

Representing LGBT (Lesbian | Gay | Transgender) Clients After Obergefell- VIDEO REPLAY

Friday, October 9, 2015 | 9:00 a.m. to 12:45 p.m.

NYSBA Member: \$95

Non-Member: \$195

Co-Sponsors:

- > Committee on LGBT Persons and the Law
- > Family Law Section
- > Labor and Employment Law Section
- > Trusts and Estates Law Section
- > Committee on Continuing Legal Education
- > The LGBT Bar Association of Greater New York (LeGaL)
- > NY Chapter of the American Academy of Matrimonial Lawyers (AAML)

Program Chair:

Eric I. Wrubel, Partner, Warshaw Burstein LLP, New York, NY

4.0 Total MCLE Credits: 4.0 in Areas of Professional Practice

Who Should Attend: All attorneys engaged in family law, employment law, trusts and estates law, transgender law and any attorney representing LGBT clients.

Online video replays are previously recorded programs approved for MCLE credit for all attorneys except newly admitted (less than 24 months)

Program Description:

The 2011 New York State Marriage Equality Act established that both same-sex and opposite-sex couples are to be treated equally under the law, thereby enabling lesbian and gay couples to marry. Two succeeding U.S. Supreme Courts Cases, *United States v. Windsor* (2013), and now *Obergefell v. Hodges* (2015) extended marriage equality to all 50 states. However, the LGBT Community still faces significant obstacles to achieving complete equality under the law. Taking a practice-based approach, an experienced panel addresses the key issues facing attorneys today when representing LGBT clients. Practice areas to be covered include family, employment, trusts and estates and transgender law. Past programs have sold out, register today to reserve your seat and avoid disappointment!

Comments from attendees of the live program, which took place on Friday, September 11, 2015:

- *"I enjoyed the CLE last week. It was one of the best I have attended. I could have listened to some of those speakers all day! I learned, I laughed, I got frustrated with the state of things (but recognize that some progress has been made)."*
- *"Best program in a long time! Speakers were great. They were funny and engaging!"*
- *"The speakers were very dynamic! They kept the presentation interesting."*
- *"Very well put together with excellent presenters. The content was rich and engaging."*

Program Agenda:

9:00 a.m. – 9:05 a.m. Opening Remarks

- **David Miranda**, President, New York State Bar Association, Albany, NY

9:05 a.m. – 9:10 a.m. Welcome and Overview

- **Eric I. Wrubel** (Program Chair), Partner, Warshaw Burstein LLP, New York, NY

9:10 a.m. – 10:00 a.m. Marriage and Same-Sex Parenting

Discussion Points:

- What is a Parent?

- Types of Proceedings: Custody/Visitation; Child Support; Paternity; Adoption; Probate
- Links to a Child: Same-Sex Spouse—presumption of legitimacy; effect of out-of-state marriage or civil union
- Biology: Mother-gestational carrier; egg donor; genetic biological link.
- Equitable parenting and estoppel

Faculty:

- **Margaret L. Canby**, Partner, Blank Rome, LLP, New York, NY
- **Prof. Lewis A. Silverman**, Director, Family Law Clinic, Touro Law Center, Central Islip, NY
- **Eric I. Wrubel** (Program Chair), Partner, Warshaw Burstein LLP, New York, NY

10:00 a.m. – 10:50 a.m. Key LGBT Issues in Employment Law Practice

Discussion Points:

- How *Obergefell* affects leave under the Family Medical Leave Act
- How *Obergefell* changes the employee benefit landscape, including open issues that remain
- Recent developments in federal anti-discrimination law, including recent EEOC ruling and proposed Equality Act
- Recent developments in state and local anti-discrimination laws, including proposed Gender Expression Non-Discrimination Act ("GENDA")

Faculty:

- **Meredith R. Miller**, Associate Professor of Law and Director of Solo & Small Practice Initiatives, Touro Law Center, Central Islip, NY
- **Hollis V. Pfitsch**, Deputy Commissioner, Law Enforcement Bureau, New York City Commission on Human Rights, Brooklyn, NY
- **Darnley D. Stewart**, Of Counsel, Outten & Golden LLP, New York, NY

10:50 a.m. – 11:05 a.m. Refreshment Break

11:05 a.m. – 11:55 a.m. Estate Planning After *Obergefell*

Discussion Points:

Estate Planning

Lesbian and Gay couples in long-term relationships: should they or should they not get married;

- Reviewing and revising Wills for clients who have gotten married recently – what to look for
- Increased gift-tax exemption: unlimited gifting between spouses, split-gifts.
- Use of prenuptial agreements and waivers.
- Change-of-domicile issues for snowbirds.

Elder Law

- Advance directives, need to have aside from marriage: Powers of Attorneys, statutory gift riders, and spousal gifting; Health Care Proxies and Living Wills; Family Health Care Decision Act.
- Guardianship. Spousal priority. Support from IP to spouse as in MHL 81.21(a).
- Social Security survivorship benefits.
- Medicaid: transfers between spouses, spousal refusal, affirmative DSS litigation against refusing spouses.

Estate Administration

- Status as distributee, no need to notify other family members if no kids, priority for Letters of Administration
- Elective share & concerns
- Rollover IRAs
- Estate taxes: portability and QTIP trusts.
- Unmarried couples: joint assets, claims against Estates, Wills after a relationship has ended

Faculty:

- **Lisa Ayn Padilla**, Principal, Estates for Lifemates, New York, NY; Chair, Surrogate's Court Committee, Trusts and Estates Law Section
- **Thomas Sciacca**, Principal, Law Offices of Thomas Sciacca, PLLC, New York, NY
- **Pauline Yeung-Ha**, Partner, Grimaldi & Yeung LLP, Brooklyn, NY

11:55 a.m. – 12:45 p.m. Representing the Transgender Client

Faculty

- **Carol Buell**, Partner, Weiss, Buell & Bell, New York, NY
- **Jennifer Levi**, Director, GLAD Transgender Rights Project, Boston, MA
- **Ezra Young, Esq.**, Law Office of Jillian T. Weiss, P.C., Tuxedo Park, NY

12:45 p.m. Adjourn

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