

Section Chair

Martin Hersh, Esq.

Law Offices of Martin Hersh, Esq.
Liberty

Program Co-Chairs

Deborah S. Ball, Esq.

Law Offices of Deborah S. Ball
New York City

Michael D. Dezik, Esq.

Wilcenski & Pleat PLLC
Glens Falls

NYSBA

Elder Law and Special Needs Section Summer Meeting

High Peaks Resort
2384 Saranac Ave, Lake Placid, NY

July 13 - 15, 2017

This 3-day program will provide up to 10.5 MCLE credit hours consisting of 8.5 in Professional Practice, 1 in Ethics and 1 in Skills. Breakdown of credit hours per individual is dependent on choice of sessions that are attended.

SCHEDULE OF EVENTS

Thursday, July 13

- 9:00 a.m. – 5:30 p.m. **Registration and Exhibitors - Avalanche Pass**
Favors Sponsored by NYSARC Trust Services 
- 9:00 – 10:00 a.m. **Executive Officers' Meeting - Marcy Boardroom**
- 10:15 a.m. – 12:30 p.m. **Executive Committee Luncheon Meeting - Basin-Gothics**
- 1:15 – 5:35 p.m. **GENERAL SESSION - McIntyre Range**
Wifi sponsored by ElderCounsel 
- 1:15 – 1:30 p.m. **Welcoming Remarks: Martin Hersh, Esq.,** Elder Law and Special Needs Section Chair
NYSBA Welcome: Michael Miller, Esq., President-Elect, NYSBA
Program Introduction: Deborah Ball, Esq./ Michael Dezik, Esq., Program Co-Chairs
- 1:30 – 2:45 p.m. **Elder Law Update 2017: New Developments in Elder Law** *(1.5 credit in Prof. Practice)*
Medicaid Eligibility Rules, Federal & State Legislative Changes, Recent Cases and Decisions of Interest, Administrative Pronouncements.
Speaker: Judith D. Grimaldi, Esq., Grimaldi & Yeung, LLP, Brooklyn
- 2:45 – 3:35 p.m. **Best Options For Planning with Trusts** *(1.0 credit in Prof. Practice)*
Decanting - How to; EPTL 10-6.6; When to Consider Decanting; IRS Notice 2011-101 and Tax Considerations; Common Dangers and Pitfalls.
Speaker: Tara Anne Pleat, Esq., Wilcenski & Pleat PLLC, Clifton 
- 3:35 – 3:50 p.m. **Refreshment Break with Exhibitors**
Sponsored by LIFE, Inc. Pooled Trust Services
- 3:50 – 5:35 p.m. **Breakout Sessions with Three Topics Offered. Choose One:**
- 3:50 – 4:40 p.m. **Session I**
Nuts and Bolts-Submitting the Medicaid Application *(1.0 credit in Prof. Practice)*
Organizing and securing documentation needed; Medicaid requests for additional documentation; retroactive eligibility.
Speaker: Sara Meyers, Esq., Enea, Scanlan & Sirignano, LLP, White Plains
- Session II**
Post-Guardianship Appointment Issues *(1.0 credit in Prof. Practice)*
Accountings; commissions and attorney's fees; expansion of guardian's powers and termination of guardianship.
Speaker: Anthony J. Lamberti, Esq., Armstrong & Lamberti, PLLC, Staten Island
- Session III**
Estate Planning for Digital Assets *(1.0 credit in Prof. Practice)*
Accessing, securing and distributing digital assets; potential obstacles and risks associated with planning for digital assets, such as privacy violations and federal and state hacking laws. Recommended planning techniques to avoid the pitfalls and ensure smooth administration of digital assets. Navigating through all of these issues to ensure the client's wishes are satisfied while preserving the integrity of the digital assets and preventing identify and content theft.
Speaker: Jill Choate Beier, Esq., Beier & Associates, PLLC, Lake Placid
- 4:45 – 5:35 p.m. **Breakout Sessions Continue - Same Three Topics Covered: Choose One**
- 6:00 – 7:00 p.m. **Cocktail Reception at the Hotel - Courtyard**
- 7:00 p.m. **Dinner - Great Range**

Friday, July 14

- 7:30 a.m. – 1:00 p.m. **Registration and Exhibitors - Avalanche Pass**
- 7:30 – 8:30 a.m. **Committee and District Delegate Breakfast Meetings - Sentinel Range**
- 7:30 – 8:30 a.m. **Friends of Bill W. Meeting - Marcy Boardroom**
- 7:30 – 9:00 a.m. **Continental Breakfast with Exhibitors - Avalanche Pass**
Everyone, including spouses and guests, is invited to a continental breakfast with our exhibitors.

