

Volume 24
Number 4
October 2021

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2021 Legislative highlights

By Christopher Hamilton, Elder Law Section Legislative Subcommittee Chair

Several bills related to elder law practice passed during this session of the Oregon State Legislature. Included here are summaries of the bills, brief practice notes, and links to the final text of each bill.

HB 2105: Relating to alternatives to protective proceedings; amending ORS 343.181

Summary: Directs school district to provide a child who has a disability and the child’s parents with information about supported decision-making and strategies to remain engaged in the child’s secondary education and post-school outcomes.

Practice notes: This creates a requirement that students and parents involved with the special education system be provided “information and training resources regarding supported decision-making as a less restrictive alternative to guardianship, and with information and resources regarding strategies

to remain engaged in the child’s secondary education and post-school outcomes.” This information is supposed to be provided at every individualized education program meeting at which post-secondary education and transition services are discussed, generally meaning each meeting after the student turns 16 until they graduate or age out of special education at 21. However, it provides no definition of supported decision-making and no context or content for the information and training resources, so it is unclear what will be provided. Attorneys who work with families in establishing guardianships for young adults with disabilities should ask for a copy of any information provided by the district to help the family understand options for supporting such young adults.

Effective date: January 1, 2022

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/ HB2105/Enrolled>

HB 2120: Relating to State Mortuary and Cemetery Board death report fees

Summary: Increases death report fee imposed by State Mortuary and Cemetery Board.

Practice notes: Death certificates will cost \$30 each. Attorneys working on probate matters will need to take this into account when requesting death certificates after January 1, 2022.

Effective date: January 1, 2022

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/ HB2120/Enrolled>

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Christopher Hamilton is a partner in the Salem firm of McGinty, Belcher & Hamilton. His practice focuses on elder law and estate planning. He is the Chair of the Elder Law Section's Legislative Subcommittee.

HB 2498: Relating to vehicles

Summary: Provides that the registered owner may request that the registration card issued for a vehicle include that the owner or person operating the vehicle may be deaf or hard of hearing. Provides that a person may include on driver license or identification card the fact that he or she is deaf or hard of hearing.

Practice notes: Interacting with law enforcement and other emergency services personnel can often involve life-threatening communication barriers for deaf and hard-of-hearing individuals. This law is intended to provide those individuals with a convenient and official way to remind law enforcement, emergency services, and other personnel to provide legally required interpretation and other accommodations. Attorneys who provide services to deaf and hard-of-hearing clients should ensure they are aware of this tool, and use it themselves as a reminder to provide appropriate interpretation and other accommodations.

Effective date: January 1, 2022

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB2498/Enrolled>

HB 2574: Relating to disposition of dead bodies

Summary: Clarifies permissibility of disposition of human bodies by alternative authorized processes, including alkaline hydrolysis and natural organic reduction. Clarifies authority of State Mortuary and Cemetery Board to license and regulate alternative disposition facilities. Defines alternative disposition facility. Extends immunity from liability for reducing remains pursuant to written agreement to alternative disposition facilities. Extends requirement for further instructions as to final disposition of cremated remains to remains reduced by alternative disposition facilities. Extends exemption from execution, appropriation for public purpose and taxation to lands held for purposes of alternative disposition facility. Extends privilege by nonprofit corporations organized for cemetery

or crematory purposes to nonprofit corporations with reduction purposes. Permits nonprofit corporations with reduction purposes to provide moneys to an irreducible fund with interest and income devoted exclusively to preservation and improvement of grounds, buildings, and property. Extends ability of nonprofit corporations organized for cemetery or crematory purposes to sell land unsuitable for the corporation's purpose to nonprofit corporations with reduction purposes. Extends interment and cremation record-keeping requirements to reduction. Extends type of funeral expenses recoverable as victim compensation for compensable crimes to expenses related to reduction. Extends an incorporated city's right to acquire, own, maintain and operate cemeteries and crematoria to acquiring, owning, maintaining and operating other authorized facilities for disposition of human remains.

Practice notes: This bill codifies the use of alkaline hydrolysis and natural organic reduction as options for the disposition of a deceased person's remains. Alkaline hydrolysis or hydrolysis refers to the technical process for reduction of human remains by placing the remains in a dissolution chamber that uses heat, pressure, water, and base chemical agents in a licensed hydrolysis facility to reduce human remains to bone fragments and essential elements. Natural organic reduction refers to the contained accelerated conversion of human remains to soil. It is important for attorneys engaged in estate planning with clients to help promote awareness of these and other alternatives to traditional burial and cremation that may better meet the needs of clients. Attorneys who deal with probate and trust administration matters also need to be aware of these options when advising clients and reviewing claims and costs related to the management of decedents' property.

In addition, this bill changes the form for Appointment of Person to Make Decisions Concerning Disposition of Remains

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in ORS 97.130(8) to include reference to alternative disposition, and attorneys who help clients prepare these documents will need to update their forms accordingly.

Effective date: July 1, 2022

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB2574/Enrolled>

HB 2634: Relating to the homestead property tax deferral program

Summary: Allows a surviving spouse or disabled heir of an individual whose homestead was granted deferral under homestead property tax deferral program to continue deferral without having owned or occupied the homestead for five years. Creates, for purposes of eligibility of property for homestead property tax deferral program, a minimum cap of \$250,000 for maximum allowable real-market value of the homestead. Directs Department of Revenue to adjust minimum cap for maximum allowable real-market value annually according to change in the Consumer Price Index. Allows claim for deferral to be filed late, with payment of fee. Modifies procedure for allowing claims for deferral in excess of maximum allowable number of claims for property tax year. Adjusts payment of interest on delinquent deferred taxes between county and department. Extends sunset for deferral program. Takes effect on 91st day following adjournment sine die.

Practice notes: This bill combines a number of bills that were proposed this session relating to the senior property tax deferral program. This program is a resource that attorneys should be sharing with clients in estate and long-term care planning, and a potential complication to be aware of in administering any trust or estate. The summary captures the changes made, which add up to better protection of the target populations and a decrease in the chances of a nonsensical disruption in access to the program. Significantly, the bill allows a surviving spouse or a disabled heir of the individual participating in the program to continue the deferral even if they have not owned or occupied the house for five years.

Under current law, properties over various maximum real-market values are ineligible for the deferral. The current maximum is a function of the average real-market value of properties in the county in which the property in question is located and is scaled based on how long the applicant has occupied the property. HB 2634 maintains the existing scale, but creates an alternative maximum real-market value of \$250,000. This has the effect of permitting any property with a value of less than \$250,000 to be eligible for the program if the applicant is otherwise qualified.

Effective date: September 25, 2021

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB2634/Enrolled>

SB 97: Relating to confidentiality of complaints to the office of the Long Term Care Ombudsman

Summary: Prohibits Residential Facilities Ombudsman, designee of ombudsman, or staff of ombudsman from being compelled to testify or produce documents related to complaints in any judicial or administrative proceeding. Protects records from compelled disclosure by any legal means. Specifies exceptions.

