




Elder Law & Special
Needs Section

Elder Law and Special Needs Section 2023 Fall Meeting

A Deep Dive into Elder Law and Special Needs Practice

 **Thursday, October 19, 2023 - Friday, October 20, 2023**

 The Gideon Putnam, 24 Gideon Putnam Rd.
Saratoga Springs, NY

NYSBA Elder Law and Special Needs Section

Section Chair

Fern J. Finkel, Fern Finkel & Associates, PLLC

Program Chairs

Howard S. Krooks, CELA, Cozen O'Connor

Louis W. Pierro, Esq., Pierro, Connor & Strauss, LLC

11.5 MCLE Credits

This program is transitional and approved for MCLE credit in New York for all attorneys, including those newly admitted.

11.5 Total Credits: 0.5 Ethics, 0.5 Skills, 8.5 Areas of Professional Practice, 2.0 Law Practice Management

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 NYCOURTS.GOV/ATTORNEYS/CLE



Day 1: Thursday, October 19th

7:30 a.m. – 5:00 p.m.

Exhibitors | Gallery

7:30 a.m.

Breakfast | Orenda & Geysler Rooms (included with conference registration)

8:30 – 9:00 a.m.

CLE Program Registration | Passageway

CLE Program: The Business of Elder Law | Hathorne & Coesa

9:00 – 9:10 a.m.

Program Introduction

9:10 – 10:00 a.m.

1.1 What to Look for in a CRM and Practice Management Software Analysis of the Current Marketplace. Software Systems and Practice

- A. What Software makes the most sense for the Elder Law Practitioner?
- B. A comparative analysis of leading software products.

Panelists:

Bill Dertinger, Esq., Lexpath Technology Holdings, Inc.

Daniel Ross Miller, Miller & Miller Law Group PLLC

1.0 MCLE Credit in Law Practice Management

10:00 – 10:25 a.m.

1.2 Where Did My Day Go? Time Management Skills for the Elder Law Practitioner

It's 5:30 p.m. and you haven't finished drafting a trust for your client who is coming in tomorrow morning to sign. Your family is expecting you for dinner, and you must check on your own parents who need more help every day. There is a solution to your time management problem. This session will focus on three critical skills every elder law practitioner needs to manage their time on a daily, weekly, and monthly basis so that you can build a profitable practice without sacrificing your family time.

- A. Three skills to help you manage your day, week, and month.
- B. How to incorporate those skills to make sure your practice doesn't run you.

Panelists:

Denise Cullen, Atticus, Inc.

Steve Riley, Esq., Certified Practice Advisor, Atticus, Inc.

0.5 MCLE Credit in Skills

10:25 – 10:50 a.m.

1.3 Defining the Scope of Your Practice – How Do You Decide? Identifying strengths in your firm. Defining your service bundle.

- A. Fair hearings and litigation - Are you willing to go the extra mile?
- B. Guardianship
- C. Special needs planning
- D. Medicare
- E. Social Security
- F. Care management
- G. VA benefits
- H. Real Estate and Coop Transfers

Speaker:

Christopher R. Bray, Rheinhardt & Bray, PC

0.5 MCLE Credit in Areas of Professional Practice

10:50 – 11:10 a.m.

Refreshment Break | Gallery

Sponsored by:



AGENDA

11:10 – 12:00 p.m.

1.4 Ten Tips for Building a Successful Practice

One of the biggest challenges for a growing practice is staffing: who to hire, when to hire, and how to compensate them. But if a law firm is not clear about its values while growing and adding staff, then culture can suffer, and there is the issue of serving current clients and finding new ones. Both Valerie and Steve have worked with lawyers for over 15 years to grow successful elder law practices. They will share ten tips that will help you avoid the “typical” pitfalls of growing a practice, while providing important guidance in watching for blind spots as you grow.

- A. When to hire
- B. Who should be your next hire? The pros and cons of hiring Attorneys and Paralegals.
- C. How to compensate team members
- D. Staff
 - 1. Office Manager
 - 2. Bookkeeper/Account Manager
 - 3. Marketing staff
 - 4. Care Managers
- E. Remote work and firm culture – What’s right for your practice?
- F. Looking for your blind spots

Panelists:

Denise Cullen, Atticus, Inc.

