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1<sup>ST</sup> ANNUAL

# ELDER LAW RETREAT

*Sponsored by the Elder Law Section of the Colorado Bar Association and the Colorado Chapter of National Academy of Elder Law Attorneys*



LIVE ONLY!

**Thursday, October 1 - Saturday, October 3, 2009**

**At the Great Divide Lodge**

550 Village Road • Breckenridge, Colorado 80424

## TOPICS INCLUDE:

- The State of Elder Law - Today and Tomorrow
- Selected Income Tax Issues for the Elder Law and Special Needs Law Practitioner
- Select Issues in Advanced Medicaid Planning
- *In re Sorenson and Rule of Professional Conduct 1.14*  
The Tension between You and Your Diminished Capacity Client
- Powers of Attorney from the Perspective of An Elder Law Attorney
- When Should Pooled Trusts Be Utilized
- Litigating Contested Guardianships and Conservatorships
- Veterans Benefits and Planning

*Submitted for 8 general CLE credits, including 1 ethics credit (ethics may be claimed for attending the breakout session with the ethics component)*

You're Invited!

You are cordially invited to attend the First Annual Elder Law Retreat being held this October 1-3, 2009 at the GREAT DIVIDE LODGE in Breckenridge, Colorado! Please take a few moments to look through the brochure agenda, topics, faculty, and registration information.

This intermediate to advanced-level program is co-sponsored by the CBA Elder Law Section, The Colorado Chapter of NAELA and CBA-CLE. The program consists of two plenary sessions and four topic-specific classes.

PROGRAM AGENDA:

THURSDAY, OCTOBER 1, 2009

6:00 - 7:30 pm Welcome Reception for Registrants and their Guests

FRIDAY, OCTOBER 2, 2009

7:30 am Registration Open

7:30 - 8:45 am Buffet Breakfast

8:00 am Welcome and Introductions
Gary Abrams, CBA-CLE Executive Director
Marco Chayet, CBA Elder Law Section Chair
Tammy Conover, Program Co-Chair
Tom Rodriguez, Program Co-Chair
Catherine Seal, Program Co-Chair

8:15 - 9:45 am KEYNOTE ADDRESS: The State of Elder Law - Today and Tomorrow
• How has Elder Law evolved in the last 20 years?
• Why is it so hard to define?
• What might Elder Law look like in the decades to come?
Presented by Charles Sabatino

9:45 am Adjourn to Breakout Sessions

10:00 - 10:50 am BREAKOUT SESSION A (Select one - indicate your selection on the registration page.)

TOPIC 1: Selected Income Tax Issues for the Elder Law and Special Needs Law Practitioner
• Supporting a Parent
• Medical Expense Deduction
• Taxation of Social Security Benefits
• Selling a Principal Residence
• Are you ready for the new carryover basis rules?
• Qualified Disability Trust Rules
• How to Designate a SNT as the Beneficiary of an IRA
Presented by Bradley Frigon

TOPIC 2: Select Issues in Advanced Medicaid Planning
• Planning with Annuities
• Planning with Trusts
• Avoiding Estate Recovery - Preserving the Family Home
Presented by John Campbell

TOPIC 3: In re Sorenson and Rule of Professional Conduct 1.14 - The Tension between You and Your Diminished Capacity Client
• Duties of a Lawyer Under Rule 1.14.
• Analysis of the Decision of the Colorado Court of Appeals in In re Sorenson, 166 P.3d 254 (Colo. App. 2007).
• Exception to the Rule that a Lawyer Speaks for the Client?
• Distinguished on its Facts?
• What's a Lawyer to Do?
Presented by Bernard Poskus

