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NYSBA

Elder Law and Special Needs Section

Fall Meeting

October 26-27, 2017

DoubleTree Hilton
Tarrytown, NY

Under New York's MCLE rule, this two-day program will provide you with up to 11.5 MCLE Credits: **10.5 credit hours in Professional Practice and 1.0 in Ethics**. This program is transitional and is suitable for both newly-admitted and experienced attorneys.



IMPORTANT INFORMATION



Call 914-524-6418 to reserve your hotel room. Specify you are with the New York State Bar Association - Group Rate Code "NYS", to receive our preferred rate. Or book online at [www/tarrytown.doubletree.com](http://www.tarrytown.doubletree.com) and add the Special Rate Code "NYS" in the Group Code Box to receive our discounted rate. **Reservation deadline: September 25**

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. Under New York's MCLE rule, this two-day transitional program will provide you with up to **11.5 CREDIT HOURS: 10.5 IN PROFESSIONAL PRACTICE AND 1.0 IN ETHICS** and is appropriate for both newly-admitted and experienced attorneys.

DISCOUNTS AND SCHOLARSHIPS: New York State Bar Association members and non-members may receive financial aid to attend this program. Under this policy, anyone who requires financial aid may apply in writing, **not later than ten working days prior to the program**, explaining the basis of his/her hardship, and if approved, can receive a discount or scholarship, depending on the circumstances. For more details, please contact: Catheryn Teeter, New York State Bar Association, One Elk Street, Albany, New York 12207 or cteeter@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 Catheryn Teeter at 518-487-5573 or cteeter@nysba.org.

DIRECTIONS TO DOUBLETREE, TARRYTOWN

From Westchester: Take 287 West to the New York State Thruway, I-87 North bound; take exit 9 to Tarrytown (last exit before the Tappan Zee Bridge). At the end of the exit ramp turn left onto Route 119 West. Continue to the end of the road and turn left at the traffic light onto Route 9 South. At the 1st traffic light, turn right into hotel parking lot.

From New Jersey: North on Palisades Parkway or Garden State Parkway to New York Thruway I-87 South. Take exit 9 (first exit after Tappan Zee toll). At end of ramp, go straight through the traffic light into the hotel parking lot.

From NYC (East Side): North on FDR to Willis Avenue Bridge into Major Deegan Expressway. From Major Deegan Expressway to New York Thruway I-87 North. Take exit 9 Tarrytown (last exit before the Tappan Zee Bridge). At the end of the exit ramp, turn left onto Route 119 West. Continue to the end of the road and turn left at the traffic light onto Route 9 South. At the 1st traffic light, turn right into hotel parking lot.

From NYC (West Side): North on West Side Highway to Saw Mill River Parkway to Exit 20 (I-287 West-Tappan Zee Bridge) to New York State Thruway I-87 North. Take exit 9 Tarrytown (Last exit before the Tappan Zee Bridge). At the end of the exit ramp turn left onto Route 119 West. Continue to the end of the road and turn left at the traffic light onto Route 9 South. At the 1st traffic light, turn right into hotel parking lot.

From Long Island: Throgs Neck or Whitestone Bridge to New York extension of New England Thruway to I-287 to New York State Thruway I-87 North. Take exit 9 Tarrytown (last exit before the Tappan Zee Bridge). At the end of the exit ramp, turn left onto Route 119 West. Continue to the end of the road and turn left at the traffic light onto Route 9 South. At the 1st traffic light turn right into hotel parking lot.

Metro-North's Hudson Line: Trains depart Grand Central Terminal in Manhattan. Take the express to Tarrytown (just 36 minutes from Manhattan) where cabs wait to meet trains. Though not necessary, you can reserve a cab: 914-631-TAXI. Check the train schedule online, or call 1-800-METRO-INFO.

