



Maryland Attorney General's
COVID-19 Access to Justice Task Force

MINUTES

Life & Health Planning Committee Meeting

July 14, 2020

Item	Subject	Time Allotted	Notes
1.	Call to Order, Introductions and Approval of Agenda	5 minutes - JB	<p>Committee Co-Chair Juliana Bell called the meeting to order and informed everyone that they were on the Life and Health Planning Committee call.</p> <p>Juliana then went through each name and number appearing in the Google Meet's attendees list and asked that attendees briefly introduce themselves. Attendees were asked to sign in on the Task Force – Life and Health Planning Committee Master spreadsheet under the Meeting attendance and notes tab.</p> <p>Attendees present at the beginning of the meeting included:</p> <ul style="list-style-type: none">• Committee Co-Chair Juliana Bell, Assistant Attorney General• Committee Co-Chair Danielle Cruttenden, Private Attorney, Outgoing chair, MSBA Estates & Trusts Section• Paul Ballard, Assistant Attorney General• Angus Derbyshire, Maryland Legal Aid pro bono coordinator• Brenda Gruss, Assistant Attorney General, Criminal Appeals Division• Bruce Villard, outgoing Chair, Wills for Heroes• C.P. Hoffman, Legal Director, FreeState Justice• Allison Harris, Home Preservation Project Director, Pro Bono Resource Center of Maryland

			<ul style="list-style-type: none"> • Marlene Clark, SEEDCO, work and family supports • Morris Klein, outgoing chair, MSBA Elder Law & Disability Rights Section • Rena Shah, Director, MSBA Access to Justice Commission, A2J Task Force Vice Chair • Roland Schrebler, member-at-large, Estate & Trust Law Section, Maryland State Bar Association • Victoria Heyleger, Co-Chair, Howard County Estates & Trusts Section, private practice attorney • Wanda Calvin Caliboor, Executive Director of Bar Association of Montgomery County • Ron Landsman, Elder law attorney • Shelby McCloskey, law clerk, University of Maryland Law • Sharon Goldsmith, Director of Pro Bono Resource Center of Maryland • Rexanah Wyse, chief of staff, U.S. Interagency Council on Homelessness • Josie Yuzuik, Assistant Attorney General • Margaret Henn, Director, program management, Maryland Volunteer Lawyers Service • Del. Terry Hill, Gov't Ops. Subcommittee, practicing physician • Viola Woolums, Director, Senior Legal Services, Baltimore City • Trudy Hanson, Public Health Program Director, The University of Maryland Center for Health and Homeland Security (CHHS) • Karren Pope-Onwukwe, Attorney, Law Offices of Karen Pope-Onwukwe, LLC <p>Quick background of the committee: This committee started functioning under the auspices of the Access to Justice Commission and the Estates and Trusts section of the Maryland State Bar Association. The focus of the Committee is to ensure that people who are most at risk for COVID-19, like first responders, essential workers, seniors, and members of the African-American community, who also happen to be low income or moderately low income, have access to the help they need, like estate planning documents such as wills, Powers of Attorney and other similar documents. The Committee is also trying to comply with the spirit of the Open Meetings Act</p>
2.	Call for Discussion of Meeting Minutes from 2020.06.30 Meeting.	5 minutes - JB	Juliana asked if there were any requested changes to theminutes. One member asked if his suggested edits were incorporated, but the edits were to the Resource Development's meeting minutes and

			were added. **No changes were requested for this Committee's 6.30.2020 minutes.
3.	Status Update from Resource Development Subcommittee; Discussion	15 minutes – PB, DC	<p>Paul Ballard explained how the Resource Development subcommittee wanted to first start off with a short-term goal that they can implement rather quickly. They have been focusing on the resource directory and getting that ready for distribution. For long-term, they want to begin looking at different estate planning forms to make recommendations on how to change them to better help people. The subcommittee plans on focusing on three different areas: Probate, Financial Powers of Attorney, and medical decision making.</p> <p>Committee Co-chair Danielle Cruttenden thanked Sharon Goldsmith and her organization for all of its help in coming up with this resource directory. She then discussed the need for volunteers in the area of probate to help identify specific problems. One idea that has been identified is making probate more accessible and easier for low-income individuals. One possibility is to offer a form of probate that is even smaller than the small estate currently offered by the State administration, like other states currently do.</p> <p>Danielle stated that they are looking for attorneys in the estates and trusts area that can help identify issues and reach out to other members that could help. Danielle asked the members on the call to consider joining the subcommittee.</p> <p>Juliana asked the members on the call if they had any follow up questions or comments for Paul or Danielle. Comments from committee members;</p> <ul style="list-style-type: none"> • Provide people with information regarding adding beneficiaries to bank accounts or vehicles to try and avoid probate. • Margaret Henn suggested that there was an attorney in her office that would be good to be involved in the conversation about probate for low income people.