Practice notes: This bill tightens the confidentiality rules related to complaints and resultant information and documentation. This could end up blocking information necessary to pursuing certain protective proceedings or injury claims. Attorneys should familiarize themselves with the requirements of new ORS 443.394(3)(b)(G) for court orders to disclose such information, namely explicit findings that: (i) the information is essential to litigating an ongoing criminal or civil matter; (ii) the information cannot be obtained from any other source; and (iii) disclosure of the information will be limited or redacted in such a way as to minimize unnecessary disclosure of confidential information or information that would tend to identify a confidential complainant. Attorneys should also familiarize themselves with the remaining exceptions to the confidentiality rules laid out in new ORS 443.394(3)(b).

Effective date: January 1, 2022

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB97/Enrolled>

SB 182: Relating to estate planning

Summary: Terminates authority of a spouse as agent under certain estate-planning documents upon annulment, separation, or dissolution of marriage. Extends liability protections for property held as tenants by the entirety when property is conveyed to certain trust. Modifies procedure for disposition of wills by attorney.

Practice notes: This bill came from the Estate Planning Section to address a number of issues relevant to estate planning and elder law practice.

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The bill has added powers of attorney, appointments of healthcare representatives, advance directives, and declarations for mental health treatment to the list of estate planning documents that are automatically altered as a result of a divorce or similar proceeding. Previously, a divorce did not alter the authority of the former spouse to make decisions under any of these documents. Now, a divorce or similar proceeding revokes all authority of each party to act for the other under any of these instruments. In addition, the statutory restraining order triggered by a divorce filing now restrains both parties from exercising authority under any of these documents. It is important to note that the bill restricts or terminates the authority of the parties to act for each other, but it does not revoke or otherwise alter any of these documents.

The bill also explicitly provides for termination of an agent's authority under a power of attorney when "(a) The principal dies. (b) The principal or the court revokes the power of attorney. (c) The agent dies, becomes financially incapable or incapacitated or resigns. (d) The power of attorney by its terms provides that the power of attorney terminates." The bill further codifies a court's authority to revoke a power of attorney upon appointment of a conservator.

The bill provides that all creditor protections enjoyed by spouses who own property as tenants by the entirety continue when the property is conveyed into a joint trust or separate trusts that do include both spouses as current beneficiaries.

Finally, the bill provides updated timelines and procedures for retention and destruction of original wills by attorneys. Previously, a will had to be maintained for 40 years after execution. Now, a will can be destroyed with proper process five years after the known death of the testator or 20 years after execution. After the appropriate notices are given, an attorney must sign an affidavit reciting the conditions that allow the destruction of the will, create a complete digital copy of the will and any affidavit of attesting witnesses, and then maintain

the digital copy for at least 20 more years. After the 20 years have elapsed, the digital copy may be destroyed without further notice.

The original version of the bill also changed "small estate affidavit" to "simple estate affidavit." This provision was removed by amendment to ease passage of the other provisions after a number of attorneys and judges voiced concern over the effects.

Effective date: January 1, 2022

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB182/Enrolled>

SB 190: Relating to protected persons

Summary: Modifies permissible methods of providing notice of appointment of guardian to a protected person.

Practice notes: After appointment, a guardian is required to give notice of the appointment to the protected person. Previously, the notice could be—and generally was—mailed. This bill now requires in-person delivery in "a manner reasonably calculated to be understood by the protected person." The delivery must also include an offer to the protected person to provide oral notice. The notice can be made by mail if the guardian determines that personal delivery is unduly burdensome. If the notice is mailed, it must also include the reason why in-person delivery is unduly burdensome.

The bill then expands the requirements for the proof of giving notice to include information about the in-person delivery. Additionally, if the protected person is a resident of a mental-health treatment facility or a residential facility for individuals with developmental disabilities, or if the guardian intends to place the protected person in such a facility, notice must also be provided to Disability Rights Oregon and that notice must be provided electronically.

This bill follows up on SB 376 from 2019, which required that a newly appointed guardian provide notice to the protected person and other interested parties.

Effective date: January 1, 2022

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB190/Enrolled>

SB 199: Relating to advance directives; and prescribing an effective date

Summary: Modifies laws relating to form of advance directive.

Practice notes: This bill started as the result of the work of the Advance Directive Adoption Committee to submit changes to the advance directive form pursuant to HB4135 from the 2018 legislative session. The new form is a substantial revision to the previous form and is intended to provide additional options and clarity for those wishing to execute an advance directive.

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The bill also renames the committee as the Advance Directive Advisory Committee and provides that in the future, the committee will no longer be required to adopt a revised form, but will report to the legislature on recommendations for revisions.

Attorneys who assist clients in preparing Advance Directives will need to update their forms accordingly. Samples in .docx and .pdf format can be found on the links page of the Elder Law Section's website at <https://elderlaw.osbar.org/elder-law-links/>.

Effective date: September 25, 2021

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB199/Enrolled>

SB 220: Relating to remote attestation; and declaring an emergency

Summary: Prescribes formalities for remote attestation of writing.

Practice notes: This bill provides formalities and requirements for the remote attestation of most documents to help deal with the difficulties of in-person witnessing in an era of COVID-19, and to continue the modernization of the practice of law. The bill allows for the witnessing of the execution of a document by electronic presence which allows the witnesses and the signer to be in different locations as long as they are communicating in real time to the same extent as if they were physically together. Additional requirements must also be met:

- The witness must have evidence of the identity of the person executing the document.
- The document must be executed while in the electronic presence of the witness, and the person must provide the witness with an electronic copy.
- The person must be in the United States.
- The person must complete a declaration of electronic presence and a declaration of remote attestation under penalty of perjury.

The form and content declarations that the signer and the witness(es) have to execute are set out in the bill.

However, notarial acts and execution of wills are excluded. Notarial acts are excluded because remote online notarization is already provided for in section 20, chapter 12, Oregon Laws 2020 (first special session), the sunset clause of which was removed by SB765, discussed below. Wills are excluded because ORS 112.238 already provides for exceptions to will execution formalities that cover remotely witnessed wills.

Effective date: June 11, 2021

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB220/Enrolled>

SB 221: Relating to wills

Summary: Modifies court procedure for determining whether a decedent intended the writing to be decedent's will, partial or complete revocation of decedent's will, or addition to or alteration of decedent's will.

Practice notes: Under current law, if a writing was not executed in compliance with 112.235, a proponent of that writing may file it in court and argue that it was intended to be a will or an alteration to an existing will. SB 221 simply clarifies the existing language of the statute to make it clear that ORS 112.238(2) addresses the process for determining if the writing is a new will, and that ORS 112.238(3) addresses the process for determining if the writing is intended to be a revocation, addition, or alteration to an existing will.