SCHEDULE OF EVENTS

8:50 a.m. – 12:40 p.m.

ROUND TABLE TOPICS AND PRESENTERS – Each of the 13 topics will be presented twice over four sessions: see postings on site for times for each topic. These programs will be held concurrently.

The New York Power of Attorney: Essential Modifications for Asset Protection, and Long-term Care and Crisis Planning (1.0 credit in Prof. Practice)

Drafting Modifications for the Statutory Short Form Power of Attorney, as well as the Statutory Gifts Rider; Lessons and Guidance provided by Recent Case Law; Important Practical Considerations

Speaker:

Lorese Phillips, Esq., Lorese Phillips, Attorney At Law, New York City

Tax Planning in Elder Law (1.0 credit in Prof. Practice)

Gift tax, inherited basis, payment of caregivers, deducting care expenses, under the table payments.

Speaker:

Tara Anne Pleat, Esq., Wilcenski & Pleat PLLC, Clifton Park

Medicaid Home Care for Beginners (1.0 credit in Skills)

Robin Goeman, Esq., Brooklyn

Speaker:

Wills in the Elder Law Practice (1.0 credit in Prof. Practice)

You achieved the number 1 goal of obtaining Medicaid coverage (Institutional or Community) for your client. But what happens if one of their family (spouse, children, etc) dies? Was there a missed opportunity for proper estate planning? What is the attorney's role? Are they your clients as well?

Speaker:

David I. Kronenberg, Esq., Goldfarb Abrandt Salzman & Kutzin, LLP, New York City

Taking Health Care Decisions Seriously: Medical Agency and Advocacy (1.0 credit in Prof. Practice)

What is the role of a health care proxy? What if a patient lacks capacity and hasn't executed a health proxy? How extensive is the authority of a designated health proxy? What decisions can they make and what is off limits? Should a living will be executed along with the proxy? What is a MOLST Form and when is it appropriate? How important is it to talk to your health care agent about what treatments you would want, and when you would want treatment (other than pain relief) to end?

Speaker:

Glenn J. Witecki, Esq., Witecki Law Office, Schenectady

"Rats. We Have to Give it Back." Return of Gifts - Planning, Pitfalls and Procedure (1.0 credit in Prof. Practice)

Timothy C. O'Rourke, Esq., O'Rourke Seaman LLP, Syosset

Speaker:

Why Go Paperless? (1.0 credit in Prof. Practice)

How do I start? Equipment you'll need. Security Issues.

Speaker:

Ronald A. Fatoullah, Esq., Ronald Fatoullah & Associates, Great Neck

"Seeing the Trees in the Forest." Procedures for Moving a File Through Your Office (1.0 credit in Prof. Practice)

Procedures for managing a file from intake to completion.

Speaker:

Salvatore M. Di Costanzo, Esq., Maker, Fragale & Di Costanzo, LLP, Rye

"Sweat the Small Stuff." Unless You Have an App For That (1.0 credit in Prof. Practice)

Applications and software for the modern Elder Law Office

Speaker:

Miles P. Zatkowsky, Esq., Dutcher & Zatkowsky, Rochester

Basic Medicaid Case Study (1.0 credit in Skills)

Britt N. Burner, Esq., Nancy Burner and Associates, New York City

Speaker:

Intermediate/Advanced Medicaid Case Study (1.0 credit in Prof. Practice)

Judith D. Grimaldi, Esq., Grimaldi & Yeung, LLP, Brooklyn

Speaker:

Estate & Financial Planning for the Wealthy: What to Discuss When Medicaid Planning is Not Relevant

(1.0 credit in Prof. Practice)

Federal and New York State estate tax issues will be considered including portability. Planning for estate distributions including the using trusts.

Speaker:

Martin S. Finn, Esq., Lavelle & Finn, LLP, Latham

To SNT or Not to SNT-That is the Question. SNT's, ABLE Accounts or Pooled Trusts (1.0 credit in Skills)

Robert P. Mascali, Esq., The Centers, Clearwater, Florida

Speaker:

8:50 – 9:40 a.m.

SESSION I

9:45 – 10:35 a.m.

SESSION II

10:35 – 10:50 a.m.