SCHEDULE OF EVENTS

Thursday, October 26

- 9:00 a.m. **Registration & Exhibitors** – Grand Prefunction
Meeting Favors Sponsored by RDM FINANCIAL GROUP AT HIGHTOWER
- 9:30 – 10:30 a.m. **Executive Officers’ Meeting** – Tarrytown Room
- 11:00 a.m. – 1:00 p.m. **Executive Committee Meeting and Luncheon** – Westchester Ballroom
- 1:15 – 5:30 p.m. **GENERAL SESSION** – Grand Ballroom Salons 1 - 3
- 1:15 – 1:30 p.m. **Welcoming Remarks** **New York State Bar Association Welcome**
Martin Hersh, Esq. **Michael Miller, Esq.**
Section Chair President-Elect
- 1:30 – 2:20 p.m. **Guardianship Update**
Speaker: **Ira Salzman, Esq.**, Goldfarb Abrandt Salzman & Kutzin LLP, New York City
- 2:20 – 3:10 p.m. **Representing Clients with Diminished Capacity**
Speaker: **Anthony J. Enea, Esq.**, Enea, Scanlan & Sirignano LLP, White Plains
- 3:10 – 3:25 p.m. **Refreshment Break with Exhibitors** – Grand Prefunction
Sponsored by LIFE, INC. POOLED TRUST SERVICES
- 3:25 – 4:40 p.m. **Current Issues in Guardianship for People with Intellectual Disabilities and Developmental Disabilities**
Discussion of issues under S.C.P.A. Article 17A, M.H.L. Article 81 and the Family Health Care Decisions Act.
Moderator: **Lisa K. Friedman, Esq.**, Law Office of Lisa K. Friedman, New York City
Panelists: **Jennifer Monthie, Esq.**, Disability Rights New York, Albany
Roger Bearden, Esq., OPWDD Deputy Commissioner/General Counsel, NYS Office of People with Developmental Disabilities, Albany
Sheila Shea, Esq., Director, NYS Supreme Court, Mental Hygiene Legal Services, 3rd Judicial Dept., Albany
James M. Hayes, Esq., Hinman Howard & Kattell, LLP, Binghamton
Paul Kietzman, Esq., Barclay Damon LLP, Albany
Brendan Parent, JD, Director, Applied Health Program and Director, NYU Sports and Society, NYU School of Professional Studies Faculty, Div. of Medical Ethics NYU School of Medicine, New York City
- 4:40 – 5:30 p.m. **Fiduciary Accountings in Surrogate’s and Supreme Court by Guardians, Trustees, Agents under Powers of Attorney: Practice Pointers**
Speaker: **Joseph M. Accetta, Esq.**, Court Attorney/Referee, Guardianship Part, Supreme Court, Westchester County, White Plains
- 6:30 – 10:30 p.m. **COCKTAIL RECEPTION & DINNER: TAPPAN HILL MANSION**, 81 Highland Ave, Tarrytown
Tappan Hill Mansion is located on the former estate of Mark Twain in the scenic Hudson Valley. Nestled on a hilltop overlooking the Hudson, this stunning stone structure features luxurious rooms and a garden terrace. *Directions to Tappan Hill will be provided*
Reception Sponsored by MIDLAND TRUST COMPANY
Dinner Sponsored by NYSARC TRUST SERVICES