Effective date: June 23, 2021

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB221/Enrolled>

SB 572: Relating to vulnerable youth

Summary: Modifies protective proceedings to permit vulnerable youth guardianships for persons between 18 and 21 years of age who are eligible for special immigrant status and who are unable to be reunified with parent due to abuse, neglect, or abandonment that occurred before the adult attained 18 years of age. Creates exceptions to certain protective proceeding procedural requirements in vulnerable youth guardianships. Exempts vulnerable youth guardianships from court fees.

Practice notes: This bill creates a new class of persons who may be subject to a protected proceeding. The bill creates a definition of vulnerable youth. This corrects an inconsistency between immigration law and protective proceedings law that was impairing the use of certain immigration protections.

Under the bill, the vulnerable youth must consent to the guardianship, and can later move to terminate it. The guardianship will automatically terminate when the protected person turns 21. The bill also provides some specific limitations on the powers of the guardian in these cases, such as preventing the guardian from possessing or controlling the vulnerable youth's identity documents.

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Effective date: September 25, 2021

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB0572/Enrolled>

SB 578: Relating to appointment of legal counsel for certain persons in protective proceedings

Summary: Requires the court, under certain circumstances, to appoint legal counsel for respondent or protected person in protective proceeding. Requires payment for appointed counsel from guardianship or conservatorship estate of respondent or protected person or at state expense. Provides for phase-in among counties over three-year period beginning in 2022. Directs Judicial Department to submit annual report on protective proceeding statistics to interim committees of Legislative Assembly related to judiciary.

Practice notes: This bill amends ORS 125.080 to establish a pilot program to provide for court-appointed counsel to respondents and protected persons in protective proceeding cases. The bill does not require appointed counsel in all cases but permits the court to appoint by request of the protected person, upon the recommendation of a court visitor, if an objection is filed by another person, or upon the court's own determination.

The bill requires that funds to pay attorney fees come from the estate of the protected person if funds are available. Publicly provided funds are made available if adequate funds are not available from the protected person's estate.

The drafting of the bill also appears to have caused the unintended side effect of removing the requirement that a hearing be held on the objection of anyone other than the respondent or protected person. This is unlikely to have a practical impact because the court will still have the authority to require a hearing on any petition or motion.

Effective dates: The bill applies to cases in Multnomah and Lane Counties beginning January 2, 2022 and to Columbia County beginning January 2, 2023. The bill will apply to all counties beginning January 2, 2024.

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB578/Enrolled>

SB 765: Relating to notaries

Summary: Makes permanent provisions allowing notary public to perform notarial act using communication technology for remotely located individual under certain circumstances.

Practice notes: This bill removes the sunset provision of section 20, chapter 12, Oregon Laws 2020 (first special session), providing for remote online notarization. The bill also provides for tangible copies of electronic records to be authenticated.

Effective date: June 15, 2021

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB765/Enrolled>

Background: For reference, here are the practice notes on this subject from the 2020 legislative highlights:

As the restrictions and safety concerns related to COVID-19 have made face-to-face interactions much less common, this bill has provided a temporary solution for notarizing documents. The bill authorizes remote online notarization (RON), which is an expansion of the existing electronic notarization rules to allow notaries who meet certain requirements to perform notarial acts for parties in different physical locations.

In practice, RON is accomplished through the notary's choice of a number of vendors but the process generally runs as follows:

1. Notary uploads and prepares documents by marking signature, initial, and notary fields.
2. Notary notifies signers that documents are ready and schedules a video call for signing.
3. Notary initiates video call through vendor.
4. The first signer uses a link in an email sent by vendor to sign in, and if not personally known to the notary or identified by oath or affirmation of credible witness who has been identified, verifies identity through two different types of identity proofing such as knowledge-based authentication (i.e., questions based on credit history) and document verification (e.g., driver's license or passport).
5. Once identified the signer opens the document and shares their screen in the video call.
6. While screen sharing, the signer completes the signature and initial fields for that signer.
7. Once all fields are completed the signer closes the documents and the vendor emails a link to the next signer, with the process repeating for all signers, then finally the notary.
8. The vendor then compiles the document into an encrypted file with all of the signatures and the notary and tamper evident code that will indicate if anything is changed after the signatures and notary are affixed.
9. This file then constitutes the notarized document and can be recorded or otherwise used like a physically notarized document. ■

Finding the best professional fiduciary for your case

By Rebecca Kueny, Attorney at Law, and Nathan Parker, Attorney at Law



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Nate Parker is the owner of Parker & Griffith, PC in Salem. The focus of his practice is on professional fiduciary work. Nate serves as conservator, guardian, trustee, and personal representative.

Assisting your client with selecting a professional fiduciary is an essential part of an elder law and estate planning practice and requires the analysis of many factors. To ensure that your clients have found the right person or entity for the job, it is important to analyze the case and interview potential professional fiduciaries. By finding the right professional fiduciary, your clients can save time, hassle, and fees.

Factors to consider when selecting a professional fiduciary

Type of matter. There are multiple matters in which a professional fiduciary may serve. The first step in finding a professional is to identify the role that the professional will be handling. Professional fiduciaries may serve as trustee, personal representative, agent, guardian, and/or conservator. Some professionals may not handle every type of matter. For instance, there are many professionals who refuse to act as guardian, while some may be willing to act as guardian only if they are also acting as conservator.

Individual versus Entity. Depending on the case, it may be beneficial to have an individual instead of an entity acting as the fiduciary, or vice-versa. For instance, there are matters that require significant case or property management that may be better handled by a corporate fiduciary that has a team of individuals who work together to manage all the estate's assets. Types of corporate fiduciaries may be banks and/or fiduciary companies. However, if your client is looking for more of a personal touch, other matters may be better for an individual to handle. Individual professional fiduciaries are typically local to the client, may be more accessible, and can be sensitive to the desires of the client by building a closer relationship with the client.

Licensed attorney. Some professional fiduciaries are also licensed attorneys. This may be helpful in matters where the fiduciary can provide representation in

matters such as probates, guardianship, and conservatorships, because this can reduce the costs. Non-attorney professional fiduciaries may charge less per hour, but they often are represented by attorneys, so attorney fees should be considered when evaluating the overall cost of a professional fiduciary.

Insured. It is important that the professional be insured for liability. We recommend you confirm liability coverage. Attorneys who act as professional fiduciaries may be covered by their PLF coverage for providing "Special Capacity Services."

Bond. The professional fiduciary must be able to be bonded for the matter, if needed.

Experience of the professional. There are always going to be both seasoned and green professional fiduciaries. It is good to ask how long an individual or the employees of a corporate fiduciary have served as professional fiduciaries. How many matters are they managing? What types of matters do they handle? Sometimes a newer professional fiduciary will take on matters that are more difficult because he or she has the time and/or is looking for the experience. Alternatively, sometimes it is critical to have an experienced professional fiduciary who understands complex matters and can easily or effectively handle certain situations. Understand the experience of the professional and use that information to ensure that the candidate is a good fit for the situation.

