There was no report to give.
- h. **Disability Law Committee – Tamara Schweinsberg & Steve Hitchcock (Exhibit L)**
Submitted written report.

XI. Board of Governors Report – Robin Bresky (18-19 Liaison)

BOG Liaison Robin Bresky reported that the BOG will meet next week at Amelia Island, then at The Florida Bar Fall Meeting in Tampa. She encouraged everyone to watch the September 27 video message from The Florida Bar President Michell Suskauer which highlighted two important issues: 1. nominations for pro bono awards are due November 1. There will be a ceremony for these awards in Tallahassee on February 7 at 3:30 p.m.; 2. Legal Fuel Speakers Series. Jason Waddell expressed his appreciation for Ms. Bresky's involvement.

XII. Liaison Reports

- a. **AFELA Report – Twyla Sketchley**
There was no report to give.
- b. **FSGA Report – Scott Greenberg**
Bill Johnson reported that the July FSGA conference went well.
- c. **RPPTL Report – Charles F. Robinson & Marjorie Wolasky**
There was no report to give.
- d. **NAELA Report – Howard Krooks**
NAELA rep David Goldfarb provided updates during today's 3-hour annual retreat CLE.
- e. **Task Force Update – Ellen Morris & Sam Boone**
There was no report to give.

XIII. New Business

Collett Small reported that the section has gained many new student members from St. Thomas University. Stephanie Villavicencio has also recruited new members.

XIV. Adjournment

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There being no further business, Chair Jason Waddell concluded the meeting at 1:10 p.m.

**Next Executive Council Meeting:
Thursday, January 17, 2019
Loews Portofino Bay Hotel, Orlando**

Attendees:

1. Jason Waddell, Chair
2. Randy Bryan, Chair-Elect
3. Victoria Heuler, Treasurer
4. Collett P. Small, Immediate Past Chair
5. William Johnson
6. Joan Hook
7. David Hook
8. Jill Ginsberg
9. Shannon Miller
10. Stephanie Villavicencio
11. Leslie Reithmiller, Program Administrator

Attendees by Phone:

12. Dayami Sans
13. Danielle Faller
14. Genny Bernstein
15. Heather Samuels
16. Sam Boone
17. Amy Fanzlaw
18. Donna McMillan
19. Robin Bresky
20. John Frazier
21. Heidi Brown
22. Alison Hickman