Steve Riley, Esq, Certified Practice Advisor, Atticus, Inc.

1.0 MCLE Credit in Areas of Professional Practice

12:00 – 12:50 p.m.

1.5 Lifecycle of an Elder Law Practice

How to Enter and Exit the Elder Law Practice Successfully

- A. Solo practice
- B. Grooming associates to be partners.
- C. Exit Strategies
 - 1. Sale of the practice – What is its value?
 - 2. Internal succession – Do you have the right team?
 - 3. Merging with another practice
 - 4. Joining a larger law firm
 - 5. “Of Counsel” arrangements
 - 6. Planning for your demise
- D. Dying without a plan
- E. What happens to your clients’ files?

Panelists:

David Goldfarb, Grimaldi Yeung Law Group

Ellen G. Makofsky, Makofsky Law Group P.C.

Steve Riley, Esq, Certified Practice Advisor, Atticus, Inc.

1.0 MCLE Credit in Law Practice Management

12:50 – 2:00 p.m.

Lunch | Orenda & Geysler Rooms (included with registration)

2:00 – 2:50 p.m.

1.6 The Benefits of Care Management in an Elder Law Practice

- A. The value of care management to elder law clients.
 - 1. What is “care management”?
 - 2. How can clients benefit.
- B. Incorporating Care Managers into Your Practice: What is the Best Approach?
 - 1. Referrals to/from Care Managers
 - 2. Staffing up for care management/coordination
 - 3. The Life Care Planning Model
- C. Benefits and concerns of adding care management/coordination to your practice.

Panelists:

Shannon Miller, Esq., The Miller Elder Law Firm

Suzanne Paolucci, LCSW, NY Care Consultants, LLC

Brian Andrew Tully, Esq., Tully Law Group, PC

1.0 MCLE Credit in Areas of Professional Practice

NYSBA Elder Law and Special Needs Section

2:50 – 3:15 p.m.

1.7 Ethics in Marketing Your Practice

While marketing in general involves commonly accepted practices, attorneys are held to higher standards, especially with regard to claims of expertise and client endorsements. Navigating the pitfalls and regulations can be daunting. This presentation will help identify the rules of the road in law practice marketing.

Speaker:

Moira Schneider Laidlaw, Hollis Laidlaw & Simon, P.C.

0.5 MCLE Credit in Ethics

3:15 – 3:35 p.m.

Afternoon Exhibitor Break | Gallery

3:35 – 4:25 p.m.

1.8 Artificial Intelligence Systems and Your Practice: What to Know

- A. Brief background on AI, the different types, and capabilities
- B. Brief demonstration on the power of AI and utility to lawyers
- C. Pitfalls of using AI
- D. Law firm contracts for AI service
- E. Ethical use of AI in an elder law practice

Panelists:

Christopher Dodson, Esq., Cozen O’Conner

Deborah A. Scalise, Esq., Scalise & Hamilton PC

1.0 MCLE Credit in Areas of Professional Practice

4:25 – 5:15 p.m.

1.9 Adding Retirement Benefits Trusts to Your Toolbox An ELSN Take on Planning in Light of SECURE 2.0

- A. ELSN asset preservation strategies for retirement accounts
- B. Rules for trusts as beneficiaries after SECURE 2.0
- C. Maximization (Medicaid) and minimization (income taxes)
- D. Drafting testamentary sole-benefit trusts for surviving spouses.
- E. Drafting stand-alone retirement benefits trust for descendants

Speaker:

Hon. Timothy C. O’Rourke, O’Rourke Seaman LLP

1.0 MCLE Credit in Areas of Professional Practice

6:30 – 7:30 p.m.

Cocktail Hour | Arches

7:30 – 9:30 p.m.

Dinner | Orenda & Geyser

Sponsored by:



**Advance registration is required for the cocktail hour and dinner.*

Please be sure to RSVP at the time of registration if you plan to attend either event.