10:50 - 11:10 am Networking/Refreshment Break

11:10 - 12:00 pm	<b>BREAKOUT SESSION B</b> <i>(Select one - please indicate your selection on the registration page.)</i>
<b>TOPIC 1:</b>	<b>Selected Income Tax Issues for the Elder Law and Special Needs Law Practitioner</b> <ul style="list-style-type: none"> <li>• Supporting a Parent</li> <li>• Medical Expense Deduction</li> <li>• Taxation of Social Security Benefits</li> <li>• Selling a Principal Residence</li> <li>• Are you ready for the new carryover basis rules?</li> <li>• Qualified Disability Trust Rules</li> <li>• How to Designate a SNT as the Beneficiary of an IRA</li> </ul> <i>Presented by Bradley Frigon</i>
<b>TOPIC 2:</b>	<b>Select Issues in Advanced Medicaid Planning</b> <ul style="list-style-type: none"> <li>• Planning with Annuities</li> <li>• Planning with Trusts</li> <li>• Avoiding Estate Recovery - Preserving the Family Home</li> </ul> <i>Presented by John Campbell</i>
<b>TOPIC 3:</b>	<b><i>In re Sorenson</i> and Rule of Professional Conduct 1.14 - The Tension Between You and Your Diminished Capacity Client</b> <ul style="list-style-type: none"> <li>• Duties of a Lawyer Under Rule 1.14.</li> <li>• Analysis of the Decision of the Colorado Court of Appeals in <i>In re Sorenson</i>, 166 P.3d 254 (Colo. App. 2007).</li> <li>• Exception to the Rule that a Lawyer Speaks for the Client?</li> <li>• Distinguished on its Facts?</li> <li>• What's a Lawyer to Do?</li> </ul> <i>Presented by Bernard Poskus</i>
12:00 pm	Adjourn - Enjoy Breckenridge

5:00 - 6:30 pm	Wine Tasting Reception
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## SATURDAY, OCTOBER 3, 2009

7:30 am	Registration Open
7:30 - 8:45 am	Buffet Breakfast
8:00 - 9:30 am	<b>Plenary Session: Powers of Attorney from the Perspective of an Elder Law Attorney</b> <ul style="list-style-type: none"> <li>• Powers of Attorney - significant utility for clients, but favorite tool for financial exploitation</li> <li>• Range of options available for assistance with financial transactions</li> <li>• How to use the Power of Attorney under the new statute</li> <li>• Take advantage of protections now available under Uniform Power of Attorney Act and the Fiduciary Toolbox.</li> </ul> <i>Presented by Catherine Seal</i>
9:30 am	Adjourn to Breakout Sessions
9:45 - 10:45 am	<b>BREAKOUT SESSION C</b> <i>(Select one - please indicate your selection on the registration page.)</i>
<b>TOPIC 1:</b>	<b>When Should Pooled Trusts Be Utilized?</b> <ul style="list-style-type: none"> <li>• What is a Pooled Trust</li> <li>• When is it appropriate to use a Pooled Trust</li> <li>• Restrictions on the use of a Pooled Trust</li> <li>• How Pooled Trusts are operated and managed</li> <li>• Special rules for the use of Pooled Trust by Elders (over age 65)</li> </ul> <i>Presented by Eric Solem</i>
<b>TOPIC 2:</b>	<b>Litigating Contested Guardianships and Conservatorships</b> <ul style="list-style-type: none"> <li>• The "Protection-Evaluation" Conundrum</li> <li>• Nominee Priority and Suitability</li> <li>• Experience Litigation under the new Uniform Guardianship and Protective Proceedings Jurisdiction Act (enacted effective May 14, 2008)</li> <li>• Reporting and Termination Issues</li> </ul> <i>Presented by Spencer Crona</i>
<b>TOPIC 3:</b>	<b>Veterans Benefits and Planning</b> <ul style="list-style-type: none"> <li>• Benefit Programs Available for the Elderly and Disabled</li> <li>• Qualification Criteria and Processes</li> <li>• Rules and Regulations for Representative Payee for Veteran's Benefits</li> </ul> <i>Presented by Renee Pace</i>

10:45 - 11:00 am **Networking/Refreshment Break**

11:00 - 12:00 pm **BREAKOUT SESSION D** (Select one - please indicate your selection on the registration page.)

**TOPIC 1:** **When Should Pooled Trusts Be Utilized?**

- What is a Pooled Trust
- When is it appropriate to use a Pooled Trust
- Restrictions on the use of a Pooled Trust
- How Pooled Trusts are operated and managed
- Special rules for the use of Pooled Trust by Elders (over age 65)

*Presented by Eric Solem*

**TOPIC 2:** **Litigating Contested Guardianships and Conservatorships**

- The "Protection-Evaluation" Conundrum
- Nominee Priority and Suitability
- Experience Litigation under the new Uniform Guardianship and Protective Proceedings Jurisdiction Act (enacted effective May 14, 2008)
- Reporting and Termination Issues

*Presented by Spencer Crona*

**TOPIC 3:** **Veterans Benefits and Planning**

- Benefit Programs Available for the Elderly and Disabled
- Qualification Criteria and Processes
- Rules and Regulations for Representative Payee for Veteran's Benefits

*Presented by Renee Pace*

12:00 pm **1ST ANNUAL ELDER LAW RETREAT Adjourns - Thank you for your participation!**