Location. Jurisdiction and location may matter in some cases. A professional fiduciary may be able to handle a long-distance probate or conservatorship. However, it is more difficult for a professional to serve as guardian and provide case management services for a client who lives far away.

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Finding fiduciary *Continued from page 7*

Time frame. Like any matter, the time frame required to complete the work is essential to know up front. If a case needs immediate attention, finding a professional fiduciary that can act immediately is a major factor. A case that requires years or decades to complete, such as certain trust administrations, may require a professional that is able to handle the longevity of the matter. If your client is interviewing an individual fiduciary, it is important for the client to learn the professional's succession plan.

Relationship. The professional fiduciary sometimes needs to work with clients or family members on these matters. Therefore, the relationship between the professional fiduciary and the parties may be crucial in selecting a fiduciary. For instance, sometimes a professional fiduciary that is gentler in communication may be more appropriate for certain cases, while other times a professional fiduciary that is great at setting hard boundaries may be more suited for the role. Understanding the dynamic of the matter and how the professional fiduciary interacts with the parties is essential.

Estate plan drafting. If a professional fiduciary is being named in an estate plan as successor trustee or personal representative, we recommend that estate planning attorneys discuss what happens if the professional fiduciary is no longer available or willing to serve. Some potential options are:

- The estate plan can name an alternate professional fiduciary.
- The estate plan can state that the professional fiduciary's successor, if there is one, steps in as the fiduciary.
- The estate plan can state that the estate planning attorney appoint a successor.

Fees. Like anything, fees are important! Make sure to understand what the professional fiduciary would charge or is considering charging for the matter.

Interviews. We highly recommend your clients interview potential professional fiduciaries and discuss these factors with them. In doing so, your clients can save a lot of time, aggravation, and expense by finding the right fit. We do not recommend nominating professional fiduciaries without their knowledge, as there may be issues (and thus expense!) in changing the fiduciary down the road.

Stay in touch. With estate plans, it is good to know when the professional fiduciary is no longer working or taking cases. It may mean the client needs to appoint a different professional fiduciary. When regularly reviewing estate plans with your clients, it is a good idea to touch base with the nominated fiduciary to ensure that he or she is still willing to serve.

In summary

We recommend using care, thoughtfulness, and caution when finding a fiduciary for the matter. ■

Advance Directive revised

The Advance Directive for Healthcare has been completely revised. The new form became effective September 25, 2021. You will notice some important changes.

Instead of four different scenarios for choosing life support and tube feeding, there are now three: Terminal Condition, Advanced Progressive Illness, and Permanently Unconscious. Definitions of each scenario are provided where instructions are requested.

The options for instructions now combine life support and tube feeding within each option rather than having them as separate choices. The care options are now: try everything to sustain life, try limited interventions, try no interventions, or leave the decisions to the healthcare representative.

The form now includes sections where the person completing it can describe what matters to him or her about medical treatment, identify spiritual beliefs and values, and express thoughts about place of care. There is also a section that invites the person to attach documents to be considered in making healthcare decisions. It is hoped that these sections will encourage people to think carefully about their healthcare wishes and express them so that healthcare representatives and medical providers can make better informed decisions more closely aligned to the desires of the patient.

Links to the new document in both Word and pdf format can be found on the Elder Law Section website at: <https://elderlaw.osbar.org/elder-law-links/>

Tips for successful bond administration

By Jenny Tuomi, Certified Insurance Counselor



Jenny Tuomi is an account executive with the Court Bonds division of JD Fulwiler & Company Insurance. As a surety agent, she specializes in fiduciary and judicial bonding, with in-house underwriting authority. She can be reached at jtuomi@jdfulwiler.com

As a surety agent who specializes in bonding for probates and protective proceedings, I see cases that stumble through acquiring, administering, or cancelling bonds for their clients. When trying to work through some of these situations I think: “If only I was able to chat with the attorney or paralegal before the case got this far, I could have been more help.” That’s not to say a surety agent can fix all ills, but with a little input about the bond process or bond underwriting, some challenges could be mitigated or avoided all together. With a few tips, I hope to help you bond cases quickly and easily.

Get your client pre-approved

One of the best tips is getting your proposed personal representative or conservator pre-approved for bond before you petition the court to appoint them. It is cringe-worthy to have a client declined for bond after they are appointed. Consider the effect of how a matter will move forward, add in additional expense, possibly another notice period, and the time it takes to amend a petition and limited judgment. By securing pre-approval for bond, a surety agent can offer feedback that enables moving forward with confidence that a bond can be had and for the amount needed in advance of your client’s appointment. Pre-approval should be as easy as providing a completed, signed application to your surety agent and requesting approval. This is also a good time to ask about the bond premium (the cost for the bond).

The bond application

Bond applications or order forms are the initial component a bond underwriter has to establish an applicant’s ability to fulfill his or her appointed duties and warrant financial backing by the surety company. Proofreading applications for completeness and accuracy, and confirming that they are signed, can’t be emphasized enough. As basic as it is, this recommendation goes the distance to save time and to cast the best light possible on your applicant. Repeated

attempts to get a completed and signed application can take up a good deal of your time. Just as important, the extra handling causes underwriting concerns about whether applicants are apathetic about the details, whether they are reading what they are signing, or if they are they just incapable of following directions. Keep in mind that bonding is a surety’s financial backing of a fiduciary to safeguard a decedent or protected person’s interests. Should an applicant demonstrate he or she is challenged by the initial application process, the underwriter is left with the impression that other challenges with administration—and possibly a bond claim—lay ahead. A well-completed and accurate application is the first impression for an underwriter and always gets things started on the best foot.

The power of attorney

Most bonds and bond riders (changes to an existing bond) come with two pages. The first page is the actual bond or rider. The second page is a power of attorney for the person who signed the bond on behalf of the surety company (the attorney-in-fact). The power of attorney page must always be included with the bond or rider when filing with the court. If the power of attorney is omitted, there is no way to determine if the person signing as attorney-in-fact has the authority to obligate the surety on the bond instrument. Not including the power of attorney could cause the bond or rider to be considered invalid or at minimum questioned.

The importance of keeping the bond company informed

Changes that do not involve the amount of bond frequently do not get reported to the surety agent, but it is vital to do so. Many times, a stipulated rider is needed to update the bond as well. Venue changes and name changes for either a protected person or a fiduciary are two of the more common ones that get missed.

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Bonding

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Other changes have an effect on underwriting—for example when an attorney withdraws or when a new attorney files a notice of representation. All of these are important changes that the surety agent should be made aware of, so the files are up to date.

