



NEW YORK STATE BAR ASSOCIATION

# ELDER LAW AND SPECIAL NEEDS SECTION



## 11.0 MCLE Credits

- 8.0 Areas of Professional Practice
- 1.0 Ethics
- 1.0 Skills
- 1.0 Diversity, Inclusion and Elimination of Bias

# Fall Meeting 2018

## Addressing the New Economics of Aging

### October 4 - 5, 2018

Park Ridge, New Jersey | Park Ridge Marriott  
300 Brae Boulevard

[www.nysba.org/ELDFA18](http://www.nysba.org/ELDFA18)

## Elder Law & Special Needs Section Chair

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

## Program Co-Chairs

**Moriah Adamo, Esq.**, Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP, Lake Success

**Mary Fern Breheny, Esq.**, Glenn & Breheny PLLC, Newburgh

## TOTAL CLE CREDITS:

Under New York's MCLE rule, this program has been approved for a total of 11.0 MCLE credits consisting of 8.0 credits in Professional Practice, 1.0 in Ethics, 1.0 in Skills 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.



## Hotel Information/Reservations

Park Ridge Marriott | 300 Brae Boulevard | Park Ridge, New Jersey

Set amongst the rolling hills of the Hudson Valley, Park Ridge is just a short drive south of the Village of Nyack. Accessible to both upstate/downstate New York, Park Ridge provides a convenient location for autumn leaf peepers without the hustle and bustle of neighboring Metropolitan areas.

### Hotel Rates

\$169 Single/Double Standard King Room plus local & state taxes. Rates include complimentary in-room wifi, free parking, use of 24 hour fitness center and indoor pool. Free shuttle service within 2 mile radius of hotel.

**Book Your Lodging via the Hotel Reservation Link, before September 13th, at: [www.nysba.org/ELDFA18](http://www.nysba.org/ELDFA18)**

### Directions

The Park Ridge Marriott is accessible via the Garden State Parkway, Exit 172 North. From exit ramp, turn right onto Grand Avenue to first right (at traffic light) onto Mercedes Drive. Follow to end and make right, follow to traffic light and make left onto Brae Boulevard. The hotel is on your left at 300 Brae Boulevard.

**From New York City:** Take the George Washington Bridge West to New Jersey. Follow to Route 80 West. Take Route 80 West to the Saddle Brook Exit for the Garden State Parkway. Follow the Garden State Parkway North to Exit 172, and follow directions from above.

**From New Jersey and South:** Take Garden State Parkway North to Exit 172, then follow above directions.

**From Upstate New York:** New York State Thruway to Exit 14A onto the Garden State Parkway Extension. Take first exit "Chestnut Ridge". From ramp, make left onto Schoolhouse Road. Follow through first light (Summit Avenue), road becomes Spring Valley Road, follow through second light (Grand Avenue) to fourth right, Brae Boulevard. Make right onto Brae Boulevard, hotel is approximately one-quarter mile on right-hand side.

# SCHEDULE OF EVENTS

## Addressing the New Economics of Aging

This one and a half day program tackles complex policy and practice issues facing today's Elder Law and Special Needs Attorneys across New York State. Sessions offer a broad perspective on national socioeconomic trends in health care delivery, technology, housing, taxation, and wealth transfer – and a forum to develop adaptive practices to address these changes. The overarching theme of this conference is designed to promote forward thinking and opportunities to evaluate the practice of law in the broader context of our changing society.

### Thursday, October 4

9:00 - 10:00 am Officer and District Delegates Meeting: Saddle River

10:00 am - 5:00 pm Registration and Exhibitors: Foyer, Outside Salons E-H

10:00 am - 1:00 pm Executive Committee Meeting and Luncheon: Brookside Parc

1:15 to 5:05 pm **GENERAL SESSION: Salons E-H**

1:15 - 1:30 pm **Welcoming Remarks**

**Judith D. Grimaldi, Esq.**, Grimaldi & Yeung LLP, Section Chair

1:30 - 2:20 pm

**KEYNOTE SPEECH: The Changing Economy of Aging**

Discussion of social, legal and financial factors resulting in economic pressures for retirees. Dr. Webb will review the need for retirement planning reform in the area of Social Security benefits and employer defined benefit plans. He will address the failure and inadequacy of current IRA and individual 401K plans and present up-to-date research on the general loss of defined pensions. Q and A will explore these retirement planning dilemmas, introduce estate planning and advocacy options and prevention strategies against financial abuse in managing retirement assets including annuities and life insurance. The presentation will acknowledge the challenge of elder law attorneys in integrating complex issues such as tax considerations, long term care needs of the later years, Medicaid, and high health and living costs.

