3rd Annual Elder Law Bootcamp: Basics and Beyond

Presented by the ISBA Elder Law Section

Co-Sponsored by the ISBA Agricultural Law Section, Alternative Dispute Resolution, Animal Law Section, Bench & Bar Section, Business and Securities Law Section, Employee Benefits Section, Family Law Section, General Practice, Solo & Small Firm Section, Labor and Employment Law Section, Senior Lawyers, and Trusts & Estates Section

Chicago
Thursday, April 21, 2016 – Friday, April 22, 2016
ISBA Regional Office
20 S. Clark Street, Suite 900
Thursday: 8:30 a.m. – 4:45 p.m.
Friday: 8:30 a.m. – 4:30 p.m.

12.75 hours MCLE credit, including 4.0* hours PMCLE credit

IT'S THAT TIME OF YEAR AGAIN! Don't miss ISBA's third annual elder law bootcamp that offers you the guidance and information you need to effectively represent your aging clients! Attorneys with all levels of practice experience who attend this two-day seminar will gain a better understanding of:

- Illinois Medicaid eligibility rules;
- Which long-term care planning options are still available;
- The forms and procedures for filing Medicaid appeals and hardship waivers;
- How to avoid violating the Illinois Rules of Professional Conduct;
- How to handle a divorce among your elderly clients, including competency issues, spousal support, and dividing the cemetery plots;
- The retirement plans and distribution options for the client contemplating retirement;
- How to detect and prevent investment fraud against your aging client;
- What to do if your client experiences age discrimination or other employment issues;
- Why mediation is a better alternative to litigation and how to get your client ready;
- Your client's rights and obligations as a landlord or tenant;
- How the ABLE Act can help your disabled client;
- How to handle elder abuse issues – and why self-neglect is on the rise; and
- Much more!

Program Coordinator/Moderator:
Kristi M. Vetri*, Association Law Office, Belleville*

THURSDAY, APRIL 21, 2016

8:15 – 8:30 a.m. Continental Breakfast
Sponsored by ***Krause Financial Services***

8:30 – 8:35 a.m. Welcome
Eugenia C. Hunter*, 2015-2016 Elder Law Section Council, Chair, Carbondale*

8:35 – 8:45 a.m. Preliminary Remarks about the Program
Kristi M. Vetri*, Association Law Office, Belleville*

8:45 – 9:45 a.m. Legislation and Case Law Update
As the elder law landscape changes and litigation becomes more and more prevalent, it is important that the practitioner keeps abreast of the changes in Illinois statutes and case law. Stay current in this evolving field of law with the information shared throughout this segment.
Daniel C. Hawkins, *Ward Murray Pace Johnson P.C., Sterling*
Karen A. Kloppe, *Deputy General Counsel, Illinois Department on Aging, Springfield*
Hon. Martin W. Siemer*, Fourth Judicial Circuit, Effingham*

9:45 – 10:00 a.m. Break *(beverages provided)*

10:00 – 11:00 p.m. The ABCs of State Agencies and Medicaid Eligibility Rules
Gain a better understanding of the Medicaid eligibility rules for long-term care in Illinois, the alphabet soup of state agencies, and the role that each agency plays in the lives of our clients and in the way we practice.
Constance B. Renzi, *Mickey Wilson Weiler Renzi & Andersson P.C., Aurora*

11:00 a.m. – 12:00 p.m. Battle Scars of Long-Term Care Planning & Medicaid Eligibility: A View from the "Trenches"
As the Medicaid eligibility rules and policies continue to evolve, so do the available long-term care planning options. As a result, planning options that were once considered tried and true may no longer work and/or may lead to unintended consequences. Join us for a discussion on the personal experiences of our speakers as they review the current state of affairs with regard to long-term planning options and Medicaid eligibility.
Anthony B. Ferraro, *The Law Offices of Anthony B. Ferraro, LLC, Rosemont*
Constance B. Renzi, *Mickey Wilson Weiler Renzi & Andersson P.C., Aurora*

12:00 – 12:45 p.m. Lunch (provided)
Sponsored by ***ISBA Mutual Insurance Company***