Why it matters *when the case closes*

My next suggestion is to timely notify the surety agent that a matter has closed and to send a copy of the signed supplemental judgment, so the bond can be cancelled. If a bond has been in place for more than one year, the heirs may be due a return of premium. The date the supplemental judgment is signed is used to calculate prorated return premiums. We can only backdate bond cancellations 30 days. If there is a delay in sending a supplemental judgment to the bond company, the date the judgment is received will be used in place of the signed date. This can have a significant impact on the amount of returned premium.

Communication is imperative

One of the best suggestions I can offer is to keep communication open and flowing with your surety agent and allow her or him to help navigate a solution to a bonding situation. A surety agent has some latitude in the process, and can offer suggestions that will help move a case forward or get it completed.

Tools for success

I can guarantee that the use of these practice tools as part of your bonding process will increase efficiency and the number of successful experiences for both you and your clients. In summary I recommend:

- Client preapproval for bond before filing the petition
- Complete, proofed, and signed bond applications or order forms
- Inclusion of the power of attorney for bonds and riders when filing with the court
- Keeping your surety agent updated on all changes that differ from what is on the bond
- Prompt notification to the surety agent when cases close
- Communication and collaboration with your surety agent when seeking solutions ■

Important elder law numbers

as of
October 1, 2021

Supplemental Security Income (SSI) Benefit Standards	Eligible individual\$794/month Eligible couple..... \$1,191/month
Medicaid (Oregon)	Asset limit for Medicaid recipient.....\$2,000 Burial account limit.....\$1,500 Long term care income cap.....\$2,382/month Community spouse minimum resource standard \$26,076 Community spouse maximum resource standard \$130,380 Community spouse minimum and maximum monthly allowance standards..... \$2,177.50/month; \$3,259.50/month Excess shelter allowanceAmount in excess of \$653.25/month SNAP utility allowance used to figure excess shelter allowance\$450/month Personal needs allowance in nursing home \$64.94/month Personal needs allowance in community-based care.....\$177/month Room & board rate for community-based care facilities..... \$617/month OSIP maintenance standard for person receiving in-home services\$1,294/month Average private pay rate for calculating ineligibility for applications made on or after October 1, 2020.....\$9,551/month
Medicare	Part B premium \$148.50/month* Part D premiumVaries according to plan chosen Part B deductible \$203/year Part A hospital deductible per spell of illness.....\$1,484 Skilled nursing facility co-insurance for days 21-100\$185.50/day

* Premiums are higher if annual income is more than \$85,000 (single filer) or \$170,000 (married couple filing jointly).

Excellence in professional fiduciary practice

Oregon's association of guardians and conservators

By Karen Fabiano, MPAff, NCG, Professional Fiduciary



Karen Fabiano has been a professional fiduciary since 2010 and has led Avanti Oregon as its president since 2014. She serves as guardian, conservator, trustee, attorney-in-fact, healthcare representative, personal representative, and care manager.

Karen is the current president of the Guardian Conservator Association of Oregon and is a member of the National Guardianship Association.

The Guardian Conservator Association of Oregon (GCAO) is a voluntary professional membership group that promotes high ethical standards and excellence in guardianship. Founded in 1988, the organization offers quarterly educational events for professional fiduciaries and affiliate members, as well as a monthly Guardian's Forum where professional fiduciaries can discuss the application of state law and professional standards to real-life cases.

GCAO is professional development group, not a regulatory body. Its stated purpose is "to advance the profession of guardianship, conservatorship, and related fiduciary fields; to promote continuing professional education, high standards of practice and ethical performance; and to establish the professional fiduciary as an integral part of the judicial system." Thus, professional fiduciaries are bound by ORS Chapter 125 and other provisions of state law, and are supervised directly by the circuit courts. Oregon law requires professional fiduciaries to be certified by the Center for Guardianship Certification, a nationwide organization, which administers an examination focused on ethical and legal responsibilities of surrogate decision-making. GCAO's education programs help members obtain the continuing education that is required to maintain certification.

The members of GCAO include persons who practice as professional fiduciaries—guardians, health-care representatives, conservators, trustees, and agents under powers of attorney. The membership also includes some ancillary professionals such as attorneys and financial planners. Anyone with an interest in fiduciary excellence may be a member of the GCAO and can be listed as a member on the GCAO website, which offers user-friendly navigation to enable those who seek fiduciary services to easily find professionals who are

available in their county. <https://www.gcaoregon.org/index.html>

GCAO is a state affiliate of the National Guardianship Association (NGA) whose standards of practice set the bar for guardianship in Oregon. NGA standards place the values and preferences of the protected person as the highest priority in any decision made by a guardian or conservator, unless the risk of direct and immediate harm is great. This requirement sometimes puts guardians at odds with other professionals whose training compels them to put safety above personal preference. This approach is the opposite of the outdated paternalistic "father knows best" model of substitute decision-making. By contrast, the currently required model is called "substituted judgment." The guardian substitutes the protected person's judgment for the guardian's own, and puts the protected person's values in place of the guardian's own. In ethically complex situations, it is not always easy to find the right balance between a protected person's preferences and that person's health and safety. The GCAO's mission is to help Oregon fiduciaries make such decisions.

Here is a real-life example of placing personal preference over safety. Ruth Key (not her actual name), who suffered from dementia, lived at home with a 24/7 caregiver team. Mrs. Key couldn't understand why these strangers were in her home, and she would often sneak out the door when the caregivers' attention was diverted. She would leave without a coat, even at night in the rain, and walk about a half a mile to a major commercial intersection which she had to cross to get to the Bi-Mart. She didn't wait for the walk signal, but wove among the cars to get across the road. Many times, she would hide among the racks of bathrobes and sweatshirts in the store.

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GCAO *Continued from page 11*

In ethically complex situations, it is not always easy to find the right balance between a protected person's preferences and that person's health and safety.

Doctors, care managers, store managers, and Adult Protective Services workers criticized Key's guardian. "Do something! She'll get run over crossing that street! She has no coat! She's in slippers, and it's cold! She needs to be in memory care!" But the judge said no, and specifically ordered the guardian to allow Mrs. Key to be kept at home with her seven cats and to be allowed to go out for walks, despite the risk. The guardian was not allowed to lock her in or curtail her freedom by force, but could only try to keep a watch on her and guide her toward safety. In this way, Mrs. Key's longstanding preference for independence, her love for her pets, and her clear desire to stay at home took precedence over safety considerations.

Ask yourself this: At what point would you consent to being put behind lock and key where you no longer had free access to the sky and fresh air, where you had to share a room with someone who peed in your laundry basket, where you couldn't have your beloved pets, where you couldn't walk to the store—all in order to eliminate the risks inherent in walking around your own neighborhood? Most of us would rather accept an elevated level of risk than give up our freedom.

In Mrs. Key's case, she eventually became so confused that she stopped going out for walks. Finally, she did move to memory care when she ran out of money, but the judge ordered that she always have at least one cat in her cottage.

Popular media have found fodder for sensationalist depictions of guardians in a few tragic instances of unethical fiduciaries, including a small handful of recent real-life scandals that involved systematic abuses of guardian or conservator power.

