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EDUCATION

University of Wisconsin Law School - Madison, Wisconsin; Juris Doctor 1988. Member, Wisconsin Association of Criminal Defense Lawyers, Environmental Law Society, GAVEL, Advocate student newspaper staff writer.

University of Wisconsin Whitewater - Whitewater, Wisconsin; Bachelor of Arts 1985. Major in French with Secondary Education Qualification, Minor in Political Science. Honors: Foreign Language Department Nominee for Outstanding Junior Award 1984, Pi Delta Phi National French Honor Society, Honor Roll 1983 - 1985, Dean's Advisory Committee 1983 - 1985.

WORK EXPERIENCE

Wessels & Liebau LLC (Formerly Wessels Law Office LLC) – Mequon, Wisconsin

Owner, Established 2014

I am the founding partner of a firm concentrating in elder and special needs law, which includes: Helping people understand and plan for the programs available to finance long term care, such as Medicaid; drafting and assisting clients with the use of documents such as powers of attorney, wills and trusts; preparing and advising clients on the use of special needs trusts to protect the ability of individuals with a disability to receive needed benefits; helping families and individuals with special needs to understand their options to maintain autonomy for the person with special needs, while providing security at the appropriate level for the management of finances and health care decisions; working with personal injury attorneys and their clients who are receiving compensation for an injury, to protect the clients' eligibility for benefits they are receiving; initiating and defending guardianship and protective placement cases; advising on questions related to disability and mental health law; helping clients understand the rules for obtaining veterans' benefits; and representing individuals who are the victims of fiduciary abuse. I frequently receive referrals from other elder law attorneys when a case is contested and needs litigation or an administrative hearing.

Nelson Irvings & Wessels SC (Formerly Nelson, Irvings & Waeffler, S.C.) - Wauwatosa, Wisconsin

Of Counsel: June 2006-December 2006; Associate: January 2007 - January 2009; Shareholder: January 2009 – July 2014

I was initially an associate, then a partner in this firm, with a practice concentrating in elder law, guardianship and protective placement, Medicaid planning, advance directives, estate planning, disability and mental health law, veterans' benefits and fiduciary abuse litigation.

Wessels Law Office, L.L.C. – Cedarburg, Wisconsin

Owner, September 2004 to March, 2007

I operated a solo practice concentrating in elder law, guardianship and protective placement, advance directives, estate planning, disability and mental health law, Medicaid planning, civil rights and litigation.

Legal Action of Wisconsin, Inc. - Milwaukee, Wisconsin

Director / Supervising Attorney, January 1997 to September, 2004

I was responsible for the administration, operation and legal supervision of the SeniorLAW program, which consisted of up to five "benefit specialist" paralegals, three staff attorneys, and myself. This was an "Older Americans Act" funded program. My management responsibilities include personnel decisions, supervision and evaluation, training, grant writing, and assuring compliance with service contracts and reporting requirements. In 1999 I sought and obtained a groundbreaking grant to provide legal services to victims of elder abuse. I was also responsible for providing legal training and supervision to the benefit specialists for Milwaukee County, housed in our office, and for the benefit specialists in the Southeastern Wisconsin Area Agency on Aging, in six surrounding counties. I maintained a litigation caseload with a combination of cases at the federal and state administrative level, and in federal and state courts. Areas of practice include Medicare, Medical Assistance, Social Security, food stamps, guardianship and protective placement, housing, administrative and general civil law. I provided training seminars on elder law issues to attorneys, service providers and benefit specialists.

Coalition of Wisconsin Aging Groups - Madison, Wisconsin

Staff Attorney, May 1994 to December 1996

I was responsible for the administration of the Older Americans Act funded legal backup grant to provide training, advice and assistance to benefit specialists in twelve counties of western Wisconsin. Areas of practice include Medicare, Medical Assistance, Social Security, food stamps, housing, administrative and general civil law. I also authored publications on elder law, presented at State Bar Seminars, and taught a class in elder law at the UW Law School.