Moderator: **Judith D. Grimaldi, Esq.**, Grimaldi & Yeung LLP, Brooklyn

Speaker: **Anthony Webb, PhD**, Research Director  
Schwartz Center for Economic Policy Analysis (SCEPA)  
The New School for Social Research, New York City

2:20 - 3:10 pm

**Elder Law Update - Federal Focus**

How are services to the aging including Medicaid and Medicare fairing under budget cuts? This session focuses on legislative reform and case law around the nation and the potential impact it may have on the Elder Law Special Needs practice in New York.

Speaker: **Howard S. Krooks, Esq.**, Elder Law Associates PA, Boca Raton, FL

3:10 - 3:25 pm Refreshment Break with Exhibitors

3:25 - 4:15 pm

**Home Again: A Panel on Senior Housing Options**

An exploration of innovative housing options available including public and privately funded options from the known to the lesser known opportunities for New York State Seniors including a discussion on financing, legal regulations, licensing and restrictions that may limit the expansion of these options.

Moderator: **Tammy R. Lawlor, Esq.**, Miller & Milone, PC, Garden City

Panelists: **Timothy Murphy**, Supervisor, New York State Department of Social Services, Adult Protective Services, Goshen  
**Yvonne M. Murphy, MA**, Owner and CEO, Beacon Elder Care, Maspeth  
**Neil T. Rimsky, Esq.**, Cuddy & Feder LLP, White Plains

# SCHEDULE OF EVENTS

4:15 - 5:05 pm

## **Creative Writing: Drafting to Address Social Change**

Using hypotheticals that pose social, technological and financial issues facing today's seniors to highlight creative use of statutes in drafting advance directives, trusts, and wills.

Panelists:

**Paul Hyl, Esq.**, Law Office of Paul Hyl, Esq., Garden City

**Elizabeth Forspan, Esq.**, Ronald Fatoullah & Associates, Great Neck

6:30 - 10:30 pm

## **COCKTAIL RECEPTION AND DINNER AT RAMSEY COUNTRY CLUB, 105 LAKESIDE DRIVE, RAMSEY, NJ**

Transportation provided for those requesting it when registering, Meet in hotel lobby at 6 pm.



## **Friday, October 5**

7:30 am

Registration and Continental Breakfast with Exhibitors: Foyer, Outside Salons E-H

7:30 - 8:30 am

Elder Law and Special Needs Section Committee Breakfast Meetings: Garden State-Palisades-Gateway

7:30 - 8:30 am

Friends of Bill W. Meeting: Salon C

8:30 am - 4:05 pm

## **GENERAL SESSION: Salons E-H**

8:30 - 8:45 am

### **Opening Remarks**

**Moriah Adamo, Esq.**, Program Co-Chair

8:45 - 9:35 am

## **Maximizing Retirement Resources: Making the Golden Years Shine.**

How maximizing retirement income (Social Security, IRAs, Qualified pension plans, annuities, and investments) impacts your client's overall estate plan.

- Coordinating Taxes and Medicaid Eligibility.
- "Maximizing" IRA Required Minimum Distributions for Internal Revenue Code purposes v. Medicaid Eligibility purposes.
- Annuity Pay-Out Requirements - Contract v. Deficit Reduction Act.
- Beneficiary Designations - Roll Over, Stretch and the Complications of Designating a Trust.

Speaker:

**Patricia Shevy, Esq.**, The Shevy Law Firm, LLC, Albany

# SCHEDULE OF EVENTS

9:35 - 10:25

## **Experts Round Table – What’s Old is New?**

Updates on trends in the practice of Elder Law; acclimating to the needs of our clients in the aging society. Seasoned practitioners discuss how Elder Law has evolved and adapted to the demands of changing clientele, technology, economics and diminution in wealth transfer, offering pearls and gems to enhance your practice.

Panelists:

**Lee A. Hoffman, Jr., Esq.**, Hoffman & Keating, New City  
**Nancy Burner, Esq.**, Burner Law Group, East Setauket  
**Hyman G. Darling, Esq.**, Bacon Wilson, Springfield, MA

10:25 - 10:40 am

Refreshment Break with Exhibitors

10:40 - 11:30 am

## **Estate Planning in a Changing Tax Environment.**

Gift and estate tax including relevance of the NYS cliff; capital gain tax v. estate tax; the effect of the changing tax environment on Grantor and Non-grantor trusts, and taxation of small service and non-service businesses.