SCHEDULE OF EVENTS

Friday, October 27

- 7:15 – 8:30 a.m.** **Registration & Continental Breakfast with Exhibitors** – Grand Prefunction
Everyone, including registered spouses and guests, is invited to a continental breakfast with our exhibitors.
- 7:30 – 8:30 a.m.** **Elder Law and Special Needs Section Committee Breakfast Meetings** – Grand Ballroom Salons 1 - 2
Committees that will meet include:
Guardianship **Legislation** **Client and Consumer Issues** **Elder Abuse**
Medicaid **Mental Health** **Special Needs Planning**
- 7:30 – 8:30 a.m.** **Friends of Bill W. Meeting** – Tarrytown Room
- 8:30 – 11:15 a.m.** **CONCURRENT ROUND TABLES** – Grand Ballroom Salons 4, 5 and Hudson A, B, C
Each of the below 7 topics will be presented three times in 50 minute segments: 8:30 - 9:20 a.m.; 9:25 - 10:15 a.m. and 10:25 – 11:15 a.m. Specific Meeting Room locations to be Assigned.
- Speakers:** **TOPIC A: Hot Legislative Topics** (1.0 credit in Prof. Practice)
Deepankar Mukerji, Esq., Goldfarb Abrandt Salzman & Kutzin LLP, New York City
Jeffrey A. Asher, Esq., Law Offices of Jeffrey A. Asher, P.C., New York City
- Speakers:** **TOPIC B: Practice Management Issues** (1.0 credit in LPM)
What every practitioner needs to know about the financial part of practicing law.
Robert Kurre, Esq., Kurre Schneps LLP, Manhasset
Michael K. Garibaldi, CPA/ABV/CFF/CGMA, Garibaldi CPAs, Garden City
- Speaker:** **TOPIC C: Supported Decision Making for People with Intellectual and Developmental Disabilities: An Alternative to Guardianship** (1.0 credit in Prof. Practice)
Hon. Kristen Booth Glen, CUNY School of Law, Long Island City
- Speakers:** **TOPIC D: Post Guardian Issues** (1.0 credit in Prof. Practice)
Turnover Proceedings, dealing with the District Attorney and other post appointment issues.
Deborah S. Ball, Esq., Law Offices of Deborah S. Ball, New York City
Julie Stoil Fernandez, Esq., Finkel & Fernandez, LLP, New York City
- Speaker:** **TOPIC E: Mental Illness** (1.0 credit in Prof. Practice)
Article 81 guardianships for mentally ill AIP's; Article 9 proceedings and Treatment Over Objection; psychiatry and dementia; and other mental health-related legal interventions within the "Mental Health Tool Kit".
Carolyn Reinach Wolf, Esq., Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara & Wolf, LLP, New Hyde Park
- Speaker:** **TOPIC F: Housing Issues for the Elderly and Disabled: Adult Homes and Nursing Home Cases** (1.0 credit in Prof. Practice)
Simeon Goldman, Esq., PAIR Senior Staff Attorney, Disability Rights New York, Albany
- Speaker:** **TOPIC G: The Latest on Nursing Home Admission Agreements** (1.0 credit in Prof. Practice)
Nina Keilin, Esq., New York City
- 10:15 – 10:25 a.m.** **Refreshment Break with Exhibitors** – Grand Prefunction
Sponsored by PREMIER HOME HEALTH CARE SERVICES, INC.
- 11:15 a.m. – 3:55 p.m.** **PLENARY SESSIONS** – Grand Ballroom Salons 1 - 3
Wifi Sponsored by QUONTIC BANK
- 11:30 a.m. – 12:20 p.m.** **Current Issues in Community Medicaid**
Immediate need, getting hours, computer coding issues, who pays while you wait, powers of attorney.
- Speaker:** **Valerie J. Bogart, Esq.**, Director, Evelyn Frank Legal Resources Program, New York Legal Assistance Group, White Plains

SCHEDULE OF EVENTS

Friday, October 27 *continued*

12:20 – 2:00 p.m. **BUFFET LUNCHEON AND POOLED TRUSTS MCLE PROGRAM** – Westchester Ballroom
Luncheon Sponsored by ORANGE BANK & TRUST COMPANY
MCLE Program starts at 1:10 pm

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

Panelists: **Nadia Arginteanu, Esq.**, NYSARC Trust Services, Latham
Robert Mascali, Esq., The Centers, Clearwater, FL
Brian Lawrence, Life, Inc. Pooled Trust Services, Cedarhurst
Paulette Elbers, Life's WORC Trust Services, Garden City

2:00 p.m. – 3:55 p.m. **PLENARY SESSIONS CONTINUE** – Grand Ballroom Salons 1 - 3

2:00 – 2:50 p.m. **Self-Settled First Party Supplemental Needs Trusts (SNT)**

How to establish and fund the SNT. Administering the SNT: case management; distribution and expenditures; accountings. When is prior DSS or court approval advisable or required? Fiduciary liability considerations.

Speaker: **Edward V. Wilcenski, Esq.**, Wilcenski & Pleat PLLC, Clifton Park

2:50 – 3:05 p.m. **Refreshment Break with Exhibitors** – Grand Prefunction

3:05 – 3:55 p.m. **Ethics for Elder Care Lawyers**

Despite improvements in the economy, the legal industry has never fully rebounded from the 2008 recession and some lawyers have turned to non-traditional ways to attract clients and increase revenues. Strategies have included:

- Joining forces with non-lawyers to provide a combination of legal and non-legal services to clients;
- Entering into reciprocal referral relationships with lawyers or non-lawyers;
- Developing side businesses to provide non-legal services to the public, either separately or in conjunction with legal services;
- Enrolling in on-line legal networks (e.g. Avvo, LegalZoom, Lawtrades, etc.) which match lawyers with potential clients;
- Offering alternative pricing options for legal services.

All of these strategies raise ethical issues related to different provisions of the New York Rules of Professional Conduct. This program will discuss the ethical issues that lawyers must consider before engaging in non-traditional business models and will provide practical guidance for implementing each of these strategies.