Legal Action of Wisconsin, Inc., Milwaukee, Wisconsin

Staff Attorney, May 1991 to May 1994

Legal Action of Wisconsin is a public interest firm funded by the Legal Services Corporation and other grants, including the Older Americans Act. My areas of practice were housing and elder law. In housing, I focused on federally-subsidized housing and civil rights, including disability discrimination. In the Elderly Advocacy Project (now SeniorLAW) I practiced a variety of elder law

issues including public benefits, consumer law, housing, disability and health insurance, and also supervised benefit specialists in the southeastern Wisconsin area. I represented clients before administrative agencies, federal court, and state circuit court, in individual and class actions. I also worked with community groups, gave educational presentations, and participated in national advocacy groups analyzing and commenting on legislation and current issues affecting clients.

Law Offices of William A. Pangman & Associates - Waukesha, Wisconsin

Associate Attorney, July 1990 to April 1991; Law Clerk, December 1986 to March 1988

I was primarily a trial attorney practicing criminal and traffic defense; also a significant amount of research, writing and appellate practice. I acted as sole trial counsel in jury trials and motion hearings.

Wisconsin State Public Defender - Milwaukee, Wisconsin

Assistant State Public Defender, July 1988 to July 1990

As an Assistant State Public Defender in the Milwaukee Trial Division, I represented indigent defendants at all stages of criminal misdemeanor trial proceedings, including several jury trials and motion hearings.

Legal Defense Project, University of Wisconsin Law School – Madison, Wisconsin

Student Attorney, August 1987 to May 1988

While in law school, I participated in this clinical program as a student attorney representing indigent misdemeanor defendants at all stages of trial proceedings.

Legal Assistance to Institutionalized Persons Program, University of Wisconsin Law School – Madison, Wisconsin

Student Attorney, May 1986 to May 1987

While in law school, I participated in this clinical program as a student attorney assisting residents of Winnebago Mental Health Institute, Wisconsin Resource Center, and Ethan Allen School for Boys, in postconviction and post-commitment matters.

RELEVANT LIFE EXPERIENCE:

In my life, I cared for my father Russell as he progressed through the later stages of bladder cancer, a condition that was treatable but that spiraled out of control since he set his own health care aside while caring for my mother, Velma. Mom had Alzheimer's. When they came to live with me in the fall of 2007, he was in the end stages of cancer and Mom was in the middle stages of Alzheimer's. My brothers and I cared for them. When my father died in 2008, I experienced caregiving for my mother and ultimately went through the process of searching out appropriate residential care. I cared for and advocated for my mom until she died in January, 2015.

This experience, more than the years of education, study, and client representation, helped me to understand what it is truly like to face the challenge of dementia. The cases below with my name on the docket mean less to me - as far as what it means to practice in the field of elder law - than this life experience.

PROFESSIONAL MEMBERSHIPS & RECOGNITIONS

National Academy of Elder Law Attorneys: I am a member of the Board of Directors of this nationwide professional association of elder and special needs law attorneys. I serve on the Public Policy Steering Committee and the Litigation Committee.

State Bar of Wisconsin: Past Chair of the Public Interest Law Section; Past Chair (2008-2009) chair of the Elder Law Section Board and current Advisor to the Board; Past appointee to Section Leaders' Advisory Committee and Convention Committee.

Through the Elder Law Section, I have served as Board member, Chair, and Advisor for over ten years. I have participated in the programming committee that was responsible for developing two Continuing Legal Education seminars each year, and other presentations as appropriate. I also participate in the legislative committee which reviews proposed legislation affecting our clients and makes recommendations to the Board. I participated in an ad hoc committee to revise Wisconsin's Guardianship law and in the ensuing trailer bills. The focus of the committee at present is the study of the Uniform Guardianship and Protective Placement Jurisdiction Act and its implementation in Wisconsin.

National Academy of Elder Law Attorneys - Wisconsin Chapter: Past Chair (2009) and current Board Advisor, Chapter Member of the Year 2014.

In WINAELA, I have served as Board member, Chair, and Advisor as well as one of the inaugural members of the Chapter. I participate in the programming committee and the litigation committee. The programming committee plans two annual events: the Unprogram and the Elder Law Workshop. I am a regular speaker at the events. On the litigation committee, I review cases that are significant in our substantive focus areas, develop litigation strategies, draft sample complaints, and represent individuals in cases accepted by the committee.

Ozaukee and Milwaukee County Bar Associations. Co-Chair of Elder Law Section of Milwaukee Bar Association 2011-2012.

