



Missouri Chapter NAELA

Helping Missouri Families with Special Needs and Elder Law

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Mea culpa:

An attorney who confidently promises to get the organizational newsletter published by a certain date should do so BEFORE deciding to disassemble her business laptop to make "a few minor adjustments."

While I was able to (mostly!) reassemble it, the performance was negatively affected when the machine was put back together with, inexplicably, 15 laptop screws left sitting in a paper cup. I apologize for the delay. I regret the lack of foresight and planning on my part, as well as the new and unsettling noises now emanating from the innards of my laptop.

-Vonne L. Karraker

2016 Changing of the Guard

The [MoNAELA](#) Winter Membership Meeting took place on January 24, 2015. Immediate Past President **Brigid Fernandez** (St. Louis), introduced the membership to its newest President: **Jessica Kruse** (Ozark). Kruse is joined by President-Elect **Erin Merkle** (St. Louis), Secretary **Brian Quinn** (Manchester), Treasurer **Heather McCreery** (Jefferson City), newly-elected Directors At Large **Linda Tabory** (Leawood, KS), **Lori Gregory** (Kansas City), **Lori Rook** (Springfield); and current Directors at large **Kara Burgess** (Liberty) and **Kevan Karraker** (Farmington). MoNAELA is fully primed to continue to grow its membership and pursue a vigorous advocacy for Elder Law issues in the state legislature.

5 Question Challenge for MoNAELA Members

By now every one of the 149 members of Missouri NAELA has received the "12 Questions" list. (Send us an [email](#) if you thought it was spam and deleted it.) Please take the time to pick and answer five questions from the list, or to formulate your own questions to answer. The object of this challenge is to give the MoNAELA membership a snapshot of who you are as a person and Elder Law practitioner, and how MoNAELA can best represent your interests and your clients' interests. Your perspective is needed, your experience is invaluable, and your concerns are of the utmost importance as we continue to strengthen one of the largest NAELA chapters in the country by, simply, helping each other.

We value your privacy; your name will not be shared unless you give us express permission to do so (e.g., "It's okay to use my name.")

There's No Such Thing as a Dumb Question

The feedback from newer members of MoNAELA is that Elder Law is intimidating, and it's tough to figure who to reach out to – or even HOW to reach out – for assistance, without feeling like a total newbie. If navigating the pages of [The Elder Law Answer Book](#) still leaves you dizzy and with a pounding headache, please do not fret. [Submit your question](#) to the MoNAELA e-newsletter, and we will get a CELA to publish an answer. Your name will be redacted, if you choose, to protect your privacy.

PRACTICE TIP: Nursing Homes and Arbitration

Despite the somewhat [oppressive influence](#) of the [Federal Arbitration Act](#), under Section [435.50](#) of Missouri's Uniform Arbitration Act, arbitration agreements [may be invalidated](#) in whole or in part due to contract defenses in law or in equity. Most of the arbitration decisions handed down since 2015 concern employment arbitration agreements. Missouri courts that have taken a swing at contract defenses have largely upheld arbitration agreements, mostly in [employment law](#) cases involving younger, [sophisticated parties](#) not facing the stress of nursing home admission. Your best chance of success at fighting a Motion to Compel Arbitration still depends largely on the quality of your judge and the [quality of your facts](#). Don't listen to someone who says arbitration is automatically going to happen: [do your research](#).

PLEASE CONTRIBUTE!

[Ask a Question!](#)

Do you have a comment to make about the newsletter?

A link to share?

5 Questions to Answer?

An article to publish?

Suggestions?

An expert with an opinion we ought to hear?

[Send it to us](#) for publication in the next issue.

Visit our [Member Sites](#)

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A Likely Ally

The [Silver Haired Legislature](#) is a volunteer organization of individuals age 60 or older, who advocate on behalf of Missouri's seniors. Formed in 1973, it is the first such organization ever created in the United States. The delegates are elected from the ten Area Agencies on Aging. Like MoNAELA, they meet to discuss and determine where to focus their legislative advocacy efforts; so the two groups undoubtedly have overlapping goals, as per their [2016 SHL Brochure](#).

Welfare Verification Bill Jumps Hurdles

The Associated Press reports through various outlets (including [this one](#)) that Missouri's legislature seems to be getting closer to passing a bill requiring Missourians to verify their eligibility for state benefits, including MoHealthNet. [HB 985](#), sponsored by Rep. Marsha Haefner (R, St. Louis), is not currently scheduled for a hearing in 2016, although it was approved by a panel with no dissenting vote. However, given that [SB 607](#) has moved out of committee, this issue is not likely to go away in the coming years.

5 Questions for: Vonne L. Karraker

I did say I'd go first.

Talk about the one that got away from you.

Nursing home refused to apply for Vendor Medicaid, telling the wife to liquidate everything she had and use the money to pay for husband's care. She went broke paying the nursing home bills, because she just didn't feel right owing the nursing home ("they're such nice people!") and she didn't want the kids to know she wasn't taking our advice, even though she paid us to do the planning. Argh!

The Wily Client (no names!)

"Can you drive (80 miles) to St. Louis to do a Will for my mother so I can get the house?" Mom was in a medically-induced coma, so...no. Two days later: "What if I told you my mother has a Will and I have a videotape of her hand signing it?" Ma'am, please leave me alone. Please? Okay.

Most innovative marketing tip?

Hands down, it's "[20 Common Nursing Home Problems](#)" by [Justice In Aging](#). Everyone from the client to the HVAC repair guy picks it up, reads it, and shares it. Then they call us for help with estate planning as well as nursing home issues. Props also to JIA's [Medicare Part D fact sheet](#) that explains medication transition rights.

Describe the win that made you throw up your hands, Rocky style.

I'll let you know when it happens. Believe me; I'm going to tell EVERYONE.

What hobby do you enjoy that translates to your practice?

I love lounging about in items from my rather large collection of fleece onesies (proving that I care nothing at all for what others think – which helps me deal with pushy opposing counsel). Traveling without a plan: that's another good one. Just have a place to sleep before you depart, and one for the night before you come home. I embrace the unpredictability of the middle part. So when my client leaves a weekend message saying "Well, Vonnie, I burned down the house, *just like you told me*, so Ronnie won't get it!" I can return the call and tell the client she's wrong and is probably going to jail, but it doesn't bother me.