

# NEW YORK STATE BAR ASSOCIATION

## **Elder Law Section Chair**

**SHARON KOVACS GRUER, ESQ.**

Sharon Kovacs Gruer, P.C.  
Great Neck

## **Elder Law Section Fall Meeting Program Co-Chair**

**TAMMY R. LAWLOR, ESQ.**

Miller & Milone, P.C.  
Garden City

## **Elder Law Section Fall Meeting Program Co-Chair**

**MILES P. ZATKOWSKY, ESQ.**

Dutcher & Zatkowsky  
Rochester

## **Committee on Issues Affecting People With Disabilities**

### **Chair**

**NANCY H. HALLECK, ESQ.**

NYS Office of Mental Health  
Albany

## **Senior Lawyers Section Chair**

**JUSTIN L. VIGDOR, ESQ.**

Boylan, Brown, Code, Vigdor &  
Wilson, LLP  
Rochester

## **Senior Lawyers Section Program Co-Chair**

**CAROLE A. BURNS, ESQ.**

Rocky Point

## **Senior Lawyers Section Program Co-Chair**

**WILLARD H. DASILVA, ESQ.**

DaSilva, Hilowitz & McEvily LLP  
Garden City

## **Dispute Resolution Section Chair**

**EDNA SUSSMAN, ESQ.**

Sussman ADR LLC  
Scarsdale

## **Dispute Resolution Section Program Co-Chair**

**SIMEON H. BAUM, ESQ.**

Resolve Mediation Services, Inc.  
New York City

## **Dispute Resolution Section Program Co-Chair**

**RICHARD LUTRINGER, ESQ.**

New York City

## **Dispute Resolution Section Program Co-Chair**

**MARK J. BUNIM, ESQ.**

Case Closure, LLC  
New York City

# NYSBA

## **Elder Law Section and Senior Lawyers Section**

### **Joint Fall Meeting**

Renaissance Westchester Hotel

White Plains, New York

October 28-30, 2010

For experienced attorneys this program will provide up to 16.5 MCLE credits including 1.5 credits in Ethics, 3 credits in Skills and 12 credits in Law Practice Management/Professional Practice. For newly admitted attorneys this program will qualify for up to 5.5 MCLE credits, 4.0 in the Basic Skills sessions and 1.5 in the Ethics session.





# SCHEDULE OF EVENTS

## Thursday, October 28, 2010 *continued*

2:35 p.m. - 3:25 p.m.

### PRACTICAL SKILLS CLASSROOM SESSION 2

#### *Basic*

#### HOW TO PREPARE AND CONDUCT A FAIR HEARING AND ARTICLE 78 PROCEEDING - Hutchinson/Zenger

MORIAH R. ADAMO, ESQ., Abrams, Fensterman, Fensterman, Eisman, Greenberg, Formato & Einiger, LLP, Lake Success

#### *Advanced*

#### AN OVERVIEW OF SPECIAL EDUCATION LAW AND HOW TO HANDLE CSE APPEALS - Cooper/Greeley

SUSAN J. DEEDY, ESQ., Law Office of Susan Deedy, Esq., Wantagh

3:25 p.m. - 3:40 p.m.

**Break** - The Commons

3:40 p.m. - 4:30 p.m.

### PRACTICAL SKILLS CLASSROOM SESSION 3

#### *Basic*

#### DISTINGUISHING GUARDIANSHIPS - Hutchinson/Zenger

LISA M. PETROCELLI, ESQ., Law Secretary to the Hon. Joel K. Asarch, Mineola

#### *Advanced*

#### HOW TO INITIATE A KENDRA'S LAW PROCEEDING AND CONDUCT A RIVERS V. KATZ HEARING - Cooper/Greeley

SUANNE L. CHIACCHIARO, ESQ., Suanne L. Chiacchiaro, Esq., East Northport

4:30 p.m. - 5:20 p.m.

### PRACTICAL SKILLS CLASSROOM SESSION 4

#### *Basic*

#### HOW TO DRAFT A SUPPLEMENTAL NEEDS OR SPECIAL NEEDS TRUST - Hutchinson/Zenger

ELIZABETH MURPHY, ESQ., Miller & Milone, P.C., Garden City

#### *Advanced*

#### THE ATTORNEY GENERAL'S POSITIONS WITH REGARD TO SUPPLEMENTAL NEEDS TRUSTS - Cooper/Greeley

MARK D. BRODY, ESQ., Office of the Attorney General of the State of New York, Albany

#### (1) Update on Litigated SNT Positions

- When/How the AG seeks to oppose or void SNTs
- When/Why the AG seeks to create or consent to SNTs
- How competing statutory obligations are balanced

#### (2) AG's SNT Positions in Guardianship Proceedings

- Payback vs. Pooled Trusts
- Art 81 vs. SCPA 17-A

6:00 p.m. - 7:00 p.m.

