

# NEW YORK STATE BAR ASSOCIATION



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# NYSBA

## Elder Law and Special Needs Section

### Fall Meeting

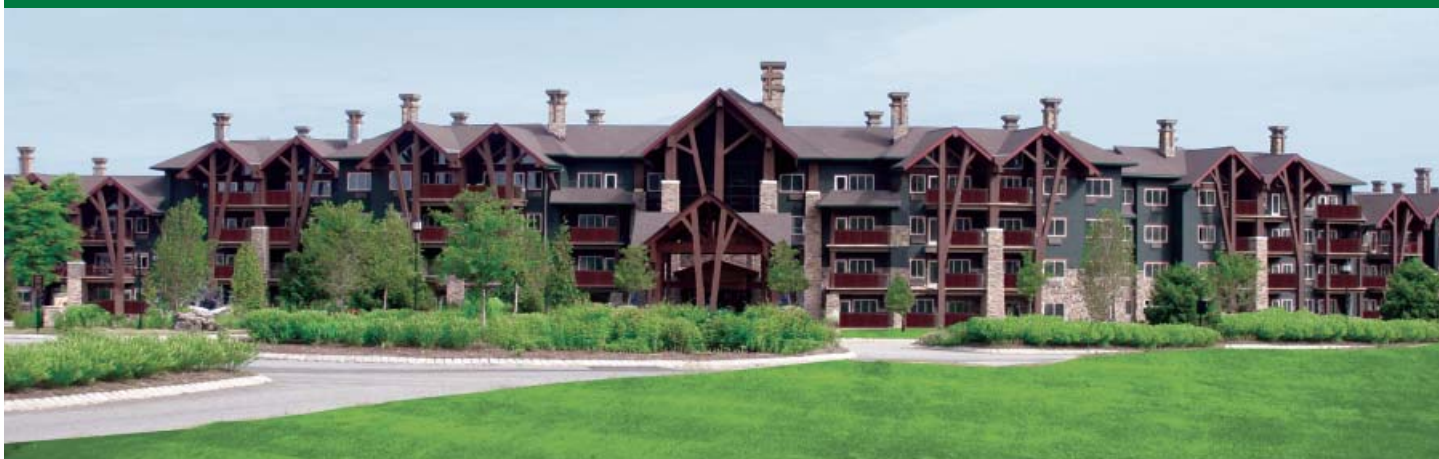
**October 20-21, 2016**

Grand Cascades Lodge  
Hamburg, New Jersey

Under New York's MCLE rule, this two-day program will provide you with **10.0 credit hours in Professional Practice and 1.0 in Ethics**. This program is not transitional and is not suitable for MCLE credit for newly-admitted attorneys.



# IMPORTANT INFORMATION



Call 855-977-6473 to reserve your hotel room. Specify you are with the New York State Bar Association to receive our preferred rate. **Reservation deadline: September 27**

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 program will provide you with **11.0 CREDIT HOURS: 10.0 IN PROFESSIONAL PRACTICE AND 1.0 IN ETHICS**. This program is not transitional and is not suitable for MCLE credit for newly-admitted 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](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 518.487.5573 or [cteeter@nysba.org](mailto:cteeter@nysba.org).

## DIRECTIONS TO GRAND CASCADES LODGE

### **From George Washington Bridge**

Take I-80 West to Exit 53 – Route 23 North. Follow local directions for Route 23 Northbound.

### **From New Jersey Turnpike, Newark Airport and Holland Tunnel**

Take I-78 West to Route 24 West to I-287 North to Exit 52B – Route 23 North. Follow local directions for Route 23 Northbound.

### **From Lincoln Tunnel**

Take Route 3 West to Route 46 West to Route 23 North. Follow local directions for Route 23 Northbound.

### **From Garden State Parkway**

Take Exit 153B for Route 3 West to Route 46 West to Route 23 North. Follow local directions for Route 23 Northbound.

### **From Tappan Zee Bridge**

Take I-87 (NY State Thruway) to I-287 South to Exit 52B – Route 23 North. Follow local directions for Route 23 Northbound.

### **From New York State Thruway I-87**

Take I-287 South to Exit 52B – Route 23 North. Follow local directions for Route 23 Northbound.

### **From Orange County, New York**

Take Route 17 to either Route 17A or Route 94 South to Warwick, NY. Continue on Route 94 South to the town of Vernon. At traffic light (by gas station), turn right. Follow local directions for Route 94 Southbound.

