

California Advocates for Nursing Home Reform

PRESENTS THE
14TH ANNUAL

**ELDER
LAW
CONFERENCE
2010**

2010 UPDATE & DEVELOPMENTS

IDITs TAXES & RECOVERY

MEDI-CAL TRANSFER

VA AID & ATTENDANCE

ELDER ABUSE LITIGATION: A MOCK TRIAL

*Elder Law in 2010:
"Innovation & Collaboration"*

**Friday & Saturday, November 19 - 20, 2010
Monterey, CA
Portola Plaza Hotel**

Download additional registration forms at
www.canhr.org

**Register Early
Space Is Limited**

CONFERENCE SCHEDULE

Day One

- 12 noon-1:00 Registration**
- 1:00-2:00 Introduction & Plenary Session**
Review of logistics, conference and CD
Keynote speaker, William F. Benson, will discuss the impact of the Patient Protection and Affordable Care Act on long term care issues, including the Elder Justice Act, the Nursing Home Transparency Act and other provisions relevant to estate planners and litigators.
- 2:00-2:30 A. 2010 Medi-Cal Updates and Expectations in Estate Planning**
2010 legislative and policy changes that will effect Medi-Cal, long term care and estate planning issues, including California's budget impact on long term care services and where we are with the DRA.
- 2:30-3:30 A. Understanding the CLASS Act**
The federal health reform law establishes a national, voluntary insurance program for purchasing Community Living Services and Supports (the CLASS Act), scheduled to become effective January 1, 2011, with enrollment to begin in late 2012. This session will provide details of one of the most important new provisions of the health reform law, including enrollment, eligibility and benefits of the CLASS program.
- 2:00-3:30 B. Elder Abuse Litigation Updates**
A panel comprised of top elder abuse litigators who will share their perspectives on their most recent cases of 2010. This panel will cover nursing home and residential care neglect cases, HMOs, resident rights and financial abuse class action litigation. This session will also discuss how to support advocacy through innovative settlements: cy pres, structured donations, and how to become an Elder Justice Advocate.
- 3:45-5:00 A. Medi-Cal Transfers by Individuals and Spouses**
This session will include a review of the transfer rules for Long Term Care Medi-Cal, with a focus on spouse-to-spouse transfer rules, pre and post institutionalization and eligibility.
B. Point/Counterpoint: Plaintiff and Defense Perspectives
Moderated by Mediator Steve Metha, this popular session will include a lively discussion of disparate views on a variety of cutting edge topics from plaintiff and defense attorneys. Attendees are invited to submit questions before and during the session.
- 5:00-7:00 Meet the Speakers Reception**
Cocktails, hors d'oeuvres and a chance to meet and mingle with friends, foes and experts in long term care advocacy and elder law.

Day Two

- 7:30-8:30 Registration/Continental Breakfast**
- 8:30-10:00 A. Special Needs Trusts: Frequently Asked Questions**
An intensive on special needs trusts, including recent changes in the POMS. This session is geared toward answering frequently asked questions about special needs trusts, with sample forms and relevant documents.
- 10:15-10:45 A. Options for Community Based Care**
A brief review of IHSS changes, home and community based waiver programs, Assisted Living Waivers and other community based options under Medi-Cal.
- 10:45-12:00 A. VA Aid and Attendance: An Intensive**
Using a sample case, this session will review the basic eligibility of VA Aid and Attendance benefits, including the application process, how income is counted, treatment of assets, including trusts and annuities, appeal rights and integration with Medi-Cal.
- 8:30-12:00 B. The Nursing Home Lawsuit Live Action Mock Litigation**
A team of litigators, with Christopher Nettesheim as lead counsel, presents: the voir dire, opening, direct and cross of plaintiff, defendant employees, administrator, corporate execs, experts, closing, non-suit motion, post trial fee motion (assuming a plaintiff's verdict, of course) and settlement issues, including Medicare liens.
- 12:00 LUNCH/ & Guest Speaker ***
Senator Mark Leno (D-SF) will discuss his legislative efforts to protect seniors and disabled persons from budget cuts and abuse. Also, CANHR's Annual William F. Taylor Memorial Award
- 1:30-3:00 A. IDITS, Life Estates, Taxes & Recovery**
A panel presentation on the pros and cons of IDITs and life estates, including questions and answers regarding drafting issues, transfers of assets, tax considerations (impact of estate tax changes) and recovery issues with IDITs. This session will include a discussion of options for transferring a home while avoiding probate, taxes and estate claims. Are life estates and occupancy agreements sufficient to avoid capitol gains taxes?
- 1:30-4:30 B. Continuation of Mock Litigation - discussion session**
- 3:15-4:30 A. Ask The Experts: Oprah's in the house!**
Bring your questions about Medi-Cal, SSI, Trusts, Recovery and planning strategies to this panel of experts for a facilitated session designed to answer the burning questions of the day.
- 4:30-5:00 A & B Ethics, Malpractice and Client Satisfaction**
A special session on ethics will include a discussion of how to communicate with your clients regarding what work will be involved, your fee structure and your follow up:
 - client satisfaction – how do you treat your clients
 - keeping in touch with your clients
 - client relationships

Legal Services Program

A special legal services intensive will be held on Friday, November 19th, 9:00 AM - 1:00 PM for elder abuse and resident rights litigation.

