non-profit org.
u.s. postage
PAID
Boston, MA
permit no. 50187

CENTER *for* ADVANCED LEGAL STUDIES
120 Tremont Street, Boston MA 02108-4977

SUFFOLK UNIVERSITY
LAW SCHOOL

www.law.suffolk.edu/als

FUNDAMENTALS OF ELDER LAW PRACTICE

Thursdays, February 7-March 6, 2008
Suffolk University Law School
Boston, MA

CENTER *for* ADVANCED LEGAL STUDIES
Comprehensive Learning Experience for a Changing Legal Environment

SUFFOLK UNIVERSITY
LAW SCHOOL

Fundamentals of Elder Law Practice is an in-depth, interactive, five-part series, which is taught by Massachusetts' leading elder law attorneys. As an elder law practitioner, you need to have a firm understanding of Medicare, Medicaid, DRA (Deficit Reduction Act of 2005), Asset Protection, Estate Tax Rules, Income Only Trusts vs. Testamentary Trusts, Durable Power of Attorney, Health Care Proxy, HIPAA, Social Security and Supplemental Security Income (SSI), guardianships, and conservatorships. You need to know how to prepare clients for health care decision making and advice about complicated tax issues.

This course will also address how recent Medicaid changes will affect your practice. The course will utilize case studies and problems to teach the basic principals and the "how to's" every elder law attorney needs to know. Ample time will be allotted to each topic for an in-depth discussion with an opportunity to ask questions. Fundamentals of Elder Law Practice is the only comprehensive course which provides a solid introduction to elder law practice in Massachusetts for new attorneys and for attorneys from other disciplines who are preparing to enter the field of Elder Law. Participants will have an opportunity to explore a Medicaid application and witness a mock Fair Hearing. You will also learn about the difficult ethical issues associated with elder law practice.

ATTEND AND LEARN

- How to navigate the Medicaid Application Process
- Specific transfer rules and potential problem areas
- How to protect and preserve assets
- The different kinds of guardianship/conservatorship
- The ins and outs of Social Security Insurance Benefits and Supplemental Security Income
- Regulatory framework and the mechanics for the Medicaid fair hearing process

MODERATOR-ALL SESSIONS

Michael F. Loring, Esq., Scituate, MA

Overview of Medicaid and MassHealth, DRA and Introduction to Asset Protection and Planning

Session I-Thursday, February 7, 2008

An overview of Medicaid, known as MassHealth in Massachusetts, including a discussion of the basic rules and regulations, the eligibility process, specific regulations concerning the treatment of trusts and asset transfers, and the major changes as a result of the Deficit Reduction Act of 2005 (DRA05). Learn specific transfer rules and problem areas: life estate and remainder interests, joint accounts, non-bank accounts, gifts, transfers, and annuities. This session will also review the Medicaid application process. Learn how to preserve assets against the cost of long-term care, including both cash and the family home; how to protect assets through transfers of cash, real estate; the resulting Medicaid eligibility issues; and the practical and vexing issues that most commonly arise when dealing with families and asset transfers.

Hyman G. Darling, Esq., Bacon & Wilson, Springfield, MA
Stephen Spano, Esq., CELA, Spano & Dawicki, Saugus, MA

Medicaid Appeals and Fair Hearings & Do & Don'ts of Setting up an Elder Law Practice

Session II-Thursday, February 14, 2008

Part I

Learn how to identify wrong decisions by Medicaid workers and how to respond - negotiating techniques, when and how to file an appeal request, preparation for a fair hearing, conduct of a fair hearing, appeal process following an adverse fair hearing decision, request for rehearing, and complaint for judicial review.

John Ford, Esq., Neighborhood Legal Services, Lynn, MA

Part II

Roundtable on Mechanics of Setting up and Running an Elder Law Practice including: Staffing; Marketing; Case Management Systems; Learn how to transform a "typical" law office into one that subtly considers the visual, auditory, and spatial impairments often associated with an aging population; Discuss and get tips on creating an environment that is pleasant for your clients, their families, your staff-and you.