GCAO has helped its members prepare for the intensifying public scrutiny on professional fiduciaries that has resulted from such high-profile celebrity cases as that of pop star Britney Spears and portrayals by Hollywood.

The organization actively engages issues around unethical practitioners and works to prevent such situations through promotion of the ethical standards of the NGA and education of Oregon fiduciaries on application of state laws.

Through its board of directors, general members, and active founders, GCAO also works for statutory and policy changes aimed at improving guardianship practice. For example, GCAO sends a representative to WINGS—the Working Interdisciplinary Network of Guardianship Stakeholders—which works toward guardianship reform in many states across the nation. GCAO monitors pending legislation and has submitted information to help shape reforms aimed at codifying improved protections for persons under guardianship or conservatorship.

GCAO presentations have often featured attorneys as presenters at its training events. GCAO usually has at least one attorney on its board of directors.

The members have been grateful for the guidance and perspective of these attorneys, and welcomes proposals for presentations on topics such as conflict-of-interest case studies, ethical dilemmas involving the relationship between fiduciaries and their attorneys, or best practices in applying Oregon statutes. ■

Reference

National Guardianship Association
Standards of Practice
https://nhlp.law.uiowa.edu/sites/nhlp.law.uiowa.edu/files/Standards_of_Practice.pdf

Oregon WINGS: Working to improve guardianship law and practice

By Gerald Cohen, Consultant, and Theresa Hollis, Attorney at Law



Gerald "Jerry" Cohen has been involved with WINGS since its inception. He served as AARP's first state director in Oregon from 1996 to 2018. He now is co-facilitator, trainer, and consultant with his wife through Evolving Elders, addressing transition planning, bioethical issues, caregiving, and long-term care issues.



Theresa Hollis has been involved with WINGS since its beginning in 2013. She is a partner with Fitzwater Law in Portland. Her practice emphasizes legal issues unique to the elderly and their families, including guardianship and conservatorship, probate estates, trust administration, estate planning, and guardianships and conservatorships.

As evidenced by the news of pop star Britney Spears's situation, the topic of guardianships and conservatorships can be fraught with drama and confusion. Failure to plan in advance for the loss of capacity to make and/or communicate decisions creates hardships and heartaches for all involved in caring for one who loses capacity. This also can exacerbate family conflicts, adding to the set of challenges attorneys and the courts face in sorting out the desires and dynamics involved. Across the country, court systems have struggled with existing guardianship policies and practices. The number of people who need assistance with their medical and/or financial lives increases every year. Social service agencies are feeling the strain. In Oregon, one group is working hard to not only improve guardianship law and practice, but also make Oregonians aware of the alternatives to guardianship. The role of the attorney practitioner to help clients proactively plan ahead and to understand the various options short of guardianship and conservatorship is a service that helps everyone. We urge the reader to use the resources cited and linked in this article to promote client and public education, preplanning and navigation of the available options.

What is Oregon WINGS?

The Oregon Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS), founded in 2013, includes a diverse array of professionals whose work intersects with vulnerable Oregonians. Oregon WINGS is a court-stakeholder partnership whose mission is to bring together people from various disciplines with an interest in the guardianship/conservatorship system for short-term and long-term planning and action to improve the state's spectrum of guardianship/conservatorship services and processes. Oregon WINGS develops and

implements plans and advocates for necessary improvements in Oregon's infrastructure to ensure a sustainable system for Oregonians who need guardianship, conservatorship, or related alternative.

The objectives of Oregon WINGS are to:

- Advocate for the rights of individuals with decisional impairments
- Promote independence to the greatest extent possible for those experiencing incapacities
- Support policy initiatives for the enhancement of guardianship and related infrastructure
- Identify and develop education and outreach opportunities
- Promote and provide training and support to those engaging the Guardianship/Conservatorship system
- Promote high standards for guardians and conservators
- Promote expanded collaboration between WINGS members and other stakeholders
- Regularly assess the needs and priorities for WINGS efforts

How did Oregon WINGS get started?

The National Guardianship network, under the auspices of the American Bar Association Commission on Law & Aging, put out a request for proposals to provide seed funding for state organizations to "...galvanize change through 'collective impact'—by coordinating actions of organizations with the same goals." Based on previous work of several state task forces, The Oregon Judicial Department in coordination with the Oregon Department of Human Services State Unit on Aging received a grant in 2013. An array of state and local advocacy, service delivery, and consumer groups joined as initial stakeholders.

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WINGS *Continued from page 13*



What has Oregon WINGS accomplished?

The first step Oregon WINGS took was to conduct a statewide needs assessment to determine where it should focus attention. The highest-priority responses were:

- Statewide public guardianship services must be established for adults in need of guardianship but without options (such as family members or resources) for a person to serve as guardian.
- Mandatory training and continuing education of professional guardians must be established.
- Ongoing education/training should be required for lay (non-professional) guardians.
- A standardized protocol should be developed for courts to obtain an accurate and detailed assessment of a proposed protected person's functional limitations.
- Court monitoring of established guardianships needs to be improved.
- A mandatory training program for court visitors should be developed.

Educating professionals and the public was an initial priority. In 2014, Oregon WINGS developed several tools to help your clients and the public at large better understand planning options and lay understanding of the law:

- A brief informational [brochure](#) for medical and other care professionals explaining guardianship and related fiduciary relationships
- An informational [booklet](#) of all fiduciary decision-making options available in Oregon
- A person-centered [planning tool](#) for guardians to better understand their protected persons and what decisions should be made for the protected person

In addition, Oregon WINGS successfully advocated for the creation of a statewide public guardian program housed within the Office of the Long-Term Care Ombudsman.

With the next phase of grants from the ABA Commission on Law & Aging, Oregon WINGS pursued a mapping project. With the aid of professional analysts, information about guardianships and the availability of guardianship alternatives was gathered from all over Oregon. Surveys, interviews, panels, and a statewide gathering of stakeholders were used to collect information about the spectrum of resources and services available to protect vulnerable adults and—most important—where gaps exist. Following recommendations from the mapping project, Oregon WINGS convened two work groups.

The “Get A Life Plan” work group’s primary purpose is to inform the public of the importance of pre-planning to avoid the need for guardianship or conservatorship. This group produced a video, [webpage](#), and multiple informational documents about guardianships and alternatives to guardianships. The webpage link can provide a valuable education and planning tool for the lay user.

The “Train-the-Trainer” work group’s purpose is to help organizations and entities train their personnel about guardianships and alternatives. The training consists of a PowerPoint presentation, a trainer’s guide, and handouts.

How can I learn more?