Recognized for practice of Elder Law in **Super Lawyers** 2006-present and listed as Top 25 Women Attorneys in 2012 -2016, Top 50 Attorneys 2013; **Best Lawyers in America** 2010-present, and selected as **Milwaukee's Best Elder Law Attorney** in 2014; Selected as a **Leader in the Law** by Wisconsin Law Journal 2013; and as a **Leading Lawyer** by Milwaukee Magazine 2012 – present; Elected as a Fellow of the Wisconsin Law Foundation in 2013; Selected as the **Wisconsin Chapter Member of the Year** by the Wisconsin Chapter of the National Academy of Elder Law Attorneys, 2014.

Member, **Task Force on Alzheimer's Challenging Behaviors**, Alzheimer's Association of Southeastern Wisconsin.

SIGNIFICANT LITIGATION

United States Supreme Court:

Counsel of record in Senger v. DHFS, Case No. 03-10777, *cert. denied June 27, 2005*. (This case involved the question of whether an individual who paid privately for Medicaid covered services is entitled to full reimbursement of the amount he or she paid, when the person is later found eligible for Medicaid for the period of time where the services were provided. Although certiorari was denied, the development of the case at the U.S. Supreme Court level is significant. After ordering briefing on the question of whether certiorari should be granted, the Court invited the U.S. Solicitor General to provide a brief on the question of certiorari. In its brief, the Solicitor General acknowledged that the Wisconsin reimbursement policy we challenged was contrary to federal Medicaid law, and agreed that the underlying decision of the Wisconsin Supreme Court on that issue was flawed, but recommended that certiorari not be granted because it believed the question to be an isolated problem that would be resolved by the federal agency overseeing the Medicaid program, and raised some procedural questions regarding the Court's standards for granting certiorari.);

Counsel of record for *Amicus Curiae* Legal Action of Wisconsin, Inc. in DHFS v. Blumer, 534 U.S. 473, 122 S.Ct. 962 (Feb. 2, 2002).

Wisconsin Supreme Court:

Fond du Lac County v. Helen E.F. 2012 WI 50 (Filed brief on behalf of Wisconsin Chapter of National Academy of Elder Law Attorneys and State Bar of Wisconsin Elder Law Section as *Amicus Curiae*) This case involved the question of whether persons suffering from Alzheimer's disease are proper subjects for involuntary commitment under Wisconsin's mental health laws.

Keup v. DHFS, 2004 WI 16; *U.S. Supreme Court cert. denied sub nom. Senger v. DHFS June 27, 2005*. This case involved the question of the amount that nursing facilities must refund to a patient who paid privately for services later covered by Medicaid.

Wisconsin Court of Appeals selected decisions:

Lippert v. Lippert, 2010 AP 1053 (Unpublished decision dated May 11, 2011) (Confirming the right of an individual to require dismissal of a third party's petition to review the actions of an agent under a power of attorney, where the individual is competent, agrees with the agent's actions and does not want a third party interfering.)

Van Handel v. Wisconsin Department of Health and Family Services, 2008 AP 146 (Unpublished decision dated June 29, 2008)(Filed brief on behalf of Wisconsin Chapter of National Academy of Elder Law Attorneys and State Bar of Wisconsin Elder Law Section as *Amicus Curiae*) (Right of prevailing party to obtain an award of attorney fees in an appeal involving Medicaid benefits.)

James Szymczak v. The Terrace, 2006 WI App 3 (Right of individuals in pending guardianship proceedings to have access to medical records.)

Kindcare v. Judith G., 2002 WI App 36 (Right of individual who is detained in emergency protective placement to have a speedy hearing; court loses competency to proceed if hearing not held in a timely manner.)

Janice Mack v. Health & Family Services, 231 Wis. 2d 644, 605 N.W. 2d 651 (1999) (DHFS may not recover SSI overpayment without engaging in administrative rulemaking to set forth the appropriate procedure.)

Stern v. DHFS, 222 Wis. 2d 521, 588 N.W. 2d 658 (1998) ("Stern II") (Calculation of attorneys fees in EAJA Cases.)

Thyra K v. Community Care Organization, 214 Wis. 2d 434, 571 N.W. 2d 700 (1997)(Reply Brief) (Ward's estate cannot be used to pay fees of guardianship petitioner's attorney.)