12:45 – 1:45 p.m. Medicaid Applications / Issues / Appeals
Don't miss this in-depth look at the long-term care Medicaid application and appeal process, which includes an overview of the paper application form, the online process using the ABE system, and the forms and procedures for filing appeals and hardship waivers.
Megan Kinney*, Land of Lincoln Legal Assistance Foundation, Inc., E. St. Louis*
Catherine E. Lenert, *Mickey, Wilson, Weiler, Renzi, & Andersson, P.C., Aurora*
Susan Dawson-Tibbits, *Johnson Bunce & Noble P.C., Peoria*

1:45 – 2:30 p.m. Ask Your Questions and Get Answers from the Medicaid Experts
Take advantage of this opportunity to ask questions about long-term care planning issues and Illinois Medicaid problems. Question cards will be available during the previous three Medicaid sessions and collected for an interactive discussion with the experts.
Anthony B. Ferraro, *The Law Offices of Anthony B. Ferraro, LLC, Rosemont*
Megan Kinney*, Land of Lincoln Legal Assistance Foundation, Inc., E. St. Louis*
Catherine E. Lenert, *Mickey, Wilson, Weiler, Renzi, & Andersson, P.C., Aurora*
Constance B. Renzi, *Mickey Wilson Weiler Renzi & Andersson P.C., Aurora*
Susan Dawson-Tibbits, *Johnson Bunce & Noble P.C., Peoria*

2:30 - 2:45 p.m. Break *(refreshments provided)*
Sponsored by ***Illinois Bar Foundation***

2:45 – 4:00 p.m. I Can't Do *What*? Where is the Line and How Not to Cross It*
In the past few years, the number of disciplinary proceedings for attorneys "stealing" money have risen. Many elder law attorneys charge fixed fees by using the advance payment retainer … act as fiduciaries for their clients … are involved in a multi-disciplinary practice selling annuities, long term care policies, and other services to their clients … or are helping their clients transfer their real estate to a child or making a child a joint tenant on a bank account. This presentation addresses the when/where/how for doing these things without running the risk of violating the Illinois Rules of Professional Conduct.
James J. Grogan*, Illinois Attorney Registration and Disciplinary Commission, Chicago*

4:00 – 4:45 p.m. The Legal Ethics in the Elder Law Practice*
Test your knowledge of the Illinois Rules of Professional Conduct with our anonymous interactive question/answer exercises that are based on real life practice examples, while gaining a better understanding of the legal ethics we face every day in our practices with aging clients.
Eugenia C. Hunter*, 2015-2016 Elder Law Section Council, Chair, Carbondale*
Kristi M. Vetri*, Association Law Office, Belleville*

FRIDAY, APRIL 22, 2016

8:15 – 8:30 a.m. Continental Breakfast
Sponsored by ***Krause Financial Services***

8:30 – 8:35 a.m. Welcome
Eugenia C. Hunter*, 2015-2016 Elder Law Section Council, Chair, Carbondale*

8:35 – 8:45 a.m. Welcome to Day Two of the Conference
Kristi M. Vetri*, Association Law Office, Belleville*

8:45 – 9:45 a.m. Breakout Session 1

- **Geriatric Dissolution Issues.** Elder law attorneys need a basic understanding of the family law issues that can impact older clients, including pensions, social security, and maintenance – all of which has been affected by the brand new 103-page statute amending the Illinois Marriage and Dissolution of Marriage Act that went into effect on January 1, 2016. With a rise in divorces occurring among the elderly, it's important for attorneys to recognize a number of special issues that need to be considered, including the Medical Catastrophic Coverage Act, redirecting a parent's assets to the child, accepting a power of attorney from a parent or becoming the parent's

guardian or conservator, and more. Get the information you need to handle your next geriatric dissolution case with this informative session. Topics include: your client's competence; knowing when a guardian *ad litem* should be appointed; how to proceed when the husband, wife, and children create three parties in a marriage; how to address spousal support; assessing whether the income stream is assured-through life insurance, disability, or a QDRO; and how to divide the side-by-side cemetery plots.
Michele M. Jochner, *Schiller DuCanto and Fleck LLP, Chicago*
Jason N. Sposeep*, Schiller DuCanto and Fleck LLP, Chicago*

