

Elder Law and Special Needs Section 2026 Summer Meeting

Thursday, August 13th & Friday, August 14th

Newport Harbor Island Resort

1 Goat Island, Newport, RI 02840

Program Chairs

Christopher R. Bray, Esq., Rheinhardt & Bray, PC, Ilion, NY

Lisa R. Valente, Esq., Makofsky Valente Law Group, P.C., Garden City, NY

Elder Law and Special Needs Section Chair

Tammy R. Lawlor, Esq., Miller & Milone, P.C., Garden City, NY

11.5 MCLE Credits: 6.0 Areas of Professional Practice, 3.5 Skills, 2.0 Ethics and Professionalism

Day 1: Thursday, August 13, 2026

9:00 a.m. – 5:00 p.m.

Exhibitor Hall

Beacon Ballroom Foyer

8:30 a.m. – 9:00 a.m.

CLE Program Registration

Beacon Ballroom Foyer

7.5 MCLE Credits: 4.0 Areas of Professional Practice; 2.0 Ethics and Professionalism, 1.5 Skills

9:00 a.m. – 4:40 p.m.

CLE Programing

Beacon Ballroom BCD

9:00 a.m. – 9:10 a.m.

Program Introduction

9:10 a.m. – 10:50 a.m.

I. Elder Law Update

As policymakers, courts, and advocates rethink the future of public benefits and disability rights, practitioners must navigate a rapidly changing legal landscape. This update will review significant federal and state Medicaid developments affecting older adults, including implementation of HR-1 and emerging challenges in long-term care planning. The program will also examine recent developments in special needs law, including supported decision-making, Article 17-A guardianship reform efforts, and disability-rights initiatives. Beyond the legal updates, the presenters will explore the broader systemic pressures facing older adults, individuals with disabilities, and their families, and what those pressures mean for practitioners advising vulnerable clients in an era of increasing uncertainty.

Speakers:

Lindsay V. Heckler, Esq., Center for Elder Law & Justice, Buffalo, NY

Tara Anne Pleat, Esq., Wilcenski & Pleat PLLC, Clifton Park, NY

2.0 MCLE Credits in Areas of Professional Practice

10:50 a.m. – 11:40 a.m.

II. Special Needs Planning Beyond the SNT

The special needs trust is the foundation, not the plan. This program takes elder law practitioners through the full arc of special needs planning—from the transition out of special education through adulthood—and shows how familiar concepts operate differently when the goal is building the best possible life for a client who has decades ahead.

Speaker:

Renee G. Schwartz, Esq., Goldman Schwartz LLC, Katonah, NY

1.0 MCLE Credit in Areas of Professional Practice

11:40 a.m. – 11:55 a.m.

Refreshment Break with Exhibitors

Beacon Ballroom Foyer

11:55 a.m. – 12:45 p.m.

III. The Capacity Question: Ethical Lawyering When Client Capacity Is Unclear

Assessing client capacity is one of the most difficult ethical judgments lawyers face. This program examines how attorneys should respond when a client's capacity is uncertain, fluctuating, or affected by family dynamics, cognitive decline, disability, or undue influence concerns. Using realistic hypotheticals, the program will explore the lawyer's ethical obligations under Rule 1.14, including the duty to maintain a normal attorney-client relationship when possible, preserve client autonomy, assess functional decision-making ability, protect confidentiality, consider protective action, and avoid unnecessary substitution of judgment.

The discussion will focus primarily on older adults experiencing cognitive decline, with clinical commentary from a geriatric psychiatry perspective, while also addressing how similar ethical principles apply to young adults with intellectual and developmental disabilities. The program will provide practical tools for interviewing clients, identifying red flags, documenting capacity concerns, distinguishing capacity from undue influence, and evaluating less restrictive alternatives to guardianship or other protective interventions.

Speakers:

Yeates Conwell, M.D., University of Rochester Medicine

Tara Anne Pleat, Esq., Wilcenski & Pleat PLLC, Clifton Park, NY

1.0 MCLE Credit in Ethics and Professionalism

12:45 p.m. – 1:30 p.m.

Lunch

1:30 p.m. – 1:55 p.m.

IV. Guardianship Hearings and the Rules of Evidence

This presentation will provide an overview of key considerations that arise during guardianship hearings, with a focus on the practical application of the rules of evidence, evidentiary

challenges, and effective advocacy strategies. Participants will develop skills in identifying, presenting, and challenging evidence to support their clients' positions during guardianship proceedings

Speaker:

Moriah Adamo, Esq., Abrams Fensterman, LLP, New Hyde Park,

NY

0.5 MCLE Credit in Skills

1:55 p.m. – 2:45 p.m.

V. Guardianship Mock Trial

This interactive session will immerse participants in a simulated guardianship trial, offering a hands-on opportunity to observe and engage with the litigation process from start to finish. Attendees will see how legal arguments, witness testimony, and evidentiary objections play out in a realistic courtroom setting. Designed to enhance practical skills, the mock trial will highlight key strategies, common pitfalls, and best practices in advocating for or against the appointment of a guardian.

Speaker:

Moriah Adamo, Esq., Abrams Fensterman, LLP, New Hyde Park, NY

Judges Panel:

Hon. Ilene P. Fern, Queens Supreme Court
Hon. Julie Grow Denton, Oneida Supreme Court
Hon. Gary F. Knobel, Nassau Supreme Court
Hon. Lisa A. Sokoloff, New York Supreme Court

1.0 MCLE Credit in Skills

2:45 p.m. – 3:00 p.m.

Refreshment Break with Exhibitors

Beacon Ballroom Foyer

3:00 p.m. – 3:50 p.m.