Gorchals v. DHFS, 224 Wis. 2d 541, 591 N.W.2d 615 (Ct. App. 1999). (*Amicus*) (Protection of home in estate recovery waiver case.)

Blumer v. DHFS [cited above] (*Amicus*) (State's Income-First rule for Medical Assistance Spousal Impoverishment invalid - case later reversed by U.S. Supreme Court.)

Federal District Court (Eastern District, Wisconsin):

Doe & L. Moe v. Goodrich , 89-C-1376 (Class action § 1983 challenge to application delays in Community Options – Medicaid Waiver Program)

Joan S. v. Gudeman ,91-C-717(Class Action § 1983 challenge to discharge planning in Milwaukee County Mental Health Complex)

Gartrell v. Housing Authority of the City of Milwaukee, 93-C-0695 (Individual § 1983 case involving first amendment and due process rights in public housing.)

Tarantino v. Apfel, 97-C-0659 (Social Security Appeal)

Gee v. Leean, 99-C-0542 (Multi-Plaintiff § 1983 action challenging waiting lists for Community Options – Medicaid Waiver Program)

PUBLICATIONS

Please see my Elder Law Blog at <http://www.Wesselselderlaw.wordpress.com>

Co-author (Original co-author of Housing chapter, current co-author of Medicaid Chapter), ***Advising Older Clients and Their Families***, State Bar of Wisconsin (1997-2019).

Author, **Wisconsin's Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act Passed with Assistance of the Elder Law Section** Elder Law Journal of Wisconsin, Vol. 28, Issue #2 (August, 2018)

Author, **"Presumptively Void" Bequests to Caregivers: Should Illinois' Recent Law Be Replicated Here?** MBA Messenger, Spring 2015 Vol. 1.

Co-author, **Sprint Communications Inc. v. Jacobs: A Recent Supreme Court Case Provides Additional Option for Medicaid Challenges** , Elder Law Journal of Wisconsin, Vol. 24, Issue #1 (Spring, 2014)

Co-Author (Author of Chapters on Guardianship and Elder Law), *Wisconsin Practice Series*, 5th Edition Thompson Reuters (2012.)

Author, **Be Careful What You Ask For...Why a Finding that Alzheimer's is a Mental Illness Would Bring the Probate Courts to a Grinding Halt**, Elder Law Journal of Wisconsin, Vol. 21, #4 (2011);

Author, **Adding Veterans Benefits to Your Practice**, NAELA News, Vol. 22, No. 5, 2010;

Author, **Use of Medical and Remedial Expenses to Reduce Institutional Cost Share Under Operations Memo 08-02**, Elder Law News, Vol. 18, No. 1, Winter 2008;

Author, **Vindicated! 2007-2009 Biennial Budget contains "Keup amendment" requiring Medical Assistance Providers to make full refunds in retroactive eligibility cases**, Elder Law News, Vol. 17, No. 3, Fall 2007;

Author, *Examples of DRA Changes to Divestment Penalties*, Wisconsin Lawyer May 2006;

Author, *Treated with Respect: Enforcing Patient Autonomy by Defending Advance Directives* , Spring 2005 Marquette Elder's Advisor Journal;

Authored the 2007 Update to Guardianship Chapter 26, *Wisconsin Practice Series*, 4th Ed., Thompson West Publishing 2004;

Author, *The "Independent Living" Eviction in Subsidized Housing*, National Academy of Elder Law Attorneys Quarterly Journal, Summer 2002;

Co-author, *Senior Citizens and the Law*, Center for Public Representation, Inc. (7th edition 1995);

TELEVISION

AARP LIVE, Program on Estate Planning; Original Air Date Aug. 31, 2017. <https://youtu.be/5CvRUjjo-Sk>

The Dr. Phil Show, Paramount productions, November 23, 2005. I appeared on the Dr. Phil Show as an expert on legal issues involving the elderly and mentally ill. See <https://www.drphil.com/slideshows/schizophrenia-ann-marie-and-tim/> for a link to the show.

WISN News, November 21, 2012 segment on Estate Planning for Pets. I appeared along with my dog Jake, and was interviewed regarding the importance of including pets in estate planning.