A guest fee of \$130 is available to guests that plan to attend the cocktail hour and dinner only.

Day 2: Friday, October 20th

7:30 a.m. – 1:00 p.m.

Exhibitors | Gallery

7:30 – 8:30 a.m.

Committee Meetings & Breakfast | Hathorn and Coesa

8:30 – 9:00 a.m.

CLE Program Registration | Passageway

9:00 a.m.

CLE Program | Orenda & Geyser

The Substance of Elder Law: Keys to Drafting “Airtight” Documents

Keys to Drafting Airtight Documents: Tips and Clauses for Trusts and Other Techniques

Brian Albee, Esq. of WealthCounsel, LLC will team up with each speaker to discuss various drafting tips and clauses to create effective, client-friendly documents.

AGENDA

9:00 – 9:50 a.m.

2.1 Revocable Trusts: Creative Uses and Drafting for the Elder Law Practitioner

- A. Tax planning: Estate, GST, income, and capital gains taxes
- B. Joint or Separate Trusts?
 - a. How to structure the share of the surviving spouse
 - b. Planning for second marriages
- C. Incapacity of the grantor/trustee
 - 1. Triggers
 - 2. Supporting dependents
 - 3. Regaining capacity
- D. Planning for second marriages
- E. Trust Advisors
- F. Downstream” trusts for children and beneficiaries
- G. Pour-back to testamentary SNTs
- H. Trust funding – What role do you play?

Speaker:

Michael S. Kutzin, Esq., McCarthy Fingar LLP

1.0 MCLE Credit in Areas of Professional Practice

9:50 – 10:40 a.m.

2.2 Drafting the Medicaid Asset Protection Trust

This session will discuss intermediate to advanced issues.

- A. Challenges to Medicaid asset protection trusts in New York State
- B. Joint vs individual trusts
- C. Tax planning for irrevocable trusts
 - 1. Grantor trust rules
 - 2. Use of disclaimers
 - 3. Triggering step-up in basis
- D. Structuring the limited power of appointment.
 - 1. Lifetime vs. testamentary
 - 2. Joint trusts and spousal issues
- E. Income and principal distributions during lifetime
- F. Use of trust advisor/protectors
- G. Planning for second marriages
- H. How irrevocable is it? The use of EPTL 7-1.9

Speaker:

Matthew J. Nolfo, Esq., Matthew J. Nolfo & Associates

1.0 MCLE Credit in Areas of Professional Practice

10:40 – 11:00 a.m.

Exhibitor Break | Gallery

11:00 – 11:50 a.m.

2.3 Drafting for Special Needs Families

- A. Tips for client intake and identification of special needs clients and beneficiaries
- B. Options for planning, including use of ABLE accounts, 1st Party trusts, 3rd Party trusts
- C. Use of inter vivos trusts for special needs families and generational planning.
- D. Drafting provisions for special needs trusts

Speaker:

JulieAnn Calareso, Esq., Gleason Dunn Walsh & O’Shea

1.0 MCLE Credit in Areas of Professional Practice

NYSBA Elder Law and Special Needs Section

11:50 – 12:40 p.m.

2.4 11th Hour Crisis Planning

- A. Maximizing exemptions
- B. Spending down assets prior to application
- C. Spousal refusal options
- D. Calculating the optimal gift amount
- E. Drafting a DRA compliant promissory note
- F. Dealing with changes of income and nursing home rates
- G. Planning in light of (the impending?) 30-month community look back.
- H. Avoiding estate recovery

Speaker:

Frank E. Hemming, Esq., Pierro, Connor & Strauss, LLC

1.0 MCLE Credit in Areas of Professional Practice

1:00 p.m.

Lunch | Orenda & Geysler



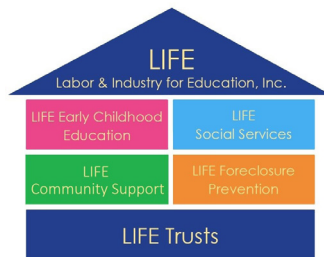


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