Speaker:

**Deirdre R. Wheatley-Liss, Esq.**, Porzio, Bromberg & Newman, PC, Morristown, NJ

11:30 am - 12:30 pm

## **Who Decides? Medical Aid in Dying**

A balanced debate designed to raise awareness of the ethical and policy-driven issues involved in end of life decision making and to broaden our understanding of the impact it has on our elder and special needs client population.

Moderator:

**Peter J. Strauss, Esq.**, Pierro Connor & Strauss, LLC, New York City

Debaters:

**David C. Leven, Esq.**, End of Life Choices New York, New York City  
**Edward Mechmann Esq.**, Counsel to Archdioceses, New York City

12:35 - 2:00 pm

Luncheon: Salon A – D  
Luncheon MCLE Session Starts at 1:05 pm

## **Sensitivity to Our Growing, Changing, and Diverse, Senior Population**

Speaker:

**Professor John Jacobi**, Health Law & Policy Program, Seton Hall Law School, Newark, NJ

2:05 - 3:00 pm

## **Addressing Financial Abuse in Article 81 Guardianship Proceedings**

The application of provisional remedies, revocation of advance directives, and turnover proceedings in Article 81 Guardianship actions.

Speaker:

**Danielle M. Visvader, Esq.**, Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP, New Hyde Park

3:00 - 3:15 pm

Refreshment Break with Exhibitors

3:15 - 4:05 pm

## **Managed Long Term Care Update**

Changes in State and Federal directives in the administration of the Managed Long Term Care landscape.

Speaker:

**David Silva, Esq.**, Community Service Society of New York, New York City

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**The Center for Special Needs Trust Administration**

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## CLE INFORMATION

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### **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).



# NEW YORK STATE BAR ASSOCIATION

## Elder Law and Special Needs Section Fall Meeting – Registration Form

October 4 - 5, 2018 | Park Ridge Marriott | Park Ridge, New Jersey

Name \_\_\_\_\_ Email \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

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

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Spouse/Guest Name \_\_\_\_\_

### REGISTRATION FEES

- |  |          |
|--|----------|
| <input type="checkbox"/> NYSBA Elder Law & Special Needs Section Member:   | \$300.00 |
| <input type="checkbox"/> NYSBA Member - Newly Admitted (5 years or less)*: | \$250.00 |
| <input type="checkbox"/> NYSBA ELSN Section Member First Time Attendee**:  | \$250.00 |
| <input type="checkbox"/> Other NYSBA Members:                              | \$400.00 |
| <input type="checkbox"/> Non-NYSBA Member Attorneys:                       | \$500.00 |
| <input type="checkbox"/> Spouse/Guest:                                     | \$125.00 |

\* Newly-Admitted attorneys are not required to be a Section member to receive preferred rate.

\*\*Elder Law and Special Needs Section members who have not attended a Summer or Fall Section meeting since 2008.

### Attorney Registration Fee includes:

Thursday & Friday MCLE Programming and associated costs,  
Thursday Ramsey Country Club Cocktail Reception and Dinner,  
Friday Continental Breakfast, MCLE Lunch & meeting coffee breaks.

### Spouse/Guest Registration Fee includes:

Thursday Ramsey Country Club Cocktail Reception and Dinner,  
Friday Continental Breakfast.

### SOCIAL EVENTS/ACTIVITIES

#### I / We plan to attend the Ramsey Country Club Cocktail Reception/Dinner

Thursday, October 4 \_\_\_\_\_ (No. attending)

Entree Choices: Fish \_\_\_\_\_ Beef \_\_\_\_\_  
Chicken \_\_\_\_\_ Vegetarian \_\_\_\_\_

Please specify number of each type entree requested.

I / We will require transportation to the dinner

#### I plan to attend the Attorney Only MCLE Luncheon

Friday, October 5 \_\_\_\_\_ (No. attending)

DIETARY NEEDS \_\_\_\_\_

### BOOK YOUR OWN HOTEL ACCOMMODATIONS

by **SEPTEMBER 13th** using the link at:  
[www.nysba.org/ELDFA18](http://www.nysba.org/ELDFA18)

to receive our preferred rate of \$169/night plus taxes. Reservations will fill quickly. Availability of rooms is not guaranteed up to the cut-off date.

### Registration Cancellation:

Notice of cancellation must be received by **September 24, 2018** in order to obtain a refund for registration fees.

### PAYMENT INFORMATION

Check or Money order enclosed.  
(Make checks payable to New York State Bar Association)

Charge \$ \_\_\_\_\_ to:  
 American Express  Discover  
 MasterCard  Visa

Card number:

Expiration date: \_\_\_\_\_

Authorized Signature:

### Fax or mail this form with registration fee(s) to:

Catheryn Teeter  
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Phone: 518.487.5573  
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