



NEW YORK STATE BAR ASSOCIATION  
**ELDER LAW & SPECIAL NEEDS SECTION**



# Summer Meeting 2019

Boston, Massachusetts  
July 18 - 20, 2019

Boston Marriott Long Wharf  
296 State Street

[www.nysba.org/ELDSU19](http://www.nysba.org/ELDSU19)

# NEW YORK STATE BAR ASSOCIATION

## **Elder Law & Special Needs Section Chair**

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

## **Program Co-Chairs**

Jeffrey A. Asher, Esq., Law Offices of Jeffrey A. Asher, PLLC, New York City

Judith M. Nolfo, Esq., Nolfo McKenna Law Office, Albany

**10.0 NY MCLE CREDITS:** Under New York's MCLE rule, this program has been approved for a total of **10.0 MCLE credits** consisting of 6.0 credits in Professional Practice, 1.0 in Skills, 1.0 in Ethics, 1.0 in Law Practice Management and 1.0 in Diversity, Inclusion and Elimination of Bias for both newly admitted and experienced attorneys. Please note: newly admitted attorneys are not eligible to receive Diversity credits.

## **IMPORTANT INFORMATION**

The New York State Bar Association has been certified by the New York State Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York. For information about the CLE Rules, visit [www.nycourts.gov/](http://www.nycourts.gov/)

## **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 required financial aid may apply in writing, not later than ten working days prior to the start of the program, explaining the basis of the hardship, and if approved, can receive a discount or scholarship, depending on the circumstances. For more details, please contact: Catheryn Teeter at [cteeter@nysba.org](mailto: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 least 10 working days prior to the meeting start date at 518-487-5573 or [cteeter@nysba.org](mailto:cteeter@nysba.org)



# SCHEDULE OF EVENTS

## HOTEL INFORMATION/RESERVATIONS:

**Boston Marriott Long Wharf**

**296 State Street**

**Boston, Massachusetts**

**Book your Lodging via the Hotel Reservation Link, before June 27, at: [www.nysba.org/ELDSU19](http://www.nysba.org/ELDSU19)**

The newly renovated Marriott Long Wharf provides an unparalleled location in the heart of Boston Harbor, next door to the Aquarium and a short walk from Faneuil Hall and the Freedom Trail. The North End/Waterfront neighborhood where the hotel is located is infused with the flavor of the area's rich Italian heritage – restaurants abound. Colonial-era sites are located throughout the vicinity of this, Boston's oldest residential neighborhood including Paul Revere's house, the Old North Church and Copp's Hill Burying Ground. The North End comes alive in the summertime with feasts, festivals and processions. Boston's Logan Airport is a short 3.4 mile drive away.

## Hotel Rates:

\$349 Single/Double Standard King Room plus local & state taxes. Rates include use of 24 hour fitness center and indoor pool. Check in is 4 pm; Check out is 11 am. Onsite valet parking available for vehicles less than 6 feet 7 inches tall for a fee.

## GETTING AROUND BOSTON:

For information on getting around Boston via subway (the "T"), bus, ferry, etc., visit the Massachusetts Bay Transportation Authority website. The MBTA trip planner page at [www.mbta.com/trip-planner?](http://www.mbta.com/trip-planner?) will provide assistance on your transportation options. Fenway Stadium and the Isabella Stewart Gardner Museum (as well as the Museum of Fine Arts) are on the Green Lines and can easily be reached by the T station in Government Center (with no transfers involved.)

Uber, Lyft and taxis also operate throughout the city.