Speaker: **Nicole I. Hyland, Esq.**, Frankfurt Kurnit Klein & Selz PC, New York City

3:55 p.m. **Meeting Adjourns**

SAVE THE DATES Upcoming Elder Law & Special Needs Section Programs:

January 23, 2018: Annual Meeting, New York Hilton Midtown, NYC

**July 12 - 14, 2018: Summer Meeting, Queen's Landing Hotel,
Niagara-on-the-Lake, Ontario, Canada**

THINGS TO DO

Lyndhurst

Lyndhurst, one of America's finest Gothic Revival mansions, designed in 1838 by Andrew Jackson Davis sits in a glorious park-like setting overlooking the Hudson River. Owned by railroad magnate Jay Gould after 1880, the mansion is fully furnished and contains collections of 19th and 20th century decorative arts. www.lyndhurst.org
635 South Broadway (Route 9), Tarrytown 10591 | 914-631-4481 | www.lyndhurst.org

Kykuit

Kykuit - the Rockefeller Estate. Landmark home to four generations of the Rockefeller family. Tours of the main rooms of the stone house, terraced gardens with a collection of 20th century sculpture; art galleries with works of Picasso, Moore, Calder, Nevelson and Smith; and Coach Barn.

381 North Broadway, Sleepy Hollow | 914-631-9491 | www.hudsonvalley.org

Philipsburg Manor

Late 17th-early 18th century milling, farming and trading complex was part of the Philips estate, tenanted European farmers, operated by enslaved Africans. Costumed interpreters lead tours of the manor house, grist mill, barn, slave garden and farmhouse. Museum shop, picnic area, and café. During October, **Horseman's Hollow** takes the tale of The Legend of Sleepy Hollow to its darkest extremes, with evenings of highly entertaining haunted mayhem. Philipsburg Manor transforms into a terrifying landscape ruled by the undead, the evil, and the insane. Visitors begin walking a haunted trail, stumbling upon scary scenes of a town driven mad by the Headless Horseman. Elaborate costumes and the work of award-winning feature-film makeup artists make it all too real. Ages 10+. Nights of Oct. 27 -31: First entry at 7 pm, last entry at 10:00 pm. Advance Tickets Required.

Route 9, Tarrytown | 914-631-3992 | www.hudsonvalley.org



Washington Irving's Sunnyside

Hear about Washington Irving's storied past and how he came to be America's first internationally famous author, best remembered now for The Legend of Sleepy Hollow and other short stories. During October, a daytime visit here is the perfect prelude to an evening at Blaze, Horseman's Hollow, or Irving's 'Legend.' Irving's fascinating home – a colorful blend of architectural styles – will showcase numerous objects related to Irving's famous story. Visitors can enjoy a shadow puppet performance of The Legend of Sleepy Hollow and experience one of Irving's spooky tales on a walk through the woods. Recommended for all ages. Oct. 28 -29. Advance Tickets Required. On Sale September 5th.

West Sunnyside Lane, off Route 9, Tarrytown | 914-591-8763

The Great Jack O'Lantern Blaze

See more than 7,000 individually hand-carved, illuminated jack o' lanterns in this elaborate walk through experience. Meander through an historic, 18th-century riverside landscape and discover a breathtaking display – all made of jack o' lanterns! Tens of thousands of visitors experienced last year's Blaze®, which was sold out EVERY NIGHT! Complete with sound effects, elaborate synchronized lighting and an all-original soundtrack by recording

artist Richard Christy, this not-to-be-missed spectacle is the area's most innovative Halloween happening. Thursday through Monday, Oct. 13-31; Advance Tickets online Sept. 5th. Information at www.hudsonvalley.org/events/blaze/faqs. **Van Cortlandt Manor, South Riverside Avenue off Route 9, Croton-on-Hudson**

Irving's Legend - The Old Dutch Church

The dramatic telling of Washington Irving's 1820 folktale, featuring the Headless Horseman, Ichabod Crane, Brom Bones, and Katrina Van Tassel. "Haunting" organ music is woven throughout the 45 minute show presented by master storyteller Jonathan Kruk. Ages 10+. Nights of Oct. 26 - 29; first show at 6:15 pm; last at 8:45 pm. www.hudsonvalley.org
Route 9, Tarrytown

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