#### **Cocktail Reception** - Castle on the Hudson

All are welcome. Join us for cocktails and hors d'oeuvres at the beautiful and luxurious Castle on the Hudson, a medieval style Castle built in 1897 overlooking the Hudson River. Dinner is on your own.

*Sponsored by Jasper Surety Agency*

# SCHEDULE OF EVENTS

## Thursday, October 28, 2010 - Senior Lawyers

**8:30 a.m. - 5:30 p.m.**      **Registration and Exhibits** - The Commons

**10:00 a.m. - 11:00 a.m.**      **Senior Lawyers Section Executive Officers' Meeting** -  
Van Cortlandt/Vanderbilt

**11:00 a.m. - 1:00 p.m.**      **Senior Lawyers Section Executive Committee Luncheon Meeting** -  
Van Cortlandt/Vanderbilt

### **SENIOR LAWYERS SECTION and DISPUTE RESOLUTION SECTION JOINT GENERAL SESSION** - Masefield

*Mediation Comes of Age - A New Frontier for Elder Law Practitioners and Senior Lawyers*

**1:30 p.m. - 1:45 p.m.**      **WELCOMING REMARKS**  
**JUSTIN L. VIGDOR, ESQ.**  
**SENIOR LAWYERS SECTION CHAIR**  
Boylan, Brown, Code, Vigdor & Wilson, LLP  
Rochester

**PROGRAM INTRODUCTION**  
**WALTER T. BURKE, ESQ.**  
**SENIOR LAWYERS SECTION  
CHAIR-ELECT**  
Burke & Casserly, P.C.  
Albany

**SIMEON H. BAUM, ESQ.**  
**DISPUTE RESOLUTION SECTION  
PROGRAM CO-CHAIR**  
Resolve Mediation Services  
New York City

**1:45 p.m. - 3:00 p.m.**      **MEDIATION OF ESTATE ISSUES & DEVELOPMENT OF THE USE  
OF MEDIATION IN SURROGATE'S COURT**  
The panel will address the wide range of issues and the rich possibilities that can be found in the mediation of estate disputes. It will discuss the recently established mediation program established by Surrogate Glen in New York County. It will also include a mock mediation of an estate matter highlighting some of the more sensitive issues that arise in this context.

*Moderator:*                      **RICHARD LUTRINGER, ESQ.**  
Chair, Joint Committee on NY County Surrogate's Court Mediation Program  
New York City

*Panelists:*                      **HON. KRISTIN BOOTH GLEN**  
New York County Surrogate's Court  
New York City

**DANIEL M. WEITZ, ESQ.**  
Deputy Director, Division of Court Operations  
Coordinator, Office of ADR and Court Improvement Programs  
Office of Court Administration  
New York City

**3:00 p.m. - 3:15 p.m.**      **Break** - The Commons

# SCHEDULE OF EVENTS

## Thursday, October 28, 2010 *continued*

**3:15 p.m. - 4:30 p.m.**

### **AN INTRODUCTION TO THE LANDSCAPE OF ELDER LAW ISSUES THAT CAN BENEFIT FROM MEDIATION**

The panel will discuss mediation in a wide variety of areas, including: family business disputes, life insurance issues, parent/child issues, health law, long-term care facility and nursing home matters, and contested guardianship proceedings.

**Moderator:**

**MARK J. BUNIM, ESQ.**  
Managing Director, Case Closure, LLC  
New York City

**Panelists:**

**LEONA BEANE, ESQ.**  
Mediator and Guardianship Expert  
New York City

**LINDA MARTIN, ESQ.**  
Executive Vice President, Aging in America  
Bronx

**JODIE L. OUSLEY, ESQ.**  
d'Arcambal, Levine and Ousley, LLP  
New York City

**JEROME GOTKIN, ESQ.**  
Mintz Levin Cohn Ferris Glovsky & Popeo PC  
Boston, MA

**4:30 p.m. - 5:20 p.m.**

### **BUILDING A MEDIATION PRACTICE - TIPS FOR CONTRACT DRAFTERS, REPRESENTATIVES AND MEDIATORS**

This section of the program will address an issue of interest to any member of the Senior Lawyers Section who has contemplated commencing a practice as a mediator or increasing his or her involvement in mediation, whether as representative or drafter of mediation clauses. The presenters will identify elder law areas where mediation can be helpful, and opportunities for adding mediation clauses to contracts (wills, trust documents, operating agreements, etc.). The presenters will address selection of cases that are appropriate for mediation and of mediators for those cases. The presenters will provide tips on effective representation in mediation, and will offer advice on developing a practice as a mediator.