- **Retirement Plans and Distributions.** This segment offers you a better understanding of retirement plans and distributions so you can best advise your clients when they are contemplating retirement.
Bernard G. Peter, *Miller Canfield Paddock and Stone PLC, Chicago*

9:45 – 10:00 a.m. Break *(beverages provided)*

10:00 – 11:00 a.m. Breakout Session 2

- **Investment Fraud.** All too often, unsuspecting seniors are victimized by investment scams and targeted by fraud. Learn how you can help detect and prevent investment fraud against your elderly clients with this presentation.
Eugenia C. Hunter*, 2015-2016 Elder Law Section Council, Chair, Carbondale*
Laurence M. Landsman*, Block & Landsman, Chicago*
- **The Aging Employee and Other Labor/Employment Issues.** This presentation addresses a number of issues that your aging clients may experience, including age discrimination, Americans with Disabilities Act, and workers compensation concerns.
Aaron B. Maduff, *Maduff & Maduff LLC, Chicago*

11:00 – 11:15 a.m. Break *(beverages provided)*

11:15 a.m. – 12:15 p.m. Mediation and Alternative Dispute Resolution: An Alternative to Litigation – Part One*
Don't miss this two-part look at the various alternatives to litigation. Join us for Part One as we explore the general concepts in settlement and the benefits for using a neutral party throughout a mediation session.
David C. Thies*, Webber & Thies PC, Urbana*
Robert E. Wells*, Pessin, Baird & Wells, Belleville*

12:15 – 1:00 p.m. Lunch (provided)
Sponsored by ***ElderCounsel***

1:00 – 2:00 p.m. Mediation and Alternative Dispute Resolution: An Alternative to Litigation – Part Two*
Our discussion on the alternatives to litigation continue with Part Two as we discuss the application to Will Contests and Trust Contests with suggestions on how to prepare for mediation, including which materials the mediator will need and how to get your client ready. Additional topics include: controlled venting; resumption of positive tenor and emphasis on interests/benefits versus position/vindication; and formalizing agreements.
David C. Thies*, Webber & Thies PC, Urbana*
Robert E. Wells*, Pessin, Baird & Wells, Belleville*

2:00 – 2:15 p.m. Break *(refreshments provided)*
Sponsored by the ***Illinois Bar Foundation***

2:15 – 3:15 p.m. Breakout Session 3

- **Planning for an Aging Population…Your Clients, Your Parents, and Someday You**
  Learn the basics of intergenerational planning, including what you should do for every client, for your parents, and for yourselves to prepare for the future with regard to estate planning.
  Heather A. McPherson, *McPherson Law Offices, Freeport*
- **Landlord Tenant Issues.** Elder law issues increasingly overlap with landlord-tenant issues throughout Illinois – and this interaction is very different than it used to be. Whether your next senior citizen client is a landlord or a tenant, it is important that you are able to advise them on their rights and obligations.
  Michael J. Zink*, Starr, Bejgiert, Zink & Rowells, Chicago*

3:15 – 4:15 p.m. Breakout Session 4

- **ABLE Act: Considerations for Estate Planning, Special Needs Planning, and What You and Your Clients Must Know.** Get the information you need on the Achieving a Better Life Experience (ABLE) Act, which was signed into law on December 19, 2014, and designed to help lighten the financial burdens that people with disabilities face by allowing tax-free savings accounts to cover certain qualified expenses (such as transportation, housing, and education).
  Susan Dawson-Tibbits, *Johnson Bunce & Noble P.C., Peoria*
- **Elder Abuse and Self-Neglect.** Unfortunately, elder abuse and self-neglect is an all-to-common reality for many of our aging clients. Learn how to recognize abuse and advise your next client on this issue with the information discussed throughout this presentation.
  Jane E. McBride, *Illinois Humane, Springfield*
  Sherri R. Rudy, *Sharon R. Rudy P.C., Rockford*

4:15 – 4:30 p.m. Wrap Up and Q&A

**Professional Responsibility MCLE credit subject to approval*