

# NEWSLETTER **ELDER LAW**

Published by the Elder Law Section of the Oregon State Bar

## **Message From The Chair**

*Valerie J. Vollmar*

I am very pleased to write this message in my position as Chair of the newly-formed Oregon State Bar Elder Law Section. The Section cannot have "members" officially until the Oregon State Bar mails out its 1998 dues notice. But the Section's Executive Committee already is hard at work. We hope that this newsletter will persuade you to join the Section and - equally important - become involved in the many activities planned for the coming year.

Clearly, the time had come to form an Elder Law Section of the Oregon State Bar. Over the past decade, elder law has become well recognized nationally as a new field of practice. The National Academy of Elder Law Attorneys (NAELA), which was formed in 1989, now has 3,262 members and 20 permanent staff. State bar organizations in at least 23 states already include a separate elder law section, and several have published a state elder law handbook. Elder law courses have been added to the curriculum of many law schools.

Similar developments have occurred within Oregon. At least 15 elder law CLE programs have been presented since 1987 by the Oregon State Bar, the Oregon Law Institute, and private CLE providers. The Oregon State Bar CLE department has proposed publication of a new elder law treatise. Elder law attorneys monitor and recommend Oregon legislation affecting elderly clients. Active elder law discussion groups exist in Portland and other cities. Practitioner liaison groups provide assistance to government agencies that serve the elderly. Elder law courses are taught at all three Oregon law schools. Well-respected elder law attorneys are ready and willing to participate in the activities of a new Section. Nearly 120 Oregon lawyers signed petitions asking the Board of Governors to approve formation of an Elder Law Section.

Whether or not you consider yourself to be an "elder law attorney," the new Section will have much to offer you. *Any* lawyer who has

### **1997/98 Elder Law Section Executive Committee**

#### ***Officers***

Valerie J. Vollmar, Chair  
Donna R. Meyer, Chair Elect  
S. Jane Patterson, Treasurer  
Richard A. Pagnano, Secretary

#### ***Members***

Michael Arant  
Shirley A. Bass  
Lisa N. Bertalan  
Cinda M. Conroyd  
Wesley D. Fitzwater  
Heather O. Gilmore  
Helen B. Hempel  
Tim Nay  
Margaret Madison Phelan  
Mark M. Williams  
Jennifer L. Wright  
Keir Karson, OSB Staff Liaison

elderly clients will find the Section’s activities to be relevant. Even if your clients are relatively young, they undoubtedly have elderly relatives or friends. And most of us in our own personal lives must deal with the issues that affect older Americans.

Moreover, the field of elder law is very broad. It overlaps with estate planning and administration, health law, disability law, insurance law, government benefits, retirement planning, and employment law. More specifically, “elder law” encompasses wills, living trusts, probate, guardianships and conservatorships, durable powers of attorney, health care decisionmaking, advance medical directives, physician-assisted suicide, Medicare, private Medicare supplement insurance, Social Security retirement and disability programs, public and private pensions, veterans’ benefits, nursing homes, other long-term care housing alternatives, Medicaid, long-term care insurance, age discrimination, elder abuse, and consumer fraud.

If your practice touches on any of these areas, please join the Elder Law Section. Don’t sit out merely because you are already a member of one or more other Sections that deal with elder law issues. The benefits you will receive as a member (including CLE program discounts and a subscription to the Section newsletter) will far outweigh the modest annual dues of \$20.

The initial Executive Committee includes a diverse group of recognized leaders in the field of elder law from all over the state. Members from Portland include Chair-Elect Donna Meyer, Secretary Richard Pagnano, and members-at-large Shirley Bass, Tim Nay, and Mark Williams. Treasurer Jane Patterson (Gresham) and members-at-large Wes Fitzwater (Clackamas), and Margaret Phelan

(Vancouver) are from the wider Portland metropolitan area. Cities outside the Portland area that are represented on the Executive Committee include Albany (Jennifer Wright), Bend (Lisa Bertalan), Eugene (Helen Hempel), Medford (Michael Arant), and Salem (Cinda Conroyd, Heather Gilmore, and Valerie Vollman). Keir Karson serves as Oregon State Bar staff liaison.