Refreshment Break with Exhibitors

Sponsored by AMR Care Group



10:55. – 11:45 a.m.

SESSION III



11:50 – 12:40 p.m.

SESSION IV

SCHEDULE OF EVENTS

- 1:30 p.m. **Lake Placid Club Golf House - 88 Morningside Drive, Lake Placid, NY 12046**
Fee is \$78.00 which includes greens fees, cart and boxed lunch. **Pre-registration is required.**
- 2:00 – 5:00 p.m. **Tennis - Whiteface Club & Resort- 373 Whiteface Inn Lane, Lake Placid, NY 12946**
Jeffrey G. Abrandt, Esq., Tennis Chair
Fee is **\$20** which includes tennis pro, court rental, beverages and snacks. Friendly outing. Open to all levels.
Pre-registration is required.
- 2:30 p.m. **Canoeing/Kayaking - Meet at the Lake Placid Boat launch.**
Novices and experience are welcome. The guided trip will focus on the waters in and around Lake Placid. Learn canoe and paddle stroke skills, see wildlife and beautiful mountain views. Cost is **\$60** per person.
Pre-registration is required.
- 2:30 – 3:30 p.m. **One Hour Boat Tour - Lake Placid Marina & Boat Tours**
Wilderness beauty. Adirondack history. Serenity. Cruise the pristine waters of Lake Placid in one of the enclosed pontoon boats. The hour-long, narrated tour travels 16 miles on one of the world's most beautiful lakes. See and hear about the stately manors situated along the shore, Adirondack wildlife, and Whiteface Mountain, site of the alpine events during the 1980 Winter Olympic Games. Cost is **\$15.00** per person. **Limited to 24 passengers.**
Pre-registration is required.
- 6:30 – 10:00 p.m. **Cocktail Reception & Dinner - Lake Placid Club Golf House**
Cocktails will begin at 6:30 p.m. with dinner following at 7:30 p.m.

Saturday, July 15

- 7:30 – 8:30 a.m. **Friends of Bill W. Meeting - Marcy Boardroom**
- 8:00 – 11:45 a.m. **Registration and Exhibitors - Avalanche Pass**
- 8:00 – 9:30 a.m. **Continental Breakfast with Exhibitors - Avalanche Pass**
Everyone, including spouses and guests, is invited to a continental breakfast with our exhibitors.
- 8:45 – 11:45 a.m. **GENERAL SESSION - McIntyre Range**
Wifi sponsored by Quontic Bank 
- 8:45 – 9:00 a.m. **Introductory Remarks**
Martin Hersh, Esq.
Elder Law and Special Needs Section Chair
- 9:00 – 9:50 a.m. **Financial Planning for the Elder Law Practitioner** *(1.0 credit in Prof. Practice)*
The Fiduciary vs. Suitability standards and its legal implications; Hybrid Life Insurance/Long-Term Care Policies; The cons and pros of annuities.
- Speakers:** **Ronald A. Fatoullah, Esq.,** Ronald Fatoullah & Associates, Great Neck
William D. Pfeiffer, Esq., The Pfeiffer Law Firm PLLC, Albany
- 9:50 – 10:05 a.m. **Refreshment Break with Exhibitors**
Sponsored by Premier Home Health Care 
- 10:05 – 10:55 a.m. **Myth Busters: Tales from a Nursing Home Attorney** *(1.0 credit in Prof. Practice)*
The Nursing Home's Interests in a Medicaid Application; The Nursing Home's Interests Guardianship Proceeding; The Nursing Home's Interest in Post-Appointment Guardianship Proceedings; When things go wrong.
- Speaker:** **Moriah Rachel Adamo, Esq.,** Abrams Fensterman, Fensterman, Eisman, Formato, Ferrara & Wolf, LLP
New Hyde Park
- 10:55 – 11:45 a.m. **The Ethics of Email** *(1.0 credit in Ethics)*
Ethical implications of the massive email breaches of the past couple years; Relation to Ethics opinions on use of email; Rules of Professional Conduct relative to email usage.
- Speaker:** **Matthew F. Fuller, Esq.,** Meyer & Fuller, PLLC, Lake George
- 11:45 a.m. **Meeting Adjourns**

LAKE PLACID

Lake Placid has a long tradition of welcoming people from all over the world. Having hosted two Winter Olympic Games, 1932 and 1980, Lake Placid is often thought of as a winter destination, but those who experience their summer will quickly realize how diverse this historic mountain village is. From mountain biking to museums, from fly fishing to theatre, from horseback riding to Adirondack pack basket weaving, the possibilities are endless.