VI. Legislation Update on NY's Medical Aid in Dying Act

Join us for a panel discussion on understanding the law and its implications and limitations of the law and practice guidelines on client questions and requests.

Speakers:

Judith D. Grimaldi, Esq., Grimaldi Yeung Law Group, Brooklyn, NY
Peter J. Strauss, Esq., Pierro, Connor & Strauss, LLC, New York, NY
Yeates Conwell, M.D., University of Rochester Medicine

1.0 MCLE Credit in Areas of Professional Practice

3:50 p.m. – 4:40 p.m.

VII. Attorney Pitfalls

This presentation will review the “10 Commandments” lawyers should follow to minimize the risk of malpractice claims and disciplinary grievances.

Speaker:

Paul G. Ferrara, Esq., Costello Cooney & Fearon PLLC,
Syracuse, NY

1.0 MCLE Credit in Ethics and Professionalism

5:00 p.m. – 7:00 p.m.

Reception

Beacon Foyer

Day 2: Friday, August 14, 2026

8:00 a.m. - 9:00 a.m.

Committee Meetings & Breakfast

Beacon Ballroom A

9:00 a.m. – 12:45 p.m.

Exhibitors

Beacon Ballroom Foyer

8:30 a.m. – 9:00 a.m.

CLE Program Registration

Beacon Ballroom Foyer

4.0 MCLE Credits: 2.0 in Areas of Professional Practice; 2.0 Skills

9:00 a.m. – 12:45 p.m.

CLE Programing

Beacon Ballroom BCD

9:00 a.m. – 9:10 a.m.

Program Introduction

9:00 a.m. – 9:50 a.m.

I. The Veteran in Article 81 Proceedings: A Practical Guide for New York Guardianship Attorneys

This presentation will provide attorneys with practical skills for identifying and addressing issues involving veterans in Article 81 guardianship proceedings. Participants will learn how to obtain and interpret military service records, including the DD-214; identify and evaluate veterans' benefits and resources; navigate the Department of Veterans Affairs Fiduciary Program; and assess the interaction between VA fiduciaries and Article 81 guardians. The program will also focus on developing effective advocacy and guardianship planning strategies to protect the interests of incapacitated persons who are veterans and to maximize available benefits and services for them and their families.

Speaker:

Gary B. Port, Esq., Port & Sava, Lynbrook, NY

1.0 MCLE Credit in Skills

9:50 a.m. – 10:40 a.m.

II. Jeopardy! - The Elder Law and Beyond Edition

This interactive program uses a Jeopardy!-style format to reinforce and expand participants' knowledge of key elder law concepts and related practice areas. Through a series of engaging questions and case-based scenarios, attendees will review legal principles involving Medicaid eligibility and planning, long-term care issues, estate planning, guardianship, powers of attorney, health care decision-making, trusts, special needs planning, and ethical considerations in representing older adults and individuals with disabilities.

Participants will also explore developments in related areas of law that frequently intersect with elder law practice, including probate and estate administration, tax considerations, asset protection strategies, and recent statutory and regulatory updates. The program encourages active participation while providing practical guidance, issue-spotting techniques, and real-world applications that attorneys can incorporate into their practices.

Speaker:

Lisa R. Valente, Esq., Makofsky Valente Law Group, P.C., Garden City, NY

1.0 MCLE Credit in Areas of Professional Practice

10:40 a.m. – 10:55 a.m.

Refreshment Break with Exhibitors

Beacon Ballroom Foyer

10:55 a.m. – 11:45 a.m.

III. When the Attorney Becomes the Fiduciary: Practical Skills for Managing and Limiting Liability as Guardian, Trustee, and Executor

Attorneys who step into fiduciary roles for their elderly clients take on significant personal exposure that extends well beyond ordinary professional responsibility. This session will provide practical guidance on applying the standards of care governing guardians, trustees, and executors; identifying and assessing potential sources of liability; implementing effective risk-management and recordkeeping practices; and making informed fiduciary decisions in complex situations. Participants will develop skills for fulfilling fiduciary obligations, avoiding common pitfalls, and protecting both the client's interests and their own professional and personal liability.

Speaker:

Laura M. Brancato, Esq., Brancato Law Group, PLLC, Larchmont, NY

1.0 MCLE Credit in Skills

11:45 a.m. – 12:35 p.m.

IV. Guardianship Judges Panel

This program features a moderated panel discussion with four distinguished jurists from across New York State who preside over guardianship proceedings under Article 81 of the Mental Hygiene Law. Drawing on their varied experiences in different New York counties, our esteemed panelists will offer insights on current trends and emerging issues in guardianship practice, including evolving judicial expectations regarding exploring least restrictive means in the context of guardianship, the appointment and oversight of guardians, and the balancing of an alleged incapacitated person's autonomy against protective concerns. The discussion will also address practical guidance and best practices for attorneys litigating Article 81 proceedings – from case preparation and evidentiary considerations to navigating procedural differences among jurisdictions – as well as common pitfalls and challenges practitioners encounter in bringing these cases before the court.

Speaker:

Dana Walsh Sivak, Esq., Falcon Rappaport & Berkman LLP,
Rockville Centre, NY

Judges:

Hon. Ilene P. Fern, Queens Supreme Court
Hon. Julie Grow Denton, Oneida Supreme Court
Hon. Gary F. Knobel, Nassau Supreme Court
Hon. Lisa A. Sokoloff, New York Supreme Court

1.0 MCLE Credit in Areas of Professional Practice

12:35 p.m. – 12:45 p.m.

Closing Remarks

12:45 p.m.

Adjourn