



2020 certainly had its challenges, and though we missed seeing everyone at the Fall Conference, we are thankful for the success we have had this year and appreciative of all our members, staff, and Board of Directors who do so much to make VAELA the wonderful organization that it is!

This annual newsletter shall serve to recap the milestones and activities of VAELA over the past 12 months.

VAELA membership increased to 205 members in 2020, which is an all-time high. If you have not yet done so, please be sure to renew your membership for 2021.

OFFICERS AND BOARD ELECTIONS

In 2020, the following Officers and Board Members were installed:

President: Angela M. Griffith
Vice-President: Vera L. Golenzer
Treasurer: Stephen E. Taylor
Secretary: Samantha S. Fredieu
Immediate Past President: Christopher M. McCarthy, CELA, CAP

DIRECTORS

Serving two-year term ending June 30, 2021

Harold H. (Bart) Barton, Jr.
Katherine S. Charapich
Ross C. Hart
Melanie M. Lee
Gretchyn G. Meinken
Natalie T. Page
Edward (Ed) Zetlin

Serving two-year term ending June 30, 2022

Scott N. Alperin
Stephen D. Burns
Amy E. McCullough
Jesci Norrington
Hanna L. Rodriguez
Catherine F. Schott Murray
Ari N. Sommer
Matthew C. Sunderlin

The VAELA Board invites you to consider [volunteering for one our Committees](#). We need your ideas, time, and talents! Also, the VAELA Mentorship Program is always looking for VAELA members to serve as Mentors. This is a great and rewarding way to strengthen the Elder Law community in Virginia. If you are interested in joining a Committee, serving as a Mentor, or if you are a newer Member interested in being assigned to a Mentor, please contact Patty McSherry at pmcsherry@vaela.org

This year, at the recommendation of the **Governance and Management Committee**, the membership amended the Bylaws to remove the position of President-Elect. Now for those interested in leadership within VAELA, the length of time is 3 years (i.e., President, Vice-President and Immediate Past President) versus 4 years. Looking ahead, the Governance and Management Committee will be working on updating VAELA's Policies and Procedures.

The **Education Committee** organized a very successful *UnProgram* at the Hilton Short Pump Hotel & Spa near Richmond in February with record member attendance. We provided a summer webinar series on practice management and fall webinar addressing concerns of our nursing home clients amongst the pandemic. We want to thank our members for their patience as we continue to make adjustments during the pandemic. We continue to strive to offer our members quality educational events. **At this time, planning is underway for another webinar series for late spring of 2021 and an in-person UnProgram in the fall of 2021.** We continue to welcome any member input on topics and speakers of interest for our events, and we look forward to seeing our members in 2021. More details coming soon!

VAELA congratulates Stephen Burns who was honored as the 2020 Chapter Member of the Year for his outstanding work as Co-Chair of the VAELA Public Policy Committee.

2020 started with a bang for the **Public Policy Committee**, with dozens of bills before the General Assembly related to guardianship, powers of attorney, and estate planning, among others. The Committee focused its efforts on reviewing the House and Senate bills that would significantly impact our members and provide our detailed analysis of the proposal to the legislators. Notably, the 2020 Session saw a re-boot of Delegate Levine's guardianship visitation bill, several new bills related to Supported Decision Making, and a guardianship bill related to counsel for petitioning facilities being appointed as guardian for the respondent. In each instance, members of the Committee and VAELA members at large worked closely with legislators to voice concerns and suggest revisions when possible. Due in part to VAELA's efforts, Supported Decision Making was tabled, and a study group was formed (see below). Although VAELA expressed its commitment to work with Delegate Levine on his bill, ultimately the bill failed, in large part due to continued opposition from the VBA Wills, Trusts & Estates Section. VAELA member Shannon Laymon-Pecoraro advocated aggressively on behalf of the VBA. Importantly, VAELA members educated our legislators in the House regarding attorneys who serve as guardians and conservators, and the gap in the system that we often fill. With our input, the bill was revised and as passed, it allows counsel for petitioning facilities to be appointed as guardian for the respondent "for good cause shown."

Before much of the 2020 legislation had been signed into place, the Public Policy Committee discussed potential solutions to document execution issues created by the pandemic. The Committee studied the emergency legislation passed by many other states that allowed document signing to be done remotely, via video conference. The Committee drafted a proposed emergency order to allow these remote document signings via Zoom or other video platforms. While the feedback from members and the legislators was generally favorable, the Governor never executed the proposed executive order. It is worth noting that the VBA Wills, Trusts, and Estates Section chose not to take action on remote signings. However, they are working on new Electronic Will legislation to be introduced for the 2021 General Assembly session. The electronic will proposal was recently discussed during the Fall Annual Advanced Estate Planning CLE from Virginia CLE. More information and analysis will be forthcoming from the Public Policy Committee.

Additionally, VAELA, as a specialty bar, was asked to provide input to the Office of the Executive Secretary for the Supreme Court regarding a potential expansion of the Court of Appeals to include an appeal of right in most cases. The Public Policy Committee solicited responses from members who

handle guardianships, estate litigation and elder law matters in the trial courts and a subcommittee worked to develop a response that was primarily in opposition to expansion in the context of the contested guardianship cases we most frequently address. The VAELA response was submitted to the Office of the Executive Secretary, and we anticipate legislation in the coming session may propose expansion of the Court of the Appeals. Expansion is being driven largely by a push from the criminal defense bar to allow appeals of right in all criminal cases, but some groups of civil litigators favor expansion as well.

Several Supported Decision Making (SDM) bills were introduced during the 2020 General Assembly session. The bills would have created a formal statutory scheme for an individual with a disability to appoint a "supporter" to assist them with certain decisions, as outlined in a legal/formal SDM Agreement. These bills were tabled in favor of a legislative study by the Department of Behavioral Health and Developmental Services. VAELA was asked to participate in this study over the summer. Public Policy Committee members participated in several conference calls and video meetings to discuss the merits and drawbacks of SDM legislation. The initial study group recommendation sought to introduce a "broad definition" of SDM to the Virginia Code (without stating what that definition might include). The Public Policy Committee worked quickly to prepare its written response to the draft recommendation, which had the Committee's concerns and opposition to adding a "broad definition" of SDM to the Code. Ultimately, the study group's formal written recommendation removed this recommendation and instead focused on transition education for those students turning 18.

The Public Policy Committee is currently working on an issue out of the Northern Virginia Regional Office of Social Services related to the improper denial of promissory notes by Medicaid eligibility workers acting at their local specialist's direction. This matter was brought to the Board of Directors' attention by VAELA member Evan Farr, and the Committee was tasked by the Board with reviewing the issue, determining whether VAELA should get involved, and preparing a response. The Public Policy Committee concluded that this was an important enough issue for VAELA to get involved and is now working to address the issue.

The Public Policy Committee is gearing up for the 2021 General Assembly. This means reviewing new legislation, reporting to our members, and responding to the legislators. This year is a short session with limited bill filing. At the moment, the most notable legislation is the Electronic Wills bill from the VBA Wills, Trust, and Estates section. However, as we have seen in years past, guardianship issues continue to be hot-button issues for some legislators, so we will be prepared to respond to new proposals. **In addition to welcoming new members to the Committee, we would also especially welcome short-term assistance from now through the General Assembly with bill review and similar tasks.** [Contact Co-Chair Rhona Levine for more information.](#)