			<p>Juliana then asked Danielle and Paul the next steps for the subcommittee. Will the subcommittee be looking at estate planning forms that are already out there? Danielle stated that they would begin by looking at forms currently available, including looking at issues of standby guardian and HIPPA authorization forms. In regards to forms like the Advance Medical Directive, the subcommittee will still need to determine if they plan to make changes to that form or not depending on the issues the subcommittee members identify.</p> <p>Right now, the focus is to get the resource directory finalized and get any useful forms out to people immediately. One problem is that there is already a lot of things out there that talk about Powers of Attorney. Therefore, the subcommittee might look into coming up with a very neutral description of what the issues are and what people should know about them and how to use them.</p> <p>The subcommittee is looking into developing other informational forms like handouts to explain terms.</p> <p>Juliana briefly explained that there are additional committees on the Task Force that can help with the implementation of the ideas we come up with.</p>
4.	Status Update from Community Outreach Subcommittee; Discussion	15 minutes - JY	<p>Josie Yuzuik first thanked everyone who participated on Community Outreach’s meeting on July 8th. She then invited everyone to look at the minutes from last meeting and encouraged the committee members to participate in the July 17th meeting.</p> <p>Josie explained that the subcommittee began identifying gaps in end-of-life planning documents and different perspectives that are missing from the conversation. The subcommittee also identified the need to educate communities and identify those communities who have been may be shut out of the probate process, think that life planning is not for them (such as younger people), or do not have can access end-of-life planning or estate planning at all. The subcommittee also discussed the needs of the LGBTQ community and the social or cultural barriers that hinder other communities from receiving assistance.</p>

			<p>The subcommittee identified the need to reframe their message to include that estate planning is not just for older or sick people. It also discussed the need for Faith leaders and credible messengers to be part of the conversation. It also talked about financial literacy, which was a big part of their discussion and how to build and transfer generation wealth. Some identified target audiences would be low-wage workers, essential workers, rural communities, LGBTQ community, immigrants, and homeless individuals.</p> <p>The subcommittee also discussed tangled title issues and perhaps some policy recommendations to talk about including transfer on death deeds and life estate deeds without removal of debts. It also looked at the short form probate form and began discussing moving towards a shorter form like other states.</p> <p>So far, the subcommittee has a wide range of service providers who bring a unique perspective, but the subcommittee would like to expand that perspective even more.</p> <p>Josie invited the committee members to email her any questions or provide additional people they believe are missing from the conversation. Gaps and concerns identified in chat;</p> <ul style="list-style-type: none">• Missing people from the Registers of Wills and the Orphans court. <p>Juliana Bell suggested that both subcommittees were calling for attorneys with similar expertise. She suggested the subcommittees have a liaison so that they are not duplicating their work. The Resource Development subcommittee is really just trying to identify resource currently available and create additional resources that would aid individuals in estate planning. The community outreach subcommittee is looking at where these resources should go, how they should get there and who needs access. They are also identifying gaps and how to reach the communities that face the most barriers. The full Life & Health planning committee should</p>
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			come to an agreement on what recommendations are needed to make estate planning easier and more accessible
5.	Update from Liaison to Public Awareness and Community Engagement Committee	5 minutes - BG	<p>Juliana Bell asked Brenda Gruss, the liaison to the community engagement and public awareness committee, to provide an update.</p> <p>Two things: First, there are other committees that are part of the Task Force to assist the substantive committees with the implementation of their initiatives. Currently, the communications committee includes a very diverse membership so that it can communicate to all segments of the Maryland population. Second, the people that are on that communications Committee have expertise and have developed a one page description of what the task force does. These members are excellent with language and communication, which will be very beneficial to our committee.</p> <p>Juliana Bell explained that we have an additional subcommittee waiting in the wings here. One is a Lawyer Recruitment Subcommittee that was designed to issue a call to action to lawyers. However, another committee in the Task Force, the Pro Bono and Reduced Legal Fees Committee, is already working on that. Therefore, we will need to begin figuring out in coming days and maybe the next week or so whether we need to stand up that subcommittee, what work it would be doing, and how that's different from the larger committee. We may not need to stand that subcommittee up, but rather, continue with a liaison.</p>
6.	Introduction to Research Summary and Findings Thus Far	10 minutes - SM	<p>Juliana Bell invited Shelby McCloskey to provide an overview of her research regarding the disparities in estate planning thus far.</p> <p>Shelby first thanked everyone who has contributed to the research library so far. She then explained that she has summarized several articles that address the disparities amongst different races, homeless individuals, and immigrants. This research can be found in the Master Excel sheet under the "Information Hub" tab.</p> <p>She discussed how the different articles includes studies that were conducted to determine who has engaged in estate planning and why or why not. The studies examined how race, age, gender, religion,</p>