On the Oregon WINGS website, you will find information about the organization’s work, available resources, and how to engage on the issues. To keep the practitioner informed, the website also tracks any changes in the relevant laws. Use the website’s tools to proactively encourage your clients and the public to plan ahead for incapacity and help them better understand and navigate planning options, systems, and resources. <http://wingsoregon.org>. ■

Mindfulness and meditation will benefit you and your law practice

By Wes Fitzwater, Attorney at Law



Wes Fitzwater is a partner in the law firm of Fitzwater Law, a nine-attorney firm emphasizing estate planning and elder law. Wes focuses upon the crises faced by the elderly and their families, including incapacity, protective proceedings, long-term care, and end-of-life concerns. Wes has been practicing mindfulness and meditation for the past seven years.

It is not easy being a lawyer. While our work can be interesting, satisfying, and even rewarding, it can also be stressful, exhausting, and overwhelming. The practice of meditation and the study of mindfulness can help.

This will not be your typical newsletter article. For example, in the middle of this article, I will suggest that you stop reading, get online, and do a ten-minute breath-awareness meditation. If possible, find a 30-minute period when you can relax, read, meditate, and enjoy this article.

Many of you know me. I have been an Oregon attorney for 40 years, 35 years of which I have been practicing primarily elder law and estate planning. If you had told me 35 years ago that I would be writing an article about mindfulness and meditation—well, you get the idea.

I agreed to write this article for two reasons. First, I have absolutely no doubt that mindfulness and meditation have been among the best things I have ever done for myself, my family, my work family, and my practice.

The second reason is that I find I cannot keep it to myself. It is a powerful and effective tool for everyone—especially legal practitioners—which must be shared with others, and, of course, the people you care most about. This is why it is my pleasure to share it with my friends, and dare I say family, who represent this amazing community we call the Oregon Elder Law Section.

Let's begin

To start, I respectfully ask for your participation. Please gather a pen and paper or open up your computer to answer the following two questions. I ask that you write down the answers so that you can keep them, look at them, and ponder them.

Question #1. When was the last time you were truly in a peaceful state: totally calm, content, with a quiet mind, not concerned about the past or worried about the future (and, by the way, without intoxicants or medication)? Write

down the date, time of day, and a brief description of what was occurring.

Question #2. When was the last time you were truly happy, joyful, in high spirits, with a huge smile on your face? Write down the date, time of day, and a brief description of what was occurring.

We will be discussing both of these questions throughout this article.

Five things I have learned about mindfulness and meditation

1. Mindfulness and meditation have gone mainstream.

In fact, there is a PBS documentary with that title. The world is recognizing these powerful tools and teachings.

The practice of mindfulness is not a religion. It is not philosophical. These are tools and skills available to everyone. Yes, much of it is based upon practices and teachings that are more than 3000 years old. Yes, it involves wisdom teachings from the Buddha, Lao-Tzu, Jesus, writings from the Koran, the Hebrew Bible, and the teachings of indigenous peoples of the United States and other continents.

Law schools—including Harvard, Stanford, Yale, the University of Oregon, and Lewis and Clark College of Law—are teaching mindfulness and meditation. Hospitals, institutions, and major corporations—including Google, Apple, Amazon, and LinkedIn—are incorporating it into their training and skill sets.

First responders, law enforcement, active military, and even Special Forces now embrace mindfulness and meditation to deal with stress, anxiety, depression, PTSD, and the other negative emotions associated with high-conflict professions. The British Parliament and ten other parliaments around the world are studying and actively practicing mindfulness and meditation.

Colleges, high schools, grade schools, and now even Sesame Street are teaching our younger generations about these valuable practices.

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Meditation

Continued from page 15

It is no surprise that mindfulness and meditation seminars—including those offered by the Oregon Department of Justice, Multnomah Bar Association, and Oregon Women Lawyers—qualify for mental health and substance-abuse MCLE credit.

2. Science supports the effectiveness of mindfulness and meditation.

Top research universities—including MIT, UCLA, Johns Hopkins, Texas A&M, Princeton, Caltech, Yale, and Stanford—have all evaluated mindfulness and meditation and have active programs studying, teaching, and encouraging regular practice.

The UCLA Health/UCLA Mindful Awareness Research Center reports:

Research in mindfulness has identified a wide range of benefits in different areas of psychological health, such as helping to decrease anxiety, depression, rumination, and emotional reactivity. Research has also shown mindfulness helps to increase well-being, positive affect, and concentration.

Practicing mindfulness can also be helpful to foster physical health by improving immune system function, quality of sleep, as well as decreasing blood pressure. Structural and functional brain changes have also been documented in areas associated with attention, emotional regulation, empathy, and bodily awareness.

In addition to health, research has been made on the benefits of mindfulness in business and educational settings. In companies, results showed improved communication and work performance. In educational settings, mindfulness practices improved social-emotional skills, executive functions, and decreased test stress in students, as well as reduced stress and burnout in teachers. <https://www.ucla-health.org/marc/research>

Credible research supports the idea that mindfulness and meditation—together with quality sleep, exercise, and healthy eating—can stop the deterioration of your DNA and actually repair it, which leads to a longer and healthier life. *The Telomere Effect: A Revolutionary Approach to Living Younger, Healthier, Longer*, January 3, 2017 written by Nobel prize-winner Dr. Elizabeth Blackburn and Dr. Elissa Epel.

3. Meditation works!

Let's go back to Question #1: When was the last time you were truly in a peaceful state, totally calm, content, with a quiet mind, not concerned about the past or worried about the future? What was your answer? Was the last time you were in a peaceful state sometime today, yesterday, last week, last month? Do you even remember when the last time was? No judgment here—I can remember a time when I could not answer that question.

If instead I had asked, “When was the last time you felt stressed, anxious, reactive, frustrated—or you awoke in the middle of the night thinking about a problem that kept you awake?” you might have found that easier to answer.

Meditation can help you reach a peaceful state. Meditation is a practice, a skill (kind of like learning to dribble a basketball). Meditation is an exercise that can help you calm your mind by helping you focus your attention on the present moment, while letting go of your regrets about the past and worries about the future.

When you meditate, you dedicate a certain amount of time and effort to being as mindful as you can. You do this by choosing an object of attention—often your breath or your body—as a focal point. As you “sit” in meditation, you observe your breath as it moves in and out, paying attention to the process with all of your focus, concentration, and best effort. Most people will experience a noticeable relaxation, calmness, and clarity even with their first meditation. Even a two-minute meditation can be effective, but devoting more time to meditation will have a greater effect, just as more time spent learning to dribble a basketball improves your skill.

I invite you at this point to experience a meditation. I suggest a YouTube video entitled: Guided Breathing Meditation with Kim Eng. It is approximately ten minutes long. Before you start, check in with yourself and see how you are feeling both mentally and physically. At the end of the meditation, do another check-in and see if you notice a difference.

There are many excellent guided meditations. Websites such as www.headspace.com, www.calm.com, www.mindful.org, and the UCLA Mindful Awareness Research Center (MARC) are excellent sources of explanation and facilitated meditations.

4. The practice of meditation and the study of mindfulness can help you experience positive thoughts and emotions every day.

