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NYSBA

Elder Law & Special Needs Section

2-Day Advanced Elder/Adult Family Mediation Training

Pace Law School
White Plains, NY

June 6-7, 2014

Training Prerequisites

All participants must have received basic mediation training and have experience in elder law matters.

A Friday evening presentation on caregiving and aging is being offered (see registration form); attendance is required for those with limited familiarity with aging issues, caregiving and community resources for seniors, and is strongly recommended for those wishing to further their education in this area.

CLE INFORMATION: 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 program will provide you with a total of **14 CREDIT HOURS**. The breakdown is as follows: 2.0 MCLE Credits in Ethics and Professionalism, and 12.0 in Skills. **THIS PROGRAM IS NOT TRANSITIONAL AND THEREFORE NOT SUITABLE FOR NEWLY ADMITTED ATTORNEYS.**

This training is pending approval under Part 146 by the New York State Unified Court System's Office of ADR Programs. Please note that final placement on any court roster is at the discretion of the local Administrative Judge and participation in a course that is either approved or pending approval does not guarantee placement on a local court roster.

SCHEDULE OF EVENTS

Program Details

This program will teach mediators specialized skills and techniques for working with seniors and adult families facing issues such as living arrangements, caregiving, financial planning, inheritance/estate disputes, medical decisions, family communication, driving, and guardianship. The goal is to help practitioners avoid litigation and focus on practical solutions in which the parties can participate in resolving their disputes.

Friday, June 6 | Day One

8:00 – 8:30	Registration
8:30 – 10:00	Lecture: Welcome & Content • Introductions and Setting Goals for the Training • What is this Field of Practice? • Reaffirming the Principles of Mediation • Spectrum of Mediation Styles • Presenting Issues • Characteristics of Elder / Adult Family Mediation
10:00 – 10:10	Break
10:10 – 11:40	Lecture: Content and Ethics • Exploring and Maximizing Capacity • Elder Mediation: A Hybrid of Dispute Resolution Processes • The Six Phase Process Model
11:40 – 12:30	Small Group Exercise, Skill Building & Debrief • Pre-Mediation Private Session Exercise
12:30 – 1:15	Lunch
1:15 – 1:45	Large Group Exercise • Developing a Topics List and Agenda
1:45 – 2:50	Skill Demonstration & Debrief • Trainer Demonstration Role Play (Fishbowl)
2:50 – 3:20	Lecture: Content • The First Family Meeting • Working with Your Co-Mediator • Who Might Be at the Table? • Working with Large, Dispersed Families with Multiple Issues
3:20 – 3:50	Small Group Exercise & Discussion • Co-Mediator Preparation – Small Group Workshops with Coaches
3:50 – 4:25	Small Group Exercise & Discussion • Possible Losses and Changes in Aging, and Age Bias
4:25 – 5:05	Lecture: Content, and Q&A • Professional Advice – Resources • Obstacles to Bringing Parties to the Table • Crafting Agreements • Defining Success
5:05 – 5:15	Day One Wrap Up

6:00 – 8:00 p.m. **Optional Aging Issues Program**

A Geriatric Care Manager will provide an overview of aging issues and New York specific resources for aging seniors and their families. This session is designed for practitioners who require or desire additional education about complexities of care management and service delivery of long term care.

SCHEDULE OF EVENTS

Saturday, June 7 | Day Two

8:30 – 8:40	Q&A from Day One and Role Play Set-Up
8:40 – 10:40	Role Play #1 with Small Group Debrief
10:40 – 10:55	Break
10:55 – 11:05	Large Group Debrief of Role Play #1
11:05 – 12:15	Discussion & Lecture: Content and Ethics • Screening for Appropriateness, Abuse, Neglect, and Safety • Roles of Non-Parties: Advocates, Surrogates and Advisors • Issues Regarding Participation of (or for) the Senior • Determining Prior Wishes • Continuing Education • Suggested Readings and Internet Resources
12:15 – 1:00	Lunch
1:00 – 3:00	Role Play #2 with Small Group Debrief
3:00 – 3:15	Break
3:15 – 3:30	Large Group Debrief of Role Play #2
3:30 – 5:00	Discussion & Lecture: Content and Ethics • Article 81 – Guardianship Overview • Challenges to Mediator Neutrality • Ethical Challenges • Getting the Word Out
5:00 – 5:15	Review Goals, Evaluations, Certificates, Wrap-up

Ethics Content

Discussions of ethics are woven throughout the training, in topics such as Capacity Issues and Maximizing Capacity to Participate, Screening for Abuse and Neglect, Mediation Principles, Who Needs to Be at the Table, etc., and in role play debriefs. In addition, time on Day 2 is devoted specifically to Ethical Challenges to raise issues that may not have come up earlier in the training, and to revisit and further explore issues already raised. Throughout the training, a minimum of 2 hours is devoted to ethics.

About Elder Decisions

Elder Decisions®, a division of Agreement Resources, LLC, is a leading provider of elder mediation services nationally. Its mediators facilitate family discussions around matters relating to finances, property, living situations, driving, caregiving and guardianships. The firm also offers conflict coaching to individuals when family meetings are not practical or desired, and regularly provides trainings in Elder Mediation for experienced mediators from around the world.