## LOCAL DIRECTIONS

### **Route 23 Northbound**

Grand Cascades Lodge & Wild Turkey Golf Clubs – Take Route 23 North to the traffic light at the intersection of Route 23 and Route 94 in the town of Hamburg. Turn right onto Route 94 North and go 0.7 mile to The Village at Crystal Springs entrance on right (just before The Lakeland Bank).

### **Route 94 Southbound**

Grand Cascades Lodge & Wild Turkey Golf Clubs – Take Route 94 South to the town of Hardyston. Entrance to The Village at Crystal Springs is on the left (just past The Lakeland Bank, 0.7 mile before the intersection of Route 23).

## SCHEDULE OF EVENTS

# Thursday, October 20

9:00 a.m.	Registration & Exhibitors – Emerald Ballroom Foyer & Emerald Ballroom One <i>Meeting Favors Sponsored by NYSARC Trust Services, Inc.</i>	
9:00 – 10:00 a.m.	Executive Officers’ Meeting – Gallium Board Room	
10:00 a.m. – 1:00 p.m.	Executive Committee Meeting and Luncheon – Silver Springs	
1:30 – 2:30 p.m.	<b>Spouse/Guest Wine Cellar Tour &amp; Tasting at Restaurant Latour</b> Join us as we explore the Restaurant Latour’s renowned wine collection, winner of <i>Wine Spectator’s Grand Award in 2015</i> . Sample three wines with in-house sommelier, Susanne Lerescu. <b>\$35.00 per person. Advance registration required.</b>	
1:15 – 5:05 p.m.	<b>GENERAL SESSION – Emerald Ballroom Two</b> <i>Wifi Sponsored by Quontic Bank</i>	
1:15 – 1:30 p.m.	<b>Welcoming Remarks</b> <b>David Goldfarb, Esq.</b> Section Chair	<b>Program Introduction</b> <b>Maira S. Laidlaw, Esq.</b> Program Co-Chair
1:30 – 2:20 p.m.	<b>Elder Law and Special Needs Update</b> This presentation will be a general update of laws, cases and regulations that impact the practice of elder law and special needs planning, including an update on attorney liability for trust and willdrafting post-Schneider. <b>Speaker:</b> <b>Jeffrey A. Asher, Esq.,</b> Law Offices of Jeffrey A. Asher, PLLC, New York City	
2:20 – 3:10 p.m.	<b>To Have and to Hold: Ethical Issues When Representing Spouses</b> This presentation will review the ethical rules for attorneys when representing both spouses or related/affiliated parties in estate in estate planning engagements and how to recognize and address potential conflicts of interest. <b>Speaker:</b> <b>Prof. Roberta K. Flowers,</b> Co-Director, Center for Excellence in Elder Law, Stetson University College of Law, Gulfport, FL	
3:10 – 3:25 p.m.	<b>Refreshment Break with Exhibitors – Emerald Ballroom One</b> <i>Sponsored by Premier Home Health Care Services, Inc.</i>	
3:25 – 4:15 p.m.	<b>Surrogate’s Court Discovery Proceedings</b> The focus of this presentation will be on the Surrogate’s Court Procedure Act and the mechanism to obtain information, including discovery and turnover proceedings, and related motion practice. <b>Speaker:</b> <b>Angelo M. Grasso, Esq.,</b> Greenfield Stein & Senior LLP, New York City	
4:15 – 5:05 p.m.	<b>Medicaid Estate Recovery, Liens and Spousal Recovery</b> This topic will cover Medicaid Liens, ways that money can be recovered by New York State (DSS or HRA) for Medicaid services, and how to minimize or prevent recovery. It will also review the growing role of HMS in assisting the state with its Medicaid recovery. <b>Speaker:</b> <b>Martin Hersh, Esq.,</b> Law Offices of Martin Hersh, Esq., Liberty	
6:00 – 10:00 p.m.	<b>Welcome Cocktail Reception &amp; Dinner – Grand Rotunda</b>	

## Friday, October 21

7:00 a.m.	<b>Registration &amp; Continental Breakfast with Exhibitors – Emerald Ballroom One</b> Everyone, including registered spouses and guests, is invited to a continental breakfast with our exhibitors.
7:30 – 8:30 a.m.	<b>Elder Law and Special Needs Section Committee Breakfast Meetings – Silver Springs &amp; Flora Springs Rooms</b>
7:30 – 8:30 a.m.	<b>Friends of Bill W. Meeting – Gallium Boardroom</b>