# SCHEDULE OF EVENTS

## Thursday, July 18

- 9:00 – 10:00 am Executive Officer's Meeting: Quincy Room
- 9:00 am – 5:30 pm Registration: Front Foyer
- 10:15 am – 12:30 pm Executive Committee Luncheon Meeting: Salons G, H & I
- 12:00 – 5:30 pm Meet our Exhibitors: Front Foyer
- 1:15 – 5:30 pm** **GENERAL SESSIONS: Salons A-F**  
**Wifi Sponsor: QUONTIC BANK**
- 1:15 – 1:45 pm Welcoming Remarks: **Tara Anne Pleat, Esq.**, Wilcenski & Pleat PLLC, Section Chair  
NYSBA Welcome: **Henry M. Greenberg, Esq.**, President, NYSBA  
Program Introductions: **Jeffrey A. Asher, Esq.** and **Judith M. Nolfo, Esq.**, Program Co-Chairs
- 1:45 – 2:35 pm **Executive Hour – Understanding Disability** (1.0 Diversity, Inclusion and Elimination of Bias)  
This session, designed to provide attendees with a Diversity credit, will focus on improving attorneys' understanding of the concerns and issues faced by individuals with disabilities as it relates to independence, decision-making and self-determination.
- Panelists: **Christopher R. Lyons, Esq.**, Executive Director, AIM Services, Inc., Saratoga Springs  
**June MacClelland**, Senior Director and Chief Compliance Officer (and Parent), AIM Services, Inc., Saratoga Springs
- 2:35 – 2:45 pm Refreshment and Snack Break with Exhibitors: Front Foyer  
**Break Co-Sponsors: ARTHUR B. LEVINE COMPANY**  
**and PREFERRED HOME CARE OF NEW YORK**
- 2:45 – 3:35 pm **THE OPWDD Service Delivery System** (1.0 Areas of Professional Practice)  
Discussion will focus on the future of service delivery for the ID/DD population. What is the Office for Developmental Disabilities (OPWDD)? What is the Medicaid Waiver and how is it implemented? What is life like interfacing within the OPWDD System from the parents' perspective and from an Executive Directors' perspective? What are the gaps practitioners advising families need to be aware of and plan for? What do the next ten years in the OPWDD system look like?
- Speaker: **Mary Ann Allen, Esq.**, Executive Director, Wildwood Programs Inc., Schenectady
- 3:35 – 4:00 pm Refreshment Break with Exhibitors: Front Foyer  
**Break Sponsor: PREMIER HOME CARE**
- 4:00 – 5:30 pm **Surrogates Session: Special Needs Trusts, Guardians Ad Litem, Article 17-A**  
(1.0 Areas of Professional Practice)  
Using a few common fact patterns, this panel will focus on issues related to guardianship, disability and supplemental needs trusts. Judges will be asked to explain their approach to procedural aspects of the practice, and to provide their insight into some of the broader challenges that arise in representing individuals with disabilities and the fiduciaries who serve them.
- Moderators: **Edward V. Wilcenski, Esq.**, Wilcenski & Pleat PLLC, Clifton Park  
**Ron M. Landsman, Esq.**, Landsman Law Group, Rockville, MD
- Panelists: **Honorable Peter J. Kelly**, Queen's County Surrogate's Court, Jamaica  
**Honorable Richard Kupferman**, Saratoga County Surrogate's Court, Ballston Spa  
**Honorable Acea M. Mosey**, Erie County Surrogate's Court, Buffalo  
**Honorable Brandon R. Sall**, Westchester County Surrogate's Court, White Plains
- 6:00 – 8:00 pm **WELCOME COCKTAIL RECEPTION:** Harborview Ballroom  
**Reception Sponsor: RDM FINANCIAL GROUP AT HIGHTOWER**  
Dinner on your own this evening