**Panelists:**

**SIMEON H. BAUM, ESQ.**  
Litigator, Mediator, and President, Resolve Mediation Services, Inc.  
New York City

**DANIEL M. WEITZ, ESQ.**  
Deputy Director, Division of Court Operations  
Coordinator, Office of ADR and Court Improvement Programs  
Office of Court Administration  
New York City

# SCHEDULE OF EVENTS

## Thursday, October 28, 2010 *continued*

**6:00 p.m. - 7:00 p.m.**     **Cocktail Reception** - Castle on the Hudson  
All are welcome. Join us for cocktails and hors d'oeuvres at the beautiful and luxurious Castle on the Hudson, a medieval style Castle built in 1897 overlooking the Hudson River. Dinner is on your own.

## Friday, October 29, 2010

**7:30 a.m. - 6:00 p.m.**     **Registration and Exhibits** - The Commons

**7:30 a.m. - 8:30 a.m.**     **Elder Law Section Committee Breakfast Meeting** - Irving  
**GENERAL SESSION** - Cooper/Greeley

**8:30 a.m. - 8:45 a.m.**     **WELCOMING REMARKS**  
**SHARON KOVACS GRUER, ESQ.**  
**SECTION CHAIR**  
Sharon Kovacs Gruer, P.C.  
Great Neck

**PROGRAM INTRODUCTION**  
**TAMMY R. LAWLOR, ESQ.**  
**FALL PROGRAM CO-CHAIR**  
Miller & Milone, P.C.  
Garden City

**MILES P. ZATKOWSKY, ESQ.**  
**FALL PROGRAM CO-CHAIR**  
Dutcher & Zatkowsky  
Rochester

**WALTER T. BURKE, ESQ.**  
**SENIOR LAWYERS SECTION CHAIR-ELECT**  
Burke & Casserly, P.C.  
Albany

**8:45 a.m. - 10:15 a.m.**     **ELDER LAW UPDATE**  
**ESTATE TAX, INCOME TAX, AND NON-MEDICAID**  
**ELDER LAW UPDATES**  
• Will Include the New Power of Attorney Legislation and Form

*Speaker:*     **MICHAEL J. AMORUSO, ESQ.**  
Amoruso & Amoruso, LLP  
Rye Brook

*Speaker:*     **MEDICAID & FAIR HEARING UPDATES**  
**ANTHONY J. ENEA, ESQ.**  
Enea, Scanlan, & Sirignano, LLP  
White Plains

**10:15 a.m. - 11:05 a.m.**     **MEDICARE NUTS AND BOLTS**  
*Speaker:*     **JOSEPH R. BAKER, III, ESQ.**  
Medicare Rights Center  
New York City

**11:05 a.m. - 11:20 a.m.**     **Break** - The Commons

# SCHEDULE OF EVENTS

## Friday, October 29, 2010 *continued*

11:20 a.m. - 12:20 p.m.

### HEALTH CARE ISSUES PANEL

Updates Regarding:

- Health Care Proxy
- Family Health Care Decisions Act
- Implementation of MOLST and Modifications Due to Family Health Care Decisions Act

*Speakers:*

ELLEN G. MAKOFSKY, ESQ.

Raskin & Makofsky, Esq.  
Garden City

PATRICIA A. BOMBA, MD

Patricia A. Bomba, MD FACP  
Rochester

ROGER OSKVIG, MD

University of Rochester Medical Center  
Rochester

12:20 p.m. - 12:50 p.m.

### ASSISTING THE "SNOWBIRD CLIENT"

*Speaker:*

HOWARD S. KROOKS, ESQ.

Elder Law Associates PA  
Florida

1:00 p.m. - 2:00 p.m.

### LUNCH - Financial/Retirement Planning - Irving

Sponsored by  RDM FINANCIAL GROUP

2:00 p.m. - 2:50 p.m.

### LITIGATION IN ELDER LAW - RULES OF EVIDENCE AND OBJECTIONS IN GUARDIANSHIP AND THE SURROGATE'S COURT

*Speaker:*

DAVID A. SMITH, ESQ.

Law Office of David A. Smith, PLLC  
Garden City

2:50 p.m. - 3:50 p.m.

### DSS MEDICAID PANEL

*Panelists:*

DANIEL J. TARANTINO, ESQ.