# SCHEDULE OF EVENTS

## Friday, October 21 *continued*

- 8:30 a.m. – 4:30 p.m. **GENERAL SESSION – Emerald Ballroom Two**  
*Wifi Sponsored by Personal-Touch Home Care*
- 8:30 – 8:45 a.m. **Welcoming Remarks** **Program Introduction**  
**David Goldfarb, Esq.** **Christopher R. Bray Esq.**  
Section Chair Program Co-Chair
- 8:45 – 9:35 a.m. **Medicaid Asset Protection Trusts: Select Drafting and Post-Execution Issues**  
This presentation will cover trust drafting, grantor trust rules, options and strategies for treatment of trust income, return of gifts by trustees, permissible distributions of principal to issue, the impact of the right of election and trust funding issues  
**Speaker:** **Robert J. Kurre, Esq.**, Kurre Schneps LLP, Manhasset
- 9:35 – 10:25 a.m. **Utilizing SCPA Article 17A and MHL Article 81 Guardianships for Disabled Children**  
This topic will cover the two statutory frameworks for guardianship and first party special needs trust authority for disabled children.  
**Speaker:** **Sara Meyers, Esq.**, Enea, Scanlan & Sirignano, LLP, White Plains
- 10:25 – 10:40 a.m. **Refreshment Break with Exhibitors – Emerald Ballroom One**  
*Sponsored by Premier Home Health Care Services, Inc.*
- 10:40 – 11:30 a.m. **Home Care Authorizations and Alternatives Panel Discussion**  
This presentation will explore home care planning post-MLTC, including how to manage client expectations of the length of the process and the outcome of the authorization, how to effectively advocate for a meaningful hourly authorization and where applicable, how to utilize the new immediate need regulations.  
**Moderator:** **David I. Kronenberg, Esq.**, Goldfarb Abrandt Salzman & Kutzin LLP, New York City  
**Panelists:** **Kimberly S. Bliss, Esq.**, Shamberg Marwell Hollis Andreyck & Laidlaw, P.C., Mount Kisco  
**Jeanette Grabie, Esq.**, Grabie & Grabie, LLP, Smithtown  
**Peter Travitsky, Esq.**, Evelyn Frank Legal Resources Program, New York Legal Assistance Group, New York City
- 11:30 a.m. – 12:20 p.m. **The Estate Tax: New York State vs. Federal**  
This presentation will focus on the challenges of estate planning given the differences in the manner in which the federal and New York State estate taxes are imposed. These differences consist primarily of (i) the portability of a deceased spouse's unused federal estate tax exemption amount; and (ii) the New York State cliff tax which can cause peculiar results for estates of those who die owning assets valued slightly in excess of the New York State estate tax exemption amount. It will also review the benefits of Clayton QTIPs in estate planning.  
**Speaker:** **Kevin H. Cohen, Esq.**, The Law Offices of Kevin H. Cohen, PC, White Plains
- 12:20 – 1:30 p.m. **Luncheon – Grand Rotunda**  
Join us for lunch and continue your networking. Registered spouses and guests are invited to attend.
- 1:30 – 2:20 p.m. **Closing an Article 81 Guardianship**  
This topic will cover the rules and procedures relating to closing an Article 81 Guardianship proceeding upon the death of the IP. It will also explore the rules and accounting requirements upon the death or incapacity of the legal guardian.  
**Speaker:** **Britt N. Burner, Esq.**, Nancy Burner and Associates, New York City
- 2:20 – 3:10 p.m. **Intersection of Elder Law and Matrimonial Law**  
This presentation will explore elder law and special needs rules, regulations and policy as it may overlap with matrimonial issues including prenuptial and marital agreements and divorce.  
**Panelists:** **Louis W. Pierro, Esq.**, Pierro, Connor & Associates, LLC, Latham  
**Robert G. McDermott, Esq.**, McDermott, Pierro, Mandery & Mandery, LLP, Ronkonkoma
- 3:10 – 3:25 p.m. **Refreshment Break with Exhibitors – Emerald Ballroom One**  
*Sponsored by LIFE, Inc. Pooled Trust Services*

# SCHEDULE OF EVENTS

## Friday, October 21 *continued*

3:25 – 4:25 p.m.

### **Aid in Dying Legislative Update**

This presentation will provide an overview of the pending legislation in New York and the enacted legislation throughout the country relating to aid in dying and the criteria that must be met to receive assistance.

