

Executive Council Meeting – January 17, 2019

EC Members:

Jason Waddell, Chair
Victoria Heuler, Treasurer
Jodi Murphy
Javier Centonzio
Max Solomon
Collett P. Small, Immediate Past Chair
Debra Slater
Jill Ginsberg
David Hook
Heather Samuels
Genny Bernstein
Shannon Miller
John Clardy
William Johnson
Ellen Morris
Dayami Sans
Danielle Faller
Lawrence Levy
David Weintraub
Ellen Cheek
Leonard Mondschein
Travis Finchum
Randy Bryan, Chair-Elect
Steven Hitchcock
Carolyn Landon
Howard Krooks
Marjorie Wolasky
Sam Boone
John Frazier (by phone)
Heidi Brown (by phone)
Alison Hickman (by phone)

Guests:

Mary Wakeman
Laurie Ohall
Joan Hook
Preston Mighdoll
Jonathan Gigele
Mitchell Kitroser
Scott Anderson
Scott Solkoff
Bobbi Meloro
Todd Zellen

Program Administrator:

Leslie Reithmiller

1. Approval of Minutes – passed.
2. Chair Report (Jason)
 - a. Leadership conference (Tallahassee) – our Section doing a great job – regular strategic planning noted- survey of members – Ex. Com. Meeting held every month – 90% attendance
 - b. Retreat – went well. Sonoma 10/3-5, 2019 (Randy’s Retreat)
 - c. Consumer Protection CLE – full day CLE being planned.
3. Past Chair Report (Collette)
 - a. Leadership Academy applications due by January 15.
 - b. E-mail campaign was done to garner interest.
4. Randy’s Report
 - a. Acknowledged steering committee assistance in putting together the CLE
 - b. Retreat almost final. Going to contract next week.
5. Treasurer Report (Victoria)
 - a. Under budget for DC retreat by \$11,000.
 - b. Financials
 - i. Recurring income on webinar CLEs is good.
 - ii. Way in the black.
6. Exploitation Report (Ellen)
 - a. Bills involving vulnerable investor
 - b. Adding vulnerable investor as vulnerable adult
 - c. President’s Showcase at Annual Meeting – Protecting Consumers Who Have... - hope to have consumer and elder law attorneys attend
7. Legislative Committee (Bill Johnson)
 - a. Meeting every other week
 - b. Substantive Chairs need to be on the calls
 - c. Will meet every week during legislative session
 - d. Asking people to cover weeks in Tally
 - e. Uniform Guardianship Jurisdiction Act – big item – Florida one of few states that does not have its own version of the act – many states not recognizing Florida guardianships – must start from scratch –
 - i. Deborah Slater – we have draft submitted to bill drafting – talking to RPPTL – trying to address them – transfer of guardianship into and out of Florida is an issue for RPPTL – willing to work with them, but we want to keep our protections in place so they do not get lost when they go to other states
 - ii. Victoria Heuler – discussed horror stories where a person is brought from Florida to another state – we have no way to get that person back if they were taken by another individual to the other state – even if no prior contact with other state – Elder

Law Section looking to have more teeth in our version of the act
– RPPTL not on board

- f. Several Other Bills
 - i. Bankers Bill – ad hoc committee working on it
 - ii. Security Dealers Bill – people working on it
 - iii. Guardianship – venue of minor and another one which is Rothman case fix
 - iv. Electronic Wills/Notarization
 - v. Elder Care Coordination Bill – resolve family conflict through mediation
 - vi. Slayer Statute – Ellen Morris working on this.
- g. Medicaid and Government Benefits
 - i. Submitted Report
 - ii. New Governor and New Secretary of Human Services
 - iii. Committee is very active
 - 1. Retroactive Medicaid eligibility is big issue
- h. Special Needs Trust
 - i. Monthly Meetings
 - ii. March 22 – Tampa Marriott – Full Day CLE –
 - iii. New POMS, Social Security Update, QITs, ABLE, Medicaid Lien Resolutions, Panel Discussion, Q&A – very esteemed speakers
- i. VA Benefits (Javier and Jodi Murphy)
 - i. Seminar today – changes to VA Regulations
 - ii. Committee was meeting monthly – not going well – will now be quarterly from now on
 - iii. Published couple articles – pension changes is next article
 - iv. Javier commented on Leadership Academy – good networking – travel to different parts of state – meet with persons of influence – video this year on different Sections within Florida Bar
- j. Ethics (Steve Hitchcock)
 - i. Committee on hiatus recently
 - ii. Thanks to Travis and Guardian Trust for refreshments at Council Meeting
 - iii. Task to create standards to remove a member from Section for cause several years ago – big bar approved - has not been relied upon since
 - iv. RPPTL effort to amend 4-1.14 Client with Diminished Capacity Rule – move to change to mirror ABA Model Rule 1.14 – met with RPPTL leaders and gave Elder Law Section position – resurrected Ethics to explore this review of RPPTL’s proposal
- k. Budget Committee
 - i. No report beyond finances above
- l. CLE
 - i. Discussed Veterans Benefits CLE from today
 - ii. Sam Boone – Big Bar CLE meeting – new professionalism hour required – will pass tomorrow – looking at getting credit for