Golf and hiking season is just around the corner along with the long days of summer full of fun on the lake and outdoors. Dream up your perfect day in Lake Placid and plan your getaway!

High Peaks Resort

2384 Saranac Ave
Lake Placid, NY 12946
<http://www.highpeaksresort.com>

Directions

From New York City and New Jersey:

Take the NY State Thruway (I-87) north to the Adirondack Northway (Exit 24 in Albany). Follow 87 to Exit 30.

Pick up Rt. 9 north and follow it for two miles to Rt. 73.

Continue on 73 for 28 miles to Lake Placid area.

Drive times: From NYC: 5 hrs; From Albany: 2-1/2 hrs.

From Boston, Springfield, Hartford:

Take Massachusetts Turnpike (I-90) to Albany.

Pick up I-787 north to Cohoes.

Connect with Route 7 west to I-87 north.

Follow I-87 (Northway) to Exit 30, and then use final directions above: "From New York City..."

Drive time from Boston: 5 hrs.

From Buffalo, Rochester, Syracuse, Points West:

Take I-90 (NY State Thruway) east to Exit 36 (Syracuse).

Pick up I-81 north and follow to Watertown.

Take Route 3 and follow it east to Saranac Lake, then follow Route 86 east to Lake Placid.

Drive times: From Buffalo: 5-1/2 hrs; From Rochester: 4-1/2 hrs; From Syracuse: 3-1/2 hrs.



Important Information:

The New York State Bar Association's Meetings Department has been certified by the NYS Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York. This 3-day program will provide up to 10.5 MCLE credit hours consisting of 8.5 in Professional Practice, 1 in Ethics and 1 in Skills. Breakdown of credit hours per individual is dependent on choice of sessions that are attended. This program is not transitional and is not suitable for MCLE credit for newly-admitted attorneys. (attorneys admitted 2 years or less)

Discounts and Scholarships: New York State Bar Association members and non-members may apply for a discount or scholarship to attend this program, based on financial hardship. This discount applies to the educational portion of the program only. Under that policy, any member of our Association who has a genuine basis for his/her hardship, and if approved, can receive a discount or scholarship, depending on the circumstances. To apply for a discount or scholarship, please send your request in writing to Lori Nicoll at: New York State Bar Association, One Elk Street, Albany, New York, 12207 or e-mail at lnicoll@nysba.org.

Special Discounts: The Elder Law and Special Needs Section has approved a policy which allows for a 50% discount on the registration fees for all Elder Law and Special Needs Section members who practice in the public sector or as Court personnel. **This discount is not automatic and must be requested in writing as stated above under Discounts and Scholarships. Where applicable, members of the Judiciary may also register as a guest and pay the reduced guest registration fee.**

Accommodations for Persons with Disabilities: NYSBA welcomes participation by individuals with disabilities. NYSBA is committed to complying with all applicable laws that prohibit discrimination against individuals on the basis of disability in the full and equal enjoyment of its goods, services, programs, activities, facilities, privileges, advantages, or accommodations. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Lori Nicoll at 518.487.5563 or lnicoll@nysba.org.

WITH APPRECIATION TO OUR SPONSORS



THANK YOU TO OUR EXHIBITORS

- AMR Care Group*
- Arthur B. Levine Company*
- The Center for Special Needs Trust Administration*
- ElderCounsel*
- KTS Pooled Trust*
- LCG Community Trust*
- LIFE, Inc. Pooled Trusts*
- Life's WORC Trust Services*
- NYSARC Trust Services*
- Orange Bank Trust Company*
- Preferred Gold*
- Premier Home Health Care Services, Inc.*
- Quontic Bank*
- Raymond James*

PLACES OF INTEREST

The Olympic Sports Complex | (518) 523-4436
220 Bobsled Run Lane, Lake Placid | www.lakeplacid.com/do/activities/olympic-sports-complex
www.lakeplacid.com/do/activities/olympic-sports-complex
Home to the combined bobsled, luge and skeleton track, the only one east of the Rockies as well as, 50 km of groomed cross country ski trails and a biathlon shooting range, the Olympic Sports Complex is a study in extremes.