Recall Question #2: When was the last time you were truly happy, joyful, in high spirits, with a huge smile on your face? Was it today, yesterday, this week, this month? Do you remember when the last time was?

What if instead I had asked, “When was the last time you were emotionally drained, feeling like everybody wants something from you, cringing from a message sent by a problem client or opposing counsel, were verbally and emotionally attacked by someone and spent hours or days deciding how to respond and worrying about it in the meantime, and—perhaps most important—were not really “present” during important

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Meditation

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times with your spouse, children, family, friends, co-workers, and clients?

One of the many things I have learned from the study of mindfulness is that true resilience comes from balance.

Balancing the negative effects associated with a high-stress, often high-conflict profession requires an equal amount of positive emotions.

The practice of meditation and the study of mindfulness can help you experience positive thoughts and emotions every day and often multiple times throughout the day.

If meditation is a skill like dribbling a basketball, then mindfulness is learning how to play the game. The best way to “learn the game” is to find a good mindfulness teacher, class, or group to join, and read books and other written materials.

Accompanying this article are resources, many of which I have used personally, to get you started into the practice of mindfulness. It will take some time, study, and certainly practice, but it will, I believe, be one of the best things you have ever done for yourself.

You are also welcome to contact me directly with any questions or to discuss your experience with the practice at wesleyf@fitzwaterlaw.com.

5. The last thing that I have learned about mindfulness is that I wish I would have learned all of this 40 years ago!

Let's go back to the two questions with which we began. With meditation, I can now access calm, quiet, and clarity whenever I choose. With the study of mindfulness, I experience moments of happiness, joyfulness, and “smiles” throughout the day, giving me the antidote and the resilience needed to survive and continue in this complex, often stressful profession. I sincerely hope it helps you as well.

My best to you all,
Wes

MEDITATION AND MINDFULNESS RESOURCES

Books (or recorded books)

Beginning

Mindfulness for Beginners: Reclaiming the Present Moment and Your Life by Jon Kabat-Zinn

How to Meditate: A Practical Guide, Second Edition, by Kathleen McDonald, Robina Courtin, editor, et al.

Mindfulness in Plain English: 20th Anniversary Edition, by Henepola Gunaratana

The Art and Skill of Buddhist Meditation: Mindfulness, Concentration, and Insight, by Richard Shankman

Advanced

A New Earth: Awakening Your Life's Purpose, by Eckhart Tolle and Penguin Audio

Tao Te Ching: A New English Version, by Lao Tzu, Stephen Mitchell, et al. or other Translators

Related and highly recommended

The Four Agreements: A Practical Guide to Personal Freedom, by Don Miguel Ruiz

Letters to My Son: A Father's Wisdom on Manhood, Life, and Love, by Kent Nerburn, Nik Nerburn, et al.

Courses

Practicing Mindfulness: An Introduction to Meditation

Mark W. Muesse, Ph.D.

A college-level course teaching the principles and techniques of meditation. Streaming: <https://www.thegreatcoursesplus.com/practicing-mindfulness-an-introduction-to-meditation>

Audible (and other Amazon formats)

https://www.amazon.com/Practicing-Mindfulness-Introduction-Meditation/dp/B00D7O49Y2/ref=sr_1_2?crid=SMQLEDTB5WK5&dchild=1&keywords=great+courses+mindfulness&qid=1588197536&s=audible&sprefix=mindfulness+great+c%2Caudible%2C237&sr=1-2

Mindfulness-Based Stress Reduction (MBSR)

Sounds True offers an eight-week MBSR <https://www.soundstrue.com/products/the-mbsr-home-study-course>

It is also a source for audio, video, books, and other courses

Check online for locally taught classes by MBSR certified teachers.

Community colleges often have classes in mindfulness and meditation that are good introductions to the subject. Some local religious organizations provide the same.

Professional opportunities

Davis Hearn Anderson & Turner PC Estate Planning Attorney

Ashland Law firm seeks an estate planning attorney ready to opt for quality of life. Founded in 1953, David Hearn Anderson & Turner PC enjoys a long-established client base in the beautiful Rogue Valley. Our firm's estate planning attorney is retiring after decades of service, and we are seeking a licensed Oregon attorney with experience drafting wills, trusts, and general estate plans. Great partnership opportunity. Please send resume and cover letter to chearn@davishearn.com, with copy to eanderson@davidhearn.com.

Buckley Law Shareholder—Estate Planning

Buckley Law is looking for estate planning attorney and shareholder to join our firm, particularly as senior partners begin transitions of their practices over the next two to five years. With a collegial group of partners in place, strong support staff, and talented associates, this is a great opportunity for entrepreneurial, business-oriented, and client-focused attorneys to manage and cultivate already successful books of business.

The ideal attorney (shareholder) will have at least ten years of estate planning experience and superior client-management skills, client service focus, and a track record of providing value to clients.

Our employees have voted Buckley Law one of the top workplaces in Oregon and best company to work for in Oregon. Please send a resume to resumes@buckley-law.com with a cover letter and your targeted compensation range. Find out more about this position and Buckley Law on our careers page: <https://www.buckley-law.com/our-firm/careers>

Online resources for elder law attorneys

[Elder Law Section website](#)

Links to information about federal government programs and past issues of the Section's quarterly newsletters

[National Academy of Elder Law Attorneys \(NAELA\)](#)

Professional association of elder law attorneys

[National Center on Law and Elder Rights](#)

Training and technical assistance on a broad range of legal issues that affect older adults

[OregonLawHelp.org](#)

Helpful information for low-income Oregonians and their lawyers

[Aging and Disability Resource Connection of Oregon](#)

Includes downloadable *Family Caregiver Handbook*, available in English and Spanish versions

[Administration for Community Living](#)

Information about resources that connect older persons, caregivers, and professionals to federal, national, and local programs

[Big Charts](#)

Provides the price of a stock on a specific date

[National Elder Law Foundation](#)

Certifying program for elder law and special-needs attorneys

[National Center on Elder Abuse](#)

Guidance for programs that serve older adults; practical tools and technical assistance to detect, intervene, and prevent abuse

[Common Scams That Target the Elderly](#)

Special report on scams related to covid-19

[Guide to Transportation for Seniors](#)

A helpful visual guide to getting older and getting around

[Guardianship and the Right to Visitation, Communication, and Interaction](#)

Legislative fact sheet from the American Bar Association Commission on Law and Aging

[Oregon Revised Statutes](#)

Oregon laws

[Consumer Financial Protection Bureau \(CFPB\), Working with older adults](#)

Resources to help those who serve older adults and family members managing the finances of others

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Newsletter Committee

The *Elder Law Newsletter* is published quarterly by the Oregon State Bar's Elder Law Section: Julie Meyer Rowett, Chair. Statements of fact are the responsibility of the authors, and the opinions expressed do not imply endorsement by the Section.

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