The Executive Committee has created the following subcommittees:

**Subcommittee**

<b>Chair</b>	<b>Telephone</b>
<i>Agency and Professional Relations</i>	
Donna Meyer . . . . .	(503) 236-5152
<i>Computers and Technology</i>	
Margaret Phelan . . . . .	(503) 243-7810
<i>CLE Programs</i>	
Heather Gilmore . . . . .	(503) 378-7813
<i>Legislation</i>	
Lisa Bertalan . . . . .	(541) 382-4331
<i>Pro Bono/Access</i>	
Penny Davis. . . . .	(503) 224-4094
<i>Public Education</i>	
Shirley Bass . . . . .	(503) 241-9455
<i>Newsletter Editorial Board</i>	
Michael Levelle . . . . .	(503) 227-1111

Read on for more information about the Section’s planned activities. If you want to become involved personally, call the person whose telephone number is listed above. We welcome your involvement regardless of your location, practice setting, or experience level. If you have ideas about what the Section should be doing, please contact me directly:

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## Subcommittee Profiles

### Agency and Professional Relations Subcommittee

*Donna R. Meyer, Chair*

The Agency and Professional Relations Subcommittee will promote and strengthen communications between elder law attorneys, elder law-related agencies and professional organizations. The subcommittee plans to make formal contact with state and county agencies and the local and regional offices of the Social Security Administration. The subcommittee also plans to establish and/or maintain contacts with various professional organizations and groups, such as the professional conservator/guardian organization, other Oregon State Bar sections, and appropriate national organizations.

### CLE Programs Subcommittee

*Heather O. Gilmore, Chair*

The CLE Programs Subcommittee will plan, coordinate and sponsor continuing legal education emphasizing the practice of elder law. The subcommittee will provide educational information for beginning as well as advanced elder law practitioners in all geographic locations. The subcommittee plans to assist in the development of local area elder law discussion groups and to promote other educational forums for attorneys and other professionals.

### CLE Treatise Subcommittee

*Cynthia L. Barrett, Editor*

*Penny L. Davis, Editor*

*Wesley D. Fitzwater, Editor*

*Mark M. Williams, Editor*

The CLE Treatise Subcommittee is in the process of working with the Oregon State Bar to create an elder law treatise. The subcommittee will coordinate the release of the treatise with a CLE program.

### Computers and Technology Subcommittee

*Margaret Madison Phelan, Chair*

The Computers and Technology Subcommittee will coordinate the supplying of Section information to the Oregon State Bar for development of a Section page for the Oregon State Bar web site. The subcommittee will be researching options for developing a listserv for exchange of member communications regarding topics of interest. The subcommittee will also pursue the development of listserv protocols. During the first few months a buddy list system may be adopted by subcommittee members to coordinate information regarding development of a listserv. Another anticipated project is the development of a program for the dissemination of information about available computer hardware and software programs that are in use by other Section members.

### Legislation Subcommittee

*Lisa N. Bertalan, Chair*

The Legislation Subcommittee will focus on the review of proposed legislation affecting elder law practitioners and their clients. The subcommittee intends to provide support for legislation that will positively affect the elder client population, and to dissent to legislation that will negatively affect it. The subcommittee plans on presenting testimony before the various House and Senate committees on legislation affecting the elder client population. The subcommittee plans to work in conjunction with the Estate Planning and Administration Section to complete the drafting of legislation regulating powers of attorney. The subcommittee will also review and possibly draft amendment legislation relating to the guardianship/conservatorship laws passed during the 1995 legislative session. Statutory regulation of professional guardians and conservators is also an issue the

subcommittee may attempt to address for the next legislative session.

**Pro Bono/Access Subcommittee**

*Penny L. Davis, Chair*

The Pro Bono/Access Subcommittee’s initial focus will be to determine what the Elder Law Section can do to encourage attorneys to perform volunteer work with local pro bono programs that serve the elder client population and to support the efforts of those who do volunteer. The subcommittee will coordinate its work with pro bono programs around the state.

**Public Education Subcommittee**

*Shirley A. Bass, Chair*

The Public Education Subcommittee will develop a plan to publish a series of elder law pamphlets. Published in conjunction with the

Oregon State Bar, these pamphlets can be used by attorneys for distribution to their clients and to the public. Possible topics include: planning for medical decision making, durable powers of attorney, Medicare, Medicaid, elder abuse and exploitation, guardianships and conservatorships, and joint ownership of property.

**Newsletter Editorial Board**

*Michael D. Levelle, Editor-in-Chief*

The Editorial Board will publish a newsletter regularly. We seek to produce a newsletter that will be useful to Section members. The newsletter will provide timely updates concerning changes in the law, educational articles (legal and social) and a calendar of events. Anyone who is interested in participating in the production of the newsletter can contact the Editor-in-Chief.