# SCHEDULE OF EVENTS

## Friday, July 19

- 7:30 – 8:30 am Friends of Bill W. Meeting
- 8:00 am Registration and Continental Breakfast with Exhibitors: Front Foyer
- 8:00 – 9:00 am Elder Law and Special Needs Section Committee and District Delegate Breakfast Meetings: Harborview Ballroom
- 9:00 am – 1:00 pm** **GENERAL SESSION: Salons A-G**  
**Wifi Sponsor: ORANGE BANK & TRUST COMPANY**
- 9:00 – 9:15 am Opening Remarks: **Tara Anne Pleat, Esq.**, Wilcenski & Pleat PLLC, Section Chair  
Program Introductions: **Jeffrey A. Asher, Esq.**, Program Co-Chair
- 9:15 – 10:05 am **The ABCs of the SSA** (1.0 Skills)  
Social Security programs can be very difficult to understand for parents of children with disabilities. This session will describe the Supplemental Security Income (SSI) program in more detail with examples of how it might apply to our clients, as well as provide some introductory information about Social Security Disability and Disabled Adult Child Benefits.
- Speaker: **Neal A. Winston, Esq.**, Winston Law Group, Boston, MA
- 10:05 – 10:15 am Refreshment Break with Exhibitors: Front Foyer
- 10:15 – 11:05 am **The Sole Benefit Trust – Whatever Happened to this Planning Tool?**  
(1.0 Areas of Professional Practice)  
This session will review the requirements that must be satisfied in order to create a valid “sole benefit trust”, a type of third party supplemental needs trust that protects the assets contained in the trust from being countable resources for government benefits purposes for the beneficiary who is disabled. The session will review how the sole benefit trust achieves the further objective of avoiding the imposition of a penalty period for the grantor, who also may need to apply for government benefits in the near future.
- Speaker: **Howard S. Krooks, Esq.**, Elder Law Associates PA, Boca Raton, FL
- 11:05 – 11:20 am Refreshment Break with Exhibitors: Front Foyer
- 11:30 am – 12:20 pm **Family Law and Special Needs Issues** (1.0 Areas of Professional Practice)  
A survey of the intersection of special needs issues and matrimonial and family law. Topics of discussion will include the impact of child support on eligibility for benefits, covering future needs for advocacy and support, and issues that arise when individuals who receive means tested benefits decide to marry.
- Panelists: **Ellyn S. Kravitz, Esq.**, Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP, Brooklyn  
**Cora A. Alsante, Esq.**, Hancock Estabrook, LLP, Syracuse
- 12:20 – 12:30 am Refreshment Break with Exhibitors: Front Foyer
- 12:30 – 12:55 pm **17-A Update** (1.0 Areas of Professional Practice)  
This program will provide a current update on legislative and judicial efforts to modify the law governing guardianship for individuals with intellectual and other developmental disabilities under SCPA Article 17-A. The program will also briefly cover the law’s historical context and origins, recent pressures for change, and legislative efforts to date.
- Speaker: **Kathryn E. Jerian, Esq.**, NYSARC, Inc., Latham
- 2:00 – 3:30 pm **HISTORIC PUB CRAWL**  
Join the Freedom Trail player guides and visit the real headquarters where the Revolution was brewed – Blackstone Block. Experience Boston’s oldest taverns while sampling local brews. Tour will depart from ArtsBoston Booth located past Faneuil Hall Marketplace. Directions will be provided.  
**Preregistration required. Tickets: \$43 each. Must be 21 and over.**

# SCHEDULE OF EVENTS

2:30 – 5:00 pm

## **ISABELLA STEWART GARDNER MUSEUM TOUR, 25 Evans Way**

Learn about the woman, her vision and collection. Built by Gardner in 1903 to emulate a 15th c. Venetian palace, "Fenway Court" houses her collection, mixing European paintings and sculptures with textiles, furniture and objects from various cultures and periods in an intimate manner. The art collection includes works by Raphael, Michelangelo, Titian, Rembrandt, Sargent, Degas, Manet, Whistler, Raphael and others. The museum's much photographed interior courtyard reflects Gardner's passion for horticulture and garden design. Meet at Museum for Tour (by Green Line Train, it take approximately 30 min. to reach Museum from hotel.) **Preregistration required.**  
**Tickets: \$35 each.**