Location: Pace Law School, 78 N. Broadway, Aloysia Hall, Room 306, White Plains, NY 10603

Directions to Aloysia Hall: After entering the Pace Law School campus at 78 North Broadway, proceed about one hundred yards and then bear left past, on the left, a modern building (Gerber Glass Law Library), then a four-story Tudor building (Preston Hall), then the Law School's Quad. Aloysia Hall is on the east side of the Quad across from Preston Hall, with the main entrance facing into the Quad. Proceed past the Quad to park. After parking, return to the Quad and enter Aloysia Hall. After entering, you can go to the left or to the right to find an elevator and stairs to the third floor.

BIOGRAPHIES

Trainer Biographies

Arline Kardasis Kardasis is a mediator, trainer and co-founder of Elder Decisions®, and its parent company, Agreement Resources, LLC. She mediates family disputes in the areas of eldercare and estate matters as well as divorce. She designs and delivers advanced trainings in elder mediation, and participants have traveled to Massachusetts to attend these programs from more than 20 states and from Canada, Europe, New Zealand, and Australia. As a thought leader in the field, she has been invited to speak at the Harvard Law School Program on Negotiation, the Sino-U.S. Judicial Mediation Exchange Program, The American Bar Association, the National Association of Professional Geriatric Care Managers, and the National Academy of Elder Law Attorneys (NAELA) along with many other venues.

Arline served as a founding tri-chair of the Elder Decision-Making and Conflict Resolution Section of the Association for Conflict Resolution and she is the former Vice President of the Board of Directors of the New England Chapter of ACR. She also served on the Public Awareness Subcommittee for the Massachusetts Trial Court's Standing Committee on Dispute Resolution.

Arline received her BA in Political Science and Urban Studies from Boston University and her MAT with honors from Simmons College, and she completed the Harvard Law School Mediation Semester. She co-authored the book Mom Always Liked You Best: A Guide for Resolving Family Feuds, Inheritance Battles & Eldercare Crises (published in 2011). She also co-wrote "When Aging Issues Lead to Family Conflict" for Massachusetts Lawyers Weekly.

Crystal Thorpe is a mediator, trainer, and co-founder of Elder Decisions® and its parent company, Agreement Resources, LLC. She mediates disputes among family members about eldercare, family communication, caregiving, and trust and estate issues, as well as divorce and parenting. She trains mediators from around the world in the growing field of Elder (Adult Family) Mediation, and provides customized training for eldercare professionals in Conflict Resolution Skills. She has presented seminars and workshops for the Academy of Professional Family Mediators, the Harvard Law School Program on Negotiation, the National Association for Community Mediation, and the Judges Institute of the Connecticut Probate Assembly, among others. She recently served as a mentor to mediators through a program at the Massachusetts Norfolk Probate and Family Court.

Crystal is the co-author, with Rikk Larsen, of "Elder Mediation: Optimizing Major Family Transitions" for Marquette Elder's Advisor Law Journal. She and her colleagues co-authored the book Mom Always Liked You Best: A Guide for Resolving Family Feuds, Inheritance Battles & Eldercare Crises.

Crystal serves on the Board of Directors of the Massachusetts Council on Family Mediation, and is a member of the Association for Conflict Resolution and the Academy of Professional Family Mediators. She served on the Public Awareness Working Group and the Court Systems Working Group for the Massachusetts Trial Court's Standing Committee on Dispute Resolution. Crystal holds an MSW and an MBA from Boston College and an undergraduate degree in Cognitive Science/Psycholinguistics, magna cum laude, from Brown University.

Judith Nolfo McKenna, Esq. has been practicing law for 21 years; her practice focus is Elder Law, Trusts and Estates and Elder and Adult Family Mediation. Judy graduated from Albany Law School in 1992 and was admitted to practice in NY in 1993.

Judy began mediating cases in 2013 after training with the NYSBA Elder Law Section's mediation training and Elder Decisions. Judy mediates Elder Law and Trusts and Estates cases privately and volunteer mediates through Mediation Matters, a community dispute resolution center in the Capital District. As a volunteer mediator, Judy has mediated and co-mediated various cases including property rights, small business, family crisis issues, and inheritance and distribution issues.

Judy is a member of the NYSBA Elder Law Section (member of Mediation Committee, and Vice Chair of Tax, Estates and Trusts Committee). She is also a member of the NYSBA Trusts and Estates Law Section and Dispute Resolution Sections, The Albany County Bar Association (small and solo business committee and general membership), the NYS Dispute Resolution Association, and the Capital District Collaborative Law Association. Her volunteer work includes the following: Mediation Matters Community Dispute Resolution Center volunteer mediator, Polaris Project legislative circle, Albany Law School attorney mentor for Anti-Human Trafficking Pro Bono Project, and volunteer attorney for Albany Law Senior Law Day and Special Needs Law Day.



NEW YORK STATE BAR ASSOCIATION
DEPARTMENT OF SECTION SERVICES

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