**Speaker:**

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

4:30 p.m.

**Meeting Adjourns**

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

*January 24, 2017: Annual Meeting, New York Hilton Midtown, NYC*  
*July 13 – 15, 2017: Summer Meeting, High Peaks Resort, Lake Placid, NY*





# ACTIVITIES

## AT GRAND CASCADES LODGE OR MINERALS RESORT (SHUTTLE SERVICE PROVIDED):

**Golf – Ballyowen, Crystal Springs, Wild Turkey, Black Bear, Great Gorge, and Minerals 9 Hole.** All of our Golf Courses are nestled aside gorgeous Country Clubs featuring fine dining, practice tees, pro shops, hitting pros, hitting ranges, and beautifully designed courses. Clubs/cart rentals. For info., reservations and tee times, call 973.827.5996.

**Reflections Spa** – Featuring massages, facials, hair, make-up, treatments, products and shared treatments. Open daily 9am to 9pm, **Call 973-823.6550 at least 3 weeks in advance for information/appointments.**

**The Biosphere Pool Complex** – Featuring a heated indoor free-form pool with spectacular views of the surrounding mountains. Check out the underground aquarium, 140 foot water slide, grotto-like Jacuzzi and cave-themed steam room & sauna. Enjoy freshly made gelato, sandwiches, salads and imaginative tropical drinks at the Biosphere Café.

### Self Guided Nature Trails

Stop by the Concierge or Front Desk to pick up a brochure with the hotel's 3.2 mile Nature Trail outlined.

### Croquet

Visit the Pro shop for equipment to play on the croquet field. Free for Hotel Guests.

### Biking

First come/first served. Come to the Concierge or Front Desk to get started and grab a map. Must be able to ride a bike w/o training wheels. Cruiser bikes for adults; mountain bikes for kids when available, \$25 pp for 2 hours.

### Raquetball

Hop on the complimentary shuttle to Minerals Resort to play a game. Reservations required. Sign up at Concierge, Front Desk or call 844-330-1701 for info. 18 and over, under 18 with an adult. \$10 pp for 1 hour.

## Trap & Skeet Shooting – Clay and Oak Sporting Club at Clove Spring Range

Advance reservations required. Sign up at Concierge, Front Desk or call 844-330-1701 for info. \$60 pp minimum weight of 100 lbs. Closed toed shoes only, no loose tops. Ear and Eye protection must be worn. Ages 12+ with parental supervision.

**Local Parks** – Enjoy boating, kayaking, fishing, hiking, and bird watching, at area state parks, including High Point, Wawayanda, Stokes, and The Wallkill River National Wildlife Refuge.

**The Franklin Mineral Museum – 32 Evans Street, Franklin.** Fluorescent, local, and worldwide mineral exhibits. Artifacts, fossils, two-level mine replica, and rock collecting. Picnic area, gift shop, and guided tours hourly. Open April through November. [www.FranklinMineralMuseum.com](http://www.FranklinMineralMuseum.com)

**Sterling Hill Mining Museum – 30 Plant Street, Ogdensburg.** A world famous underground zinc mine in north-western New Jersey open for tours. (Not recommended for anyone under 6 years of age.) Public tours start at 1 pm every day. Visit an actual mine and have a fun and educational experience. [www.sterlinghillminingmuseum.org](http://www.sterlinghillminingmuseum.org)

**Space Farms Zoo and Museum – 218 Route 519, Sussex.** 100-acre zoo and animal museum. Holds over 50,000 artifacts, from antique cars, early Sussex American tools, dolls, clocks, Native American artifacts and much more. [www.SpaceFarms.com](http://www.SpaceFarms.com)

**Warwick Antique Barn – 293 Route 94, Warwick, NY.** This 200 year old Historic barn is home for twenty-five antique dealers all specializing in “high quality” period, primitive and country furniture at realistic prices. Cases and spaces packed with collectibles, ephemera, glassware, jewelry, lighting, paintings, pottery and vintage treasures.

**Sugarloaf, NY** – Retail, craft, collectable shopping. Sugarloaf contains many local artisans and craftsman who make their goods on site. [www.SugarloafartsVillage.com](http://www.SugarloafartsVillage.com)



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**LCG Community Trust**

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NEW YORK STATE BAR ASSOCIATION  
**SECTION & MEETING SERVICES DEPARTMENT**

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