		<p>personal values, income, education, and several other factors impact individuals' ability and willingness to engage in estate planning or end-of-life discussions. Results of studies;</p> <ul style="list-style-type: none">• Black and Hispanic Americans are less likely to possess advance directives or engage in end-of-life discussions than white Americans. This is due to a variety of factors, including race, religious affiliation, gender, age and access to education and documents for life planning. One example Shelby provided was that people who believe God predetermines their health outcomes are less likely to possess an advance directive because they believe their health is in God's hands and any discussions would go against their religion.<ul style="list-style-type: none">○ Shelby explained that reaching out to faith leaders and churches to join our committee is vital to assist in overcoming the religious barrier, as explained in the studies.• For black Americans, race is the most prominent factor contributing to advance directive possession; whereas, for Hispanic Americans, other characteristics such as gender and employment status are just as prominent.• Black Americans have lower opportunities to engage in estate planning due to an accumulative disadvantage throughout life. They have a greater financial disparity and are less likely to have access to the necessary documents and resources to engage in estate planning.• People are unaware of the meanings of the different end-of-life documents and either do not trust their healthcare providers to ask for clarification or suffer from a language barrier that prevents them to do so. <p>Shelby discussed the proposed solutions the articles suggested and explained that many of the solutions to combat these disparities are similar to the goals of our committee. For instance, several articles suggested providing all individuals the same opportunities to complete estate planning documents, engage in learning seminars to understand these documents, increase access to shelter-based</p>
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			<p>by the terms of service from the tech vendor. In other words, if the individual account holder did not pay attention to the details of his or her contract with the digital assets vendor and did not “opt out” of the standard terms, then even if the agent is authorized in the Maryland form to access digital assets, the agent under the power of attorney may still be precluded from access based upon the individual’s contract terms with the vendor. This was a compromise piece of the legislation with the tech vendors when Maryland’s Digital Access legislation was being considered. In the informational handout, we should include an explanation about how this works.</p>
7.	Set Next Meeting Time and Date and Adjourn - DC	5 minutes - JB	<p>Juliana Bell asked if anybody had anything to add or share before we conclude this meeting.</p> <p>Juliana Bell thanked everyone for joining and suggested that the next full-committee meeting would be either next Tuesday or the following Tuesday in order to give the two subcommittees time to meet. She asked everyone to keep Tuesdays at 9 a.m. open in their calendar and look out for an email regarding when the next full committee will meet.</p>

Guide:

BG = Brenda Gruss, Liaison to Public Awareness and Community Engagement Committee

DC = Danielle Cruttenden, Co-Chair

JB = Julie Bell, Co-Chair

JY = Josie Yuzuik, Community Outreach Subcommittee Facilitator

PB = Paul Ballard, Resource Development Subcommittee Facilitator

RS = Reena Shah, Vice Chair, Task Force

SM = Shelby McCloskey, L&HP Committee Law Clerk