Deputy Director, NYS Department of Health  
Albany

D. STEVE RAHMAS, ESQ.

Albany County Department of Social Services  
Albany

RICHARD A. MARCHESE, JR., ESQ.

Monroe County Department of Social Services  
Rochester

PHILIP A. VAN DER KARR, ESQ.

Ontario County Department of Social Services  
Canandaigua

WILLIAM G. HOLST, ESQ.

Suffolk County Department of Law  
Central Islip

CAROL F. ARCURI, ESQ.

Westchester County Department of Social Services  
White Plains

# SCHEDULE OF EVENTS

## Friday, October 29, 2010 *continued*

- 3:50 p.m. - 4:05 p.m.**      **Break** - The Commons
- 4:05 p.m. - 4:55 p.m.**      **ADMINISTRATION OF SUPPLEMENTAL/SPECIAL NEEDS TRUSTS**  
*Speaker:*                      **JOAN L. ROBERT, ESQ.**  
Kassoff, Robert, & Lerner Law  
Rockville Centre
- 4:55 p.m. - 5:45 p.m.**      **HEALTH CARE REFORM PANEL**  
*Speakers:*                      **LEE A. HOFFMAN, JR., ESQ.**  
Law Offices of Lee A. Hoffman, Jr.  
New City
- JUDITH D. GRIMALDI, ESQ.**  
Grimaldi & Yeung, LLP  
Brooklyn
- 5:45 p.m. - 6:45 p.m.**      **Cocktail Reception** - The Commons  
All are welcome. Join us for cocktails and hors d'oeuvres.
- 7:00 p.m.**                      **Elder Law Section Comedy Dinner** - Irving  
Friday or Full Three-Day Fall Conference Registrants Only.
- 7:00 p.m.**                      **Senior Lawyers Section Dinner** - Masfield  
Friday or Full Three-Day Fall Conference Registrants Only.

## Saturday, October 30, 2010

- 8:00 a.m. - 8:15 a.m.**      **OPENING REMARKS** - Irving  
**SHARON KOVACS GRUER, ESQ.**  
**ELDER LAW SECTION CHAIR**  
Sharon Kovacs Gruer, P.C.  
Great Neck
- PROGRAM INTRODUCTION**  
**TAMMY R. LAWLOR, ESQ.**                                      **MILES P. ZATKOWSKY, ESQ.**  
**FALL PROGRAM CO-CHAIR**                                      **FALL PROGRAM CO-CHAIR**  
Miller & Milone, P.C.    Dutcher & Zatkowsky  
Garden City    Rochester
- WALTER T. BURKE, ESQ.**  
**SENIOR LAWYERS SECTION CHAIR-ELECT**  
Burke & Casserly, P.C.  
Albany

# SCHEDULE OF EVENTS

## Saturday, October 30, 2010 *continued*

8:15 a.m. - 9:30 a.m.

### **THE ETHICS OF DEALING WITH FRAUDULENT CLIENT CONDUCT**

MICHAEL S. ROSS, ESQ.

Law Office of Michael S. Ross

New York

Michael Ross is an adjunct professor at both Cardozo Law School and Brooklyn Law School, teaching Responsibility and Ethics in Litigation. His practice is focused on the representation of attorneys before disciplinary and grievance committees and advising attorneys on ethical issues.

9:30 a.m. - 10:20 a.m.

### **ROUNDTABLE DISCUSSIONS SESSION 1**

10:20 a.m. - 10:35 a.m.

### **Break**

10:35 a.m. - 11:25 a.m.

### **ROUNDTABLE DISCUSSIONS SESSION 2**

11:25 a.m. - 12:15 p.m.

### **ROUNDTABLE DISCUSSIONS SESSION 3**

### **ADVANCED PRACTICE WORKSHOPS** - Irving

The Advanced Practice Workshops will be interactive roundtable discussions on some of the more complex issues in elder law. In addition, the Senior Lawyers Section is presenting a workshop on how lawyers can assist their clients (and themselves) with retirement life planning. Each participant will attend three sessions over the course of the morning and will be able to select from the following topics.