2:30 – 4:00 pm

## **BEHIND THE SCENES AT FENWAY PARK, 4 Jersey Street**

Don't miss this chance to tour the Big Green Monster and learn its history. Added to the National Register of Historic Places in 2012, it has been home to the Boston Red Sox since 1912. Fenway is the oldest ballpark in major league baseball. The "Lone Red Seat" in the right-field bleachers marks Ted William's longest home run at the park. Group should meet at Gate D for tour. Directions from the Kenmore "T" station will be provided. **Tickets: \$22 each.**  
**Preregistration required.**



6:30 – 10:30 pm

## **COCKTAIL RECEPTION & DINNER: NEW ENGLAND AQUARIUM, 1 Central Wharf**

**Entertainment Sponsor: NYSARC TRUST SERVICES**

Don't miss our Coastal Clambake on the shore of Boston Harbor! Enjoy cocktails on the Harbor Terrace and dinner in the Main Exhibition Gallery at the Aquarium. Venue is walking distance from hotel.  
**Preregistration required.**



# SCHEDULE OF EVENTS

## Saturday, July 20

- 7:30 – 8:30 am Friends of Bill W. Meeting
- 8:00 am Registration and Continental Breakfast with Exhibitors: Front Foyer
- 9:00 am – 12:00 pm GENERAL SESSION: Salons A-G**  
**Wifi Sponsor: WELLS FARGO**
- 9:00 – 9:10 am Opening Remarks: **Tara Anne Pleat, Esq.**, Wilcenski & Pleat PLLC, Section Chair  
Program Introductions: **Judith M. Nolfo, Esq.**, Program Co-Chair
- 9:10 – 10:00 am **Case Law Update 2019** (1.0 Areas of Professional Practice)  
An update on important case law, legislation (both passed and pending), fair hearings, regulations and happenings throughout the state and nation on issues pertaining to elder law, estate planning and special needs planning.
- Speaker: **Matthew J. Nolfo, Esq.**, Matthew J. Nolfo & Associates, New York City
- 10:00 – 10:50 am **Attorney Wellness: The Science of Stress and the Road to Well-Being**  
(1.0 Law Practice Management)  
From productivity and profitability to ethical responsibility and public trust, attorney wellbeing is coming to the forefront of practice and personal management. Attorneys face nearly a constant stream of information, increasing expectations on shorter and shorter deadlines. Self-care and personal wellness is a greater need than ever before. Mindfulness practices and a well-being focus are key to helping lawyers go from striving to thriving.
- Speaker: **M. Elizabeth Coreno, Esq.**, The Law Offices of M. Elizabeth Coreno, Esq. P.C., Saratoga Springs
- 10:50 – 11:10 am Refreshment Break with Exhibitors: Front Foyer  
**Break Sponsor: WILCENSKI & PLEAT PLLC**
- 11:10 am – 12:00 pm **Inter-Generational Family Representation Case Study in Ethics** (1.0 Ethics)  
The program will be a panel discussion among 4 attorneys who will examine ethical issues that apply to a fact pattern involving potential clients within an inter-generational family who need or seek representation. Relevant Rules of Professional Conduct will be applied to issues that include: who may become a client given past representation of some family members; conflicts among possible clients; clients with diminished capacity and informed consent; and confidentiality with respect to former and potential new clients within the family.
- Panelists: **Joanne Seminara, Esq.**, Grimaldi & Yeung LLP, Brooklyn  
**Robert P. Mascali, Esq.**, The Centers, Clearwater, FL  
**Paul M. Ryther, Esq.**, Law Office of Paul M. Ryther, East Bloomfield  
**Richard A. Marchese, Jr., Esq.**, Woods Oviatt Gilman LLP, Rochester



## THINGS TO DO

### **New England Aquarium**

1 Central Wharf, [www.neaq.org](http://www.neaq.org); 0.1 mile from hotel

### **Faneuil Hall/Quincy Market**

Faneuil Hall Market Place, [www.faneuilhallmarketplace.com](http://www.faneuilhallmarketplace.com); 0.5 miles from hotel