Adirondack Equine Center | (518) 241-3388 | XTC Ranch
776 County Route 18 Lake Clear | www.lakeplacidhorse.com
Whether visiting Lake Placid or the Adirondack Coast, Adirondack Equine is a High Peaks family horseback riding adventure for all ages. You will appreciate the personalized attention and patience of the staff and gentleness of the horses. Enjoy spectacular scenery of the Adirondack Mountains, High Peaks & Lake Placid Olympic Sites. Trail rides run through a classic Adirondack forest, and are taken out by a knowledgeable trail guide who leads the way, provides assistance, and answers any questions you may have.

Adirondack Museum | (518) 352-7311 | Route 28N & 30, Blue Mountain Lake | www.adkmuseum.org
With Blue Mountain rising behind it and Blue Mountain Lake sparkling below, the Adirondack Museum's vast campus features displays in 22 modern exhibition galleries and historic buildings. There are lush grounds and sweeping views. The exhibitions tell the unique story of the Adirondacks and its people. You will explore topics ranging from boating to logging, and there are plenty of indoor and outdoor activities for kids, too.

Adirondack Scenic Flights | (518) 523-2488
27 Airport Lane, Lake Placid | www.lakeplacid.com/do/activities/adirondack-flying-service
You've never experienced the Adirondacks like this. Each 20-minute flight offers a unique perspective of this amazing park. Choose from a spectacular view of the highest peaks in the state, an inspiring view of the Village of Lake Placid and the Olympic Venues or a closeup view of the waterways that make the Adirondacks so special.

Golf

Panoramic Adirondack High Peaks scenery, coupled with lush fairways and well-manicured greens, makes for that one of a kind golfing experience that is unique to Lake Placid. It's a well known local's saying that with spectacular views like these you will have trouble keeping your head down - we challenge you to keep your eye on the ball.

[Craig Wood Golf course](#)

[Lake Placid Club Golf Course](#)

[Whiteface Club & Resort Golf Course](#)

Experience Outdoors Zip Line | (518) 524-7944
Cascade Ski Center, 4833 Cascade Rd, Lake Placid
www.experienceadkoutdoors.com

Experience Outdoor's tree-based zipline adventure tour is based out of the Cascade Nordic Ski Center in Lake Placid. The course is designed to thrill, educate and inspire.

The Lake Placid Center for the Arts | (518) 523-2512
17 Algonquin Drive, Lake Placid | www.lakeplacidarts.org
A year-round performing and visual Arts Facility. Located in the Adirondack Park of Northern New York, the LPCA consistently presents arts of the highest caliber in music, dance and theatre performances, film exhibitions and visual arts presentations. In addition the Arts Center provides special arts-in education programs, workshops and residencies for aspiring and renowned artists. The Arts Center is the home of the Lake Placid School of Ballet, LPCA Children's Theatre, Community Theatre Players, as well as the Summer home of the Lake Placid Sinfonietta.

Lake Placid Olympic Museum | (518) 302- 5326
2634 Main St. Lake Placid | [/www.lpom.org/](http://www.lpom.org/)
Come visit the only Olympic museum in North America that interprets the stories of two Olympic Winter Games – 1932 and 1980. They have an extensive collection of Olympic material including items that display Lake Placid's rich sports history from 1895 to present. The displays and exhibits will bring to life the memories and accounts of Olympic achievement through the years. As you journey throughout the museum to see the many treasures, make sure you take some time to watch the never-released historical footage of the 1980 Miracle on Ice hockey game.

The Wild Center | (518) 359-7800
45 Museum Drive, Tupper Lake | www.wildcenter.org
The award-winning Center houses live exhibits and multi-media shows. This year they feature Moments, an experience all about how we see the fractions of time where nature lives. You can also experience Planet Adirondack, a new show with a giant floating Earth where you can see the planet come alive. You can explore the 31-acre campus and take a guided paddle on our section of the flat waters of the Raquette River. Inside there are plenty of hands-on activities and hundreds of live animals from rare native trout, to porcupines, hawks, and many other often hard-to-see residents of the woods and waters.

High Falls Gorge | (518) 946-2278 | 4761 NYS Route 86, Wilmington | www.highfallsgorge.com
Privately owned nature park, safe trail access for all ages with four splendid Adirondack waterfalls cascading over rocks into a deep crevice carved a billion years ago.

For more year round outdoor activities please visit: <http://www.highpeaksresort.com/local-experiences-events/local-experiences>



NEW YORK STATE BAR ASSOCIATION
SECTION AND MEETING SERVICES DEPARTMENT

One Elk Street
Albany, NY 12207