*Please note that pre-registration for each discussion is not required.*

### **TOPICS**

- **Community Care Options and Benefits Available**

Ellyn S. Kravitz, Esq., Littman Krooks, LLP, New York

- **Guardianship and Part 36 Appointment Issues**

Anthony J. Lamberti, Esq., Brooklyn

- **Medicaid's Treatment of Real Property Issues (Reverse Mortgages, Life Estates)**

Robert J. Kurre, Esq., Robert J. Kurre & Associates, PC, Great Neck

- **Mental Health Issues and Services**

Eve Green Koopersmith, Esq., Garfunkel Wild, PC, Great Neck

- **Practice Management Tips in a Slumping Economy**

Ronald A. Fatoullah, Esq., Ronald Fatoullah & Associates, Great Neck

- **Veteran's Benefits**

Felicia Pasculli, Esq., The Elder Law and Special Needs Practice of Felicia Pasculli, P.C., Bayshore

- **Retirement Life Planning for Attorneys & Their Clients - It's About More than Money**

Rosemary C. Byrne, Esq., Step By Step Coaching, Englewood, NJ

**Program Concludes**

# SCHEDULE OF EVENTS

**MARK YOUR CALENDARS NOW FOR FUTURE SECTION MEETINGS!**

## **DISPUTE RESOLUTION SECTION**

### **ANNUAL MEETING**

**Thursday, January 27, 2011  
Hilton New York**



## **ELDER LAW SECTION**

### **ANNUAL MEETING**

**Tuesday, January 25, 2011  
Hilton New York**

### **SPRING UNPROGRAM**

**April 28-29, 2011  
Location TBA**

### **SUMMER MEETING**

**August 18-21, 2011  
The Equinox, Manchester, VT**

### **FALL MEETING**

**October Date and Location TBA**



## **SENIOR LAWYERS SECTION**

### **ANNUAL MEETING**

**Friday, January 28, 2011  
Hilton New York**

**Sponsor and Exhibitor Chair, SALVATORE M. DI COSTANZO, ESQ.  
Sponsor and Exhibitor Vice Chair, PATRICIA J. SHEVY, ESQ.**

**THE ELDER LAW SECTION  
GRATEFULLY ACKNOWLEDGES  
THE SUPPORT OF ITS PREMIUM SPONSORS:**



**JASPER SURETY AGENCY**

**THE ELDER LAW SECTION GRATEFULLY ACKNOWLEDGES  
ITS EXHIBITORS:**

**AM RECHT & ASSOCIATES, INC.**

**ELDERCOUNSEL**

**INTERACTIVE LEGAL**

**INTERIM HEALTHCARE**

**METLIFE**

**MORGAN STANLEY  
SMITH BARNEY**

**PERSONAL-TOUCH HOME  
HEALTH CARE, INC.**

**WEALTH PARTNERS**

**WEALTHCOUNSEL**

## Important Information

Renaissance Westchester Hotel  
80 West Red Oak Lane  
West Harrison, NY 10604

For comfort and convenience, we have made arrangements for your overnight accommodations at the Renaissance Westchester Hotel.

Room rates are **\$129 per night**, plus applicable taxes. **To secure your room please call the Renaissance Westchester at 1-800-468-3571 or 914-694-5400** and mention you are with the NYS Bar group. The cut-off date for reservations October 6, 2010. Reservations made after that date will be subject to availability and may not be available at the group rate. Check-in is 3:00 p.m., Check-out is 1:00 p.m.

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, experienced attorneys will qualify for up to 16.5 MCLE credits including 1.5 credits in Ethics, 3 credits in Skills and 12 credits in Law Practice Management/Professional Practice. For newly admitted attorneys this program will qualify for up to 5.5 MCLE credits, 4.0 in the Basic Skills sessions and 1.5 in the Ethics session.

**DISCOUNTS AND SCHOLARSHIPS:** New York State Bar Association members and non-members may apply for a discount or scholarship to attend this program, based on financial hardship. This discount applies to the educational portion of the program only. Under that policy, anyone who has a genuine basis for his/her hardship, and if approved, can receive a discount or scholarship, depending on the circumstances. To apply for a discount or scholarship, please send your request in writing to Kathleen M. Heider at: New York State Bar Association, One Elk Street, Albany, New York, 12207, or email to [kheider@nysba.org](mailto:kheider@nysba.org).

**SPECIAL DISCOUNTS:** The Elder Law Section has approved a new policy which allows for a 50% discount on the registration fees for all Elder Law Section members who practice in government, public sector or as Court personnel. This discount is not automatic and **must be requested in writing** as stated above under *Discounts and Scholarships*.

**Members of the Judiciary may also register as a guest and pay the reduced guest registration fee.**

**Accommodations for Persons with Disabilities:** NYSBA will make reasonable modifications/accommodations to allow participation in its services, programs, or activities by persons with disabilities. NYSBA will provide auxiliary aids and services upon request. NYSBA will remove architectural barriers and communication barriers that are structural in nature where readily achievable. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Kathy Heider at 518.487.5500 or [kheider@nysba.org](mailto:kheider@nysba.org).



NEW YORK STATE BAR ASSOCIATION  
One Elk Street  
Albany, New York 12207