* (not yet confirmed)

REGISTRATION INFORMATION

REGISTER EARLY! SPACE IS LIMITED!

FEES

Registration is \$425. Fees include conference materials, continental breakfast and lunch on Day Two and a reception Day One, Friday, November 19, 2010. A confirmation letter will be mailed to you once you have registered.

For IOLTA-funded legal services program staff: \$100 for the conference. Call Robert Martien at the CANHR office if you have questions about the legal services discount.

DEADLINE

Registration and fees received by Friday, **November 12**, will qualify for mail-back registration confirmation.

CANCELLATION POLICY

Cancellations received *in writing* in the CANHR office by **Friday, November 12**, will be refunded subject to a \$50.00 handling fee.

Cancellations received after Friday, November 12, are not refundable.

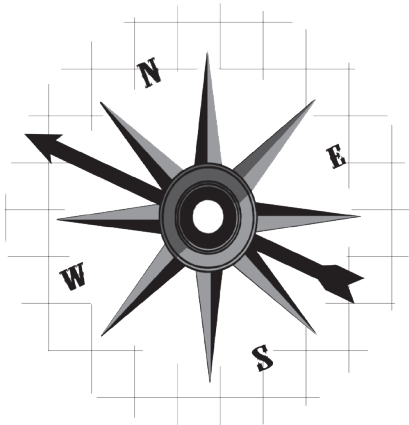
No refunds will be given to those who register and do not attend the conference.

SPECIAL NEEDS

Reasonable accommodation for persons with disabilities will be made if requested in advance. If you have special dietary or physical needs that we can accommodate, contact Robert Martien at the CANHR office at (415) 974-5171

FOR YOUR COMFORT

CANHR suggests you bring a sweater due to fluctuations in room temperature. Water service is provided at each table. You will be asked to turn off cell phones and pagers during the sessions. **CANHR prohibits the use of tape recorders without prior approval.**



CONFERENCE PROFILE

COURSE DESCRIPTION

Conference participants will be able to choose from thirteen different sessions on a variety of elder law issues, including the latest information on the new health care reform laws, the CLASS Act, Medi-Cal transfer issues, special needs trusts, the VA Aid and Attendance program, IDITs and Recovery, and updates on elder abuse litigation, among other sessions.

WHO SHOULD ATTEND?

These sessions are designed for legal services staff, private bar elder law and elder abuse litigation attorneys, and others interested in long term care and advocacy. Most of the sessions assume basic knowledge of either Medi-Cal or elder abuse laws.

TIME

Registration is from **12 noon to 1:00 pm** on Day One, with sessions running from **1:00 pm to 5:00 pm**.

A "Meet the Speakers" reception with a no-host bar will be held on Friday, November 19, from **5:00-7:00 pm**

Registration on Day Two will be from **7:30-8:30 am**, with a continental breakfast and lunch included on Day Two.

Sessions on Day Two will run from **8:30 am to 5 pm**.

A special elder law workshop for legal services program staff will be held Friday, November 19 from 9:00 am to 1:00 pm.

CONTINUING EDUCATION CREDITS

MCLE Credits: California Advocates for Nursing Home Reform is a State Bar of California approved MCLE provider. CANHR certifies that these activities have been approved for MCLE credit by the State Bar of California in the amount of 4 hours on Day One and 6 hours on Day Two, of which 0.5 hours on Day Two will apply to legal ethics.

Legal Specialization: A number of the estate planning sessions qualify for Legal Specialization credits in the field of Estate Planning, Trust and Probate Law. A listing of approved sessions will be available.

FACULTY:

Faculty members are all recognized experts in the areas of Estate Planning for Long Term Care, Elder Abuse Litigation, Health Care and Long Term Care. A full list of faculty will be provided with the conference materials.

CANHR

CALIFORNIA ADVOCATES FOR NURSING HOME REFORM

650 HARRISON STREET, 2ND FLOOR
SAN FRANCISCO, CA 94107

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14TH ANNUAL ELDER LAW CONFERENCE

*10 MCLE credits plus
Legal Specialization credits*



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CONFERENCE TRAVEL INFORMATION



Reservations / Lodging: Reserve a room by October 19, 2010 for a special conference rate (\$128 for single or double occupancy when you mention CANHR or the CANHR Elder Law Conference). Room reservations made after October 19, 2010, will be taken on a rate and space available basis.

For reservations visit <https://resweb.passkey.com/go/canhr2010> or call the hotel directly at (831) 649-4511.

Transportation: Monterey Airbus shuttle service is available to the hotel from both San Francisco and San Jose airports, offering 11 scheduled trips to and from the hotel. Reservations recommended. Call (831) 373-7777 or visit www.montereyairbus.com for rates and schedules.

Parking: For overnight hotel guests valet parking is available for \$20 and self-parking is available for \$17.

**Portola Plaza Hotel, Monterey Bay
Two Portola Plaza
Monterey, CA 93940**

www.portolahotel.com

**Call the Hotel by October 19, 2010
for Discounted Room Rates!**