Alex Moschella, Esq., CELA, Moschella & Winston, Somerville, MA
Roberta Noland, Spano & Dawicki, Saugus, MA

Putting the Plan Together Medicaid Tax Issues, Durable Power of Attorney, Health Care Proxy, HIPAA

Session III-Thursday, February 21, 2008

Explore the real world of practice - developing plans for optimal asset protection, including the Medicaid and Tax ramifications. Explore fact patterns including couples and singles with and without children, and with a disabled child. Learn when to use an income-only trust vs. testamentary trust vs. special needs trust. Learn how to apply the federal and state estate tax rules to a case and how to draft for maximum tax savings while achieving the best Medicaid result. Learn how the marital deduction works; how to elect marital deduction treatment; how and why to select which assets to qualify for the credit shelter vs. marital deduction. Complete the plan with appropriate Powers, Proxies, and HIPAA Authorizations.

Leslie Sleeper Madge, Esq., CELA, Acton, MA

Social Security and Supplemental Security Income (SSI)

Session IV-Thursday, February 28, 2008

Attend and learn the ins and outs of Social Security Insurance Benefits and Supplemental Security Income as used by elder law practitioners. You will learn about eligibility for Social Security Retirement, Disability, Dependants, and Survivors Benefits as well as Supplemental Security income eligibility and disqualifications, and the interaction with special needs trusts and other forms of asset protection planning. You will also find out about Medicare and Medicaid eligibility as it relates to these programs.

Neal Winston, Esq., CELA, Moschella & Winston, Somerville, MA
Linda Landry, Esq., Disability Law Center, Boston, MA
Emily Starr, Esq., CELA, Ciota, Starr & VanderLinden
Fitchburg & Worcester, MA

Guardianship and Conservatorship

Session V-Thursday, March 6, 2008

An overview of plenary versus limited guardianships, practice tips, and procedure to pursue guardianship and alternative tools to avoid the need for guardianship or conservatorship. You will learn how to differentiate between temporary and permanent guardianships, assented and non-assented conservatorships, and finely-tuned equity-style guardianship decrees. Learn the customary breadth of guardianship and the precipitant circumstances that require expanded court authority. Hear about the answers to conceptually difficult areas of turf war between the rights of the ward versus the authority of the guardian or conservator, and how to distinguish the rights and obligations of the guardian versus the agent under a health care proxy or an attorney-in-fact under a durable power of attorney. Learn the procedure and grounds to remove a guardian or conservator or discharge the guardianship or conservatorship.

Lisa M. Cukier, Esq., Burns & Levinson, Boston, MA
Jennifer Rivera Ulwick, Assistant Judicial Case Manager
Middlesex Probate & Family Court, Cambridge, MA

INFORMATION

DATES: Thursdays, February 7 through March 6, 2008, 4:00-8:00 p.m.

TUITION: Tuition is $299 and $249 for NAELA members, Suffolk alumni and attorneys admitted to the Bar after 2005. Tuition is $99.00 for individual sessions. Course book and refreshments are included in the tuition price.

CLE CREDIT: Approved for CLE credit in RI, NH, VT & ME.

LOCATION: Suffolk University Law School, 120 Tremont Street, Boston

WALK-INS: Space is limited. Registrations at the door are welcome, but please register in advance to reserve a seat and your written course materials or call 617-573-8627 to confirm space availability.

REFUNDS: Written requests for cancellations received via fax or email 24 hours prior to the program will be granted a refund, minus a $15 charge. If you cannot attend, you may send a substitute, otherwise you will receive the written course materials.

SPECIAL NEEDS: If you have special needs addressed by the Americans with Disabilities Act, please notify us as soon as possible.

COURSE BOOKS: The course materials may be purchased for $79 (includes shipping) and will be sent after March 6, 2008.

QUESTIONS OR COMMENTS PLEASE CALL 617-573-8627
OR VISIT US AT **WWW.LAW.SUFFOLK.EDU/ALS**

Year admitted to the Bar ______ Suffolk Law Alum ______ NAELA _________

Name ____

Firm/Agency ____

Address ____

City ________________________ State _______ Zip__________

Phone ________________________ Fax ______________________

Email ________________________ CLE Credit? (state) __________

Fundamentals of Elder Law

☐ Session I ☐ Session II ☐ Session III ☐ Session IV ☐ Session V
☐ All Sessions ☐ Course Book Only

Payment Options: ☐ Check payable to *Suffolk University*
☐ Mastercard ☐ Visa ☐ Discover ☐ American Express

Cardholder's Name ______________________________________

Account Number ______________________________________

Exp. Date ________ 3 or 4 Digit Security Code ________ Payment ________

Please send payment to:
Advanced Legal Studies/Suffolk University Law School
120 Tremont Street, Boston, MA 02108-4977
Fax credit card registrations to: (617) 305-3099

FUNDAMENTALS OF ELDER LAW