TEACHING AND TRAINING

I have provided numerous training sessions to paralegal benefit specialists, and have regularly provided CLE training to attorneys and other professionals on areas of public benefits, guardianship, ethics, and elder law issues. Some of these are listed below:

- Finding Elder Law Resources on the Internet (co-presenter): State Bar of Wisconsin Legal Issues of the Aging Seminar, September 2019.
- “Comparing VA and Medicaid” (Co-presenter): Wisconsin Elder Law Workshop, January 2019.
- “Understanding Wisconsin’s Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act” (Co-presenter); State Bar of Wisconsin Legal Issues of the Aging Seminar, September, 2018.
- “Uniform Guardianship Jurisdiction in Wisconsin”: Wisconsin Register in Probate Conference, September 2018
- “What is a Fiduciary? Understanding the Basics” 20th Annual Elder Law Workshop, Jan. 2018
- “Can Assets and Eligibility be Protected by Using Testamentary Special Needs Trusts?” Panel presentation, State Bar of Wisconsin Legal Issues of the Aging Seminar, September, 2017.
- “The ‘Dementia Village’, the Dutch approach to euthanasia, and other things we learned as NAELA delegates to the Netherlands.” WI NAELA 2017 Unprogram; June 2017.
- “Mediation v. Litigation” State Bar of Wisconsin Adult Guardian ad Litem Training, May 2017.
- “Understanding Guardianship and Protective Placement in the Transition Process for Adult Children With Disabilities” Ozaukee County Transition Night, May 2017;
- “Understanding Special Needs Trusts and ABLE Accounts” Washington County Transition Night May 2017;
- “Legal Options for Individuals with Alzheimer’s” Wisconsin State Alzheimer’s Conference May 2017, 2016, 2015;
- “Understanding Special Needs Trusts” Geriatric Care Manager presentation; October 2016;
- “Make Sure Your Recovery Means Something: Understanding your client’s benefits and how they impact recovery” Presentation for Wisconsin Association for Justice (Personal Injury Attorneys) October 2016;
- “Assessing Client Capacity” State Bar of Wisconsin Adult Guardian ad Litem Training, May 2016.
- “Placement for clients including Family Care, Assisted Living and benefits for clients” 18th Annual Elder Law Workshop; January 2016. I also coordinated the program theme for the Workshop – Focusing on Alzheimer’s Disease and other Dementias – and arranged for educational speakers on Dementia Issues.
- “Mock fair hearing”: WI NAELA 17th Annual Elder Law Workshop January 2015.
- “Medicaid Estate Recovery: What you need to know now”: State Bar of Wisconsin Pinnacle Presentation , May 29, 2014
- “When Elder Law Meets Probate”: State Bar of Wisconsin Pinnacle Presentation , May 29, 2014, aired June 19, 2014.
- “Probate Post Act 20: It’s not as hard as you think it is”: 16th Annual Elder Law Workshop, Jan. 31. 2014
- “MSA’s and Trusts” : Car Crash Symposium, State Bar of Wisconsin Dec. 13, 2013
- “Representing Victims of Elder Abuse” :15th Annual Elder Law Workshop, January 2013.
- “Reigning Cats and Dogs: Estate Planning for Pets” State Bar of Wisconsin CLE Seminar, Fall 2012;
- Co-Presenter, “Veterans Benefits”: Elder Law Workshop 2012;