### **Italian North End**

0.2 miles from hotel

### **Old North Church**

193 Salem Street North End, [www.oldnorth.com](http://www.oldnorth.com); 0.3 miles from hotel

### **Freedom Trail Walking Tours**

Boston National Park Service, 15 State Street, [www.thefreedomtrail.org](http://www.thefreedomtrail.org); 0.8 miles from hotel

### **Bunker Hill Monument**

Boston National Park Service, 15 State Street, [www.nps.gov](http://www.nps.gov); 1 mile from hotel

### **Museum of Fine Arts**

465 Huntington Avenue, [www.mfa.org](http://www.mfa.org); 3.9 miles from hotel

### **Boston Harbor Boat Cruises**

1 Long Wharf, [www.bostonharborcruises.com](http://www.bostonharborcruises.com); 0.5 miles from hotel

### **Museum of Science**

1 Science Park, [www.mos.org](http://www.mos.org); 0.5 miles from hotel

### **Boston Children's Museum,**

300 Congress Street, [www.bostonchildrensmuseum.org](http://www.bostonchildrensmuseum.org); 0.8 miles from hotel

### **John F. Kennedy Library & Museum**

200 William T Morrissey Blvd. [www.jfklibrary.org](http://www.jfklibrary.org); 6 miles from hotel

### **USS Constitution/Museum**

Charlestown Navy Yard, Building 22, [www.usconstitutionmuseum.org](http://www.usconstitutionmuseum.org); 3 miles from hotel

### **Harvard Museum of Natural History**

26 Oxford Street, [hmn.harvard.edu](http://hmn.harvard.edu); 4 miles from hotel

### **Paul Revere House**

19 North Square, [www.paulreverehouse.org](http://www.paulreverehouse.org); 0.3 miles from hotel

### **Swan Boats/Boston Public Garden**

4 Charles Street, [www.swanboats.com](http://www.swanboats.com); 1.5 miles from hotel

### **Black Heritage Trail/Museum of African American History**

46 Joy Street, [www.nps.gov/boaf/planyourvisit/index.htm](http://www.nps.gov/boaf/planyourvisit/index.htm); 1 mile from hotel

### **Boston Tea Party Ships/Museum**

306 Congress Street Bridge; 0.5 miles from hotel

**For Additional Information on Boston, visit:**

[www.boston.gov/departments/tourism-sports-and-entertainment/things-do-around-boston](http://www.boston.gov/departments/tourism-sports-and-entertainment/things-do-around-boston)





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## THANK YOU TO OUR EXHIBITORS

**Capital First Trust Company**

**ElderCounsel**

**NYSARC Trust Services**

**Quontic Bank**

**Arthur B. Levine Company**

**Orange Bank & Trust Company**

**Preferred Home Care of NY**

**Wells Fargo**

**The Center for Special Needs Trust Administration, Inc.**

**Premier Home Health Care**

**LCG Community Trust**

**Life, Inc. Pooled Trust Services**

**SCS Pooled Trust**

**RDM Financial Group at High Tower**

## UPCOMING CLE PROGRAMS

**Guardianship Practice in New York** | Friday, September 27, 2019 | NYC

**Elder Law & Special Needs Section  
and Trusts & Estates Law Section Joint Fall Meeting**

Thursday and Friday, October 23-25, 2019 | The Gideon Putnam | Saratoga Springs  
Information: [www.nysba.org/ELD](http://www.nysba.org/ELD)

**Elder Law & Special Needs Section 2020 Annual Meeting**

Tuesday, January 28, 2020 | The New York Hilton Midtown | NYC

# MEETING REGISTRATION FORM

Name(s) \_\_\_\_\_

\_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone ( \_\_\_\_\_ ) \_\_\_\_\_ Fax ( \_\_\_\_\_ ) \_\_\_\_\_

Email \_\_\_\_\_

## REGISTRATION FEES

Attorney Registration fee includes CLE programming and associated costs, continental breakfasts Friday and Saturday, coffee breaks, Thursday reception, Friday Aquarium reception and dinner. Attorneys attending for CLE must pay the attorney registration fee.