participation on Ex. Council – attendance is down although revenue is up – Florida Bar News going to 12 issues – need more advance time to advertise CLEs – close to getting revised CLE Manual – continue to have concerted effort to encourage minority presentations

- m. Randy Bryan – commented on Annual Update being converted to a hot topics CLE instead of focusing solely on Board Cert. Review course in order to bring experienced practitioners to the CLE who may not be preparing for the board certification exam
- n. Membership – Donna not present
- o. Mentoring (Dayami Sans) – Speed Mentoring event in S. Florida at St. Thomas University on February 6. Getting new attorneys to meet with seasoned attorneys. Looking for mentors. Intent to create ongoing relationship between mentor and mentee. If successful, will be held at other schools as well throughout the state.
- p. The Advocate (Heather Samuels and Genny Bernstein)
 - i. Taking longer to get publication completed once articles are submitted – used to only take couple of weeks but now longer – so very important to get articles submitted timely
 - ii. Will let Sections know well in advance of deadline for articles
 - iii. Next Deadline – March 1
 - iv. Ellen Morris – suggested we put out a call for articles through a blast e-mail – already being done on listserv
- q. Cert. Committee (John Clardy)
 - i. 14 people sitting for next exam
- r. Law School Liaison (Max Solomon)
 - i. Enrique and he have worked on a lot – general outreach and awareness – will involve working with other committees –
 - ii. Writing Contest for Law Students and Recent Alumni – any elder law topic can be discussed – potentially win a cash prize – article will be published in The Advocate and some have been published in the Florida Bar Journal
 - iii. Elder Law Survey Classes
 - 1. Syllabi have been developed so the courses can be taught at law schools that do not currently offer classes
- s. Sponsorship (Jill Ginsberg and Jason Waddell)
 - i. 14 filled tables – very successful – some new sponsors – wait list this year – send ideas and contacts for next year to Jill
- t. UPL Committee (John Frazier)
 - i. Attorney suspended for business relationship with non-attorney in Medicaid planning venture – multiple Florida Bar rules violated – most of these non-attorney companies work with an attorney so they are putting themselves in jeopardy
 - ii. Len – encourage everyone to notify Len or John of any cases of possible violations. NAELA has consumer protection committee

- in NY, NJ and Rhode Island – Senior Planning Services – massive class action lawsuit being filed against this entity
 - iii. Book on UPL – published and authored by Len, Twyla and John – send to clients not to use non-attorney filers
 - u. Technology – (Lawrence Levy and Alison _____)
 - i. Trying to increase committee membership
 - ii. Call for changes to web site
 - iii. Asset Freeze Section added to web site
 - iv. Article for Advocate forthcoming
 - v. Social Media Training
 - v. Strategic Planning (David Hook and Jill Ginsberg)
 - i. March 21 Meeting scheduled – St. Pete College
 - w. Willing.com (Travis) – we expect a bill to be introduced for the 3rd year in a row. Shannon and Travis are working with Willing.com to hash out certain provisions.
8. Arlene Lakin was remembered by the Council.
 9. Board of Governors – Robin Bresky unable to attend – she has been in touch with Jason Wadell and she is available if needed.
 10. FSGA (Bill Johnson) – they have hired a lobbyist – so expect to see FSGA in the legislative arena in the coming year. Only a 6 month contract though per David Hook. Concern with VA Rule 31-A – limitation on use of A&A monies for the payment of services, such as guardianship fees. You can only use part of the A&A monies to pay guardianship services – even if court order for fees – only certain portion of fees can be used to pay.
 11. The Fund – standards are being worked on for enhanced life estate deeds – contact Len or Jason if interested in getting involved.
 12. Task Force Update – Sam Boone updated Council on 30-day retro rule going into effect February 1. Meet every Thursday at 8:00 am. Task Force contributors get timely information before others – call for contributors.
 13. New Business – none.
 14. June 28, 2019 – next meeting date.