- “Be Careful What You Ask For: The Statutory Provisions That Tie the Hands of Agents and Limit an Individual’s Right to Direct His or Her Health Care (and What Can Be Done About Them.)” Legal Issues of the Aging Seminar, September 2011;
- “Legal Issues and Options for People with Alzheimer’s”: Alzheimer’s Association Educational Presentation, September, 2011;
- “Differences between Veterans Aid and Attendance and Medicaid” : 24th Annual Law and the Elderly, March 2011;
- “Obtaining Attorney Fees Under the Wisconsin Equal Access to Justice Act”: 13th Annual Elder Law Workshop, January 2011;
- “Public Benefits and Their Impact on Guardianships” Guardian ad Litem Seminar, State Bar of Wisconsin, May 2010;
- “Estate Planning for our Furry Friends” Wisconsin Register in Probate Conference, May 2010;
- “Comparison between Veterans Aid and Attendance and Medicaid” : Panel Discussion, 12th Annual Elder Law Workshop, January 2010;
- Co-Presenter, “Divestment, Asset protection and Community Waivers”: Legal Issues of the Aging, September 2009;
- “Medical Assistance Spousal Impoverishment: Increasing the Community Spouse Asset Level” State Bar Convention May 2009;
- Elder Abuse, Guardianships and Advance Directives: Washington County Senior Concerns, April 2009;
- Co-presenter “Family Care Overview” Elder Law Section Workshop, Jan. 2009;
- Guardianship and Elder Abuse: Health Ed Training November 2008, 2009;
- “Treatment of Continuing Care Retirement Community (CCRC) Endowments Under the DRA and Wisconsin Statutes”: Legal Issues of the Aging, September 2008;
- “Construction and Reformation of Trusts” - Using Special Needs Trusts for Disabled Beneficiaries, State Bar of Wisconsin, April, 2008;
- “Tips and Traps under Chs. 54 & 55” Waukesha Bar Association , Jan. 2008;
- “Key Points: Deficit Reduction Act of 2005” Sheboygan Estate Planning Council October 2007;
- Co-presenter, “Medicaid Goes to Court” : Legal Issues of the Aging conference, State Bar of Wisconsin, September 2007;
- “Advance Directives: More than End-of-Life Decisionmaking” - State Bar of Wisconsin, March 2007;
- “Role of the GAL” – Disability Rights Wisconsin GAL training, May and September, 2006;
- “Interstate Guardianships after Jane E.P.” Register in Probate Conference, May 11, 2006;
- “Litigation against Fiduciaries” - Wisconsin Bar Association Annual Convention, May 9, 2006;
- “Funding, Ethics, and Advocacy for Adults” State Bar of Wisconsin 2005 Guardian ad Litem Training;
- “Elder Law Updates” - Sept. 2005 Legal Issues of the Aging Seminar, State Bar of Wisconsin;
- “Incompetency, the Legal Perspective” - State Bar Convention 2005;
- “The Guardian ad Litem’s Role in Placing People with Developmental Disabilities or Mental Illness in the Community” – Wisconsin Coalition for Advocacy Training 2005;
- “Mysterious Medicaid Programs - Medicaid Waivers” Legal Issues of the Aging - State Bar of Wisconsin, September 2004;
- “Defending Advance Directives” – State Bar of Wisconsin seminar, April 2004;

- "Medicaid Waiver Programs" – Elder Law Section Workshop, January 2004;
- "Increasing Assets in Spousal Impoverishment Cases" and "MA Long Term Care Programs" - Inaugural Public Interest Law Conference, April 4, 2002;
- "Guardianship Fees" - Guardianship Symposium; and "Nursing Home Residents' Rights" - Legal Action Volunteer Lawyers Training, 2001;
- "Practical Tips for Handling Elder Abuse Cases" Special Problems of the Aging Annual Seminar, September 2001;
- "Legislative and Administrative Updates - Elder Law" State Bar Convention, 2001;
- "Medical Debt Collection" - State Bar Midwinter Convention, 2000;
- Team taught a class on Elder Law at the University of Wisconsin Law School, 1993;
- "Medicare Supplemental Insurance: Mandatory Benefits" - Special Problems of the Aging Annual Seminar;
- "Skilled Nursing Facility Coverage" - Special Problems of the Aging Annual Seminar;
- many others.

PERSONAL

Memberships: Present: Board of Directors of Alzheimer's Association of Wisconsin; Public Policy Chair and Alzheimer's Impact Movement (AIM) Chair; Alzheimer's Association Ambassador to Senator Tammy Baldwin; Mequon-Thiensville Sunrise Rotary.

Past: member and development chair of Board of Managers, Feith Family Ozaukee YMCA (2010-2014); Member of TrY Ozaukee Triathlon Club Governing Committee. Past Chair of ACLU – Wisconsin Board of Directors; past development chair – WI ACLU; Past board member – Interfaith of Ozaukee County. Past Board Member – Muttland Meadows Dog Park.

Hobbies: Bicycling, Camping, Gardening, Old Dogs.

Causes: Ending Alzheimer's through my work with the Alzheimer's Association, acting as a volunteer for and supporting the Wisconsin Humane Society.