- Attorney Fees**
- \$475 ELSN Section Member
  - \$350 ELSN Section Member First Time Attendee (Summer/Fall Mtg)
  - \$350 NYSBA Newly Admitted Attorney (5 years or less)
  - \$675 NYSBA Member
  - \$800 Non-NYSBA Member

**Spouse/Guest/Children 18 & Older** - Registration fee includes all of the above excluding the MCLE Program. *Guests must be registered to attend events and food functions.*

- \$300 **Name(s)** \_\_\_\_\_

**Children Age 14 to 17** - Registration fee includes all of the above excluding the MCLE Program.

- \$125 **Name(s) and Age(s)** \_\_\_\_\_

**Children Age 7 to 13**

- \$50 **Name(s) and Age(s)** \_\_\_\_\_

**Children Under Age 7:**

- Free **Name(s) and Age(s)** \_\_\_\_\_

**Dietary needs/restrictions/allergies of any of the registrants and their name(s):** \_\_\_\_\_

## ACTIVITIES

### THURSDAY WELCOME RECEPTION: HARBORVIEW BALLROOM

6:00 p.m. Registered Number attending: \_\_\_\_\_

### FRIDAY HISTORIC PUB CRAWL

2 p.m. \$43 per person. Please include fee(s). Must be 21 or older.

Registered Number Attending: \_\_\_\_\_

### FRIDAY ISABELLA STEWART GARDNER MUSEUM TOUR, 25 EVANS WAY

2:30 p.m. \$35 per person. Please include fee(s).

Group will meet in Lobby of New Museum Entrance for Tour.

Registered Number Attending: \_\_\_\_\_

### FRIDAY BEHIND THE SCENES TOUR OF FENWAY PARK, 4 JERSEY STREET

2:30 p.m. \$22.00 per person. Please include fee(s).

Group will meet at Gate D for Tour.

Registered Number Attending: \_\_\_\_\_

### FRIDAY RECEPTION & DINNER: NEW ENGLAND AQUARIUM

6:30 p.m.

Registered Number Adults: \_\_\_\_\_ Number Children: \_\_\_\_\_

\*Vegetarian Meals on Request. Please Note under Dietary Needs Area.

# Elder Law & Special Needs Section Summer Meeting

July 18-20, 2019

## HOTEL INFORMATION/RESERVATIONS:

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296 State Street  
Boston, Massachusetts

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## Hotel Rates:

\$349 Standard King Room plus local & state taxes. Limited Double/Double rooms available (call 518-487-5573 if needed). Rates include use of 24 hour fitness center and indoor pool. Check in is 4 pm; Check out is 11 am. Onsite valet parking available for vehicles less than 6 feet 7 inches tall for a fee.

**Hotel reservation deadline: JUNE 27, 2019.**

## PAYMENT INFORMATION

- Check or money order enclosed in the amount of \$ \_\_\_\_\_

*(Make checks payable to New York State Bar Association.)*

- Charge \$ \_\_\_\_\_ to  American Express  
 Discover  MasterCard  Visa  
Expiration Date \_\_\_\_\_

\_\_\_\_\_

Card Number

\_\_\_\_\_

Authorized Signature

## Please return this form with appropriate payment of fee(s) to:

Catheryn S. Teeter | Sections & Meeting Liaison  
New York State Bar Association  
One Elk Street, Albany, New York 12207  
Telephone: (518) 487-5573  
Fax: (518) 463-5993  
cteeter@nysba.org

## CANCELLATION POLICY:

Cancellations must be received prior to July 8, 2019 to receive a full refund of registration fees.