#### **PLANNING COMMITTEE:**

- *Marco Chayet, Esq., CBA Elder Law Section Chair, Chayet & Danzo, LLC, Denver, CO*
- *Tammy Conover, Esq., Program Co-Chair, Glatstein & O'Brien LLP, Denver, CO*
- *Tom Rodriguez, Esq., Program Co-Chair, Vincent Romeo & Rodriguez, LLC, Louisville, CO*
- *Catherine Seal, Esq., Program Co-Chair, Kirtland & Seal, LLC, Colorado Springs, CO*
- *Shari Caton, Esq., Poskus Caton & Klein, P.C., Denver, CO*
- *Susie Germany, Esq., Denver, CO*
- *Rosemary Zapor, Esq., Elder Mediation of Colorado, LLC, Denver, CO*

#### **FACULTY:**

- *John Campbell, Esq., Law Offices of John J. Campbell, P.C., Denver, CO*
- *Spencer Crona, Esq., Wade Ash Woods Hill & Farley, P.C., Denver, CO*
- *Bradley Frigon, Esq., Law Offices of Bradley J. Frigon, Englewood, CO*
- *Renee Pace, Colorado Division of Veterans Affairs, Denver, CO*
- *Bernard Poskus, Esq., Poskus Caton & Klein, P.C., Denver, CO*
- *Charles Sabatino, Esq., ABA Commission on Law & Aging, Washington, D.C.*
- *Catherine Seal, Esq., Kirtland & Seal, LLC, Colorado Springs, CO*
- *Eric Solem, Esq., Solem, Mack & Steinhoff, P.C., Englewood, CO*

**Special  
room rates for  
attendees of the  
ELDER LAW  
RETREAT!**

#### **HOTEL INFORMATION:**

**DATES: October 1-3, 2009**

#### **ELDER LAW RETREAT HEADQUARTERS:**

**Great Divide Lodge**  
550 Village Road  
Breckenridge, Colorado 80424

*Join your colleagues for a weekend of networking at the Great Divide Lodge in Breckenridge, Colorado!*

#### **ROOM RESERVATIONS:**

Room rates at the Great Divide Lodge begin at \$99 for a standard hotel room. (Deluxe King rooms are available at \$115+-. Mountain View rooms are available at \$135+-.) In order to take advantage of this special pricing, please specify that you will be attending the Colorado Bar Association CLE ELDER LAW RETREAT.

#### **TO MAKE RESERVATIONS:**


Please call the Great Divide Lodge at (888)525-1787.  
*Please refer to GROUP # BC8CB2.*

Cut-off for room reservations is September 9, 2009. When reservation is made a deposit equal to the amount of the guest room rate, surcharge and tax is required. No shows, early departures and/or late arrivals will be charged the nightly rate for the entire reserved stay. Deposit is refundable if a reservation is cancelled 14 days prior to scheduled arrival. Individual cancellation within 14 days of arrival will result in forfeiture of deposit.

# 1ST ANNUAL ELDER LAW RETREAT

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 In Denver: (303) 860-0608  
 Toll-Free: (888) 860-2531

**2**  **Or FAX form to...**  
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**3**  **Or MAIL form to...**  
**CLE in Colorado**  
 1900 Grant St, Suite 300  
 Denver, CO 80203-4303

**4**  **Or Register ONLINE...**  
 when using VISA or MasterCard.  
 Go to [www.cobar.org/cle](http://www.cobar.org/cle)

LIVE RETREAT OPTIONS	
<b>TUITION ENCLOSED</b>	Before Sept. 23    After Sept. 23
• Non-member:.....	<input type="checkbox"/> \$399    ..... <input type="checkbox"/> \$425
• CBA Member:.....	<input type="checkbox"/> \$349    ..... <input type="checkbox"/> \$375
• CBA Elder Law Section Member:.....	<input type="checkbox"/> \$329    ..... <input type="checkbox"/> \$345
<b>TUITION SUBTOTAL \$</b> _____	
<b>COURSE MATERIALS:</b>	
CBA-CLE is going GREEN! The course materials for the retreat will be provided on CD-ROM as a PDF for all attendees. <b>IF YOU DO NOT SELECT A FORMAT, THE DEFAULT FORMAT YOU RECEIVE AT THE RETREAT WILL BE CD-ROM.</b>	
You may request the paper materials for an additional \$50. A CD-Rom of the materials will also be included.	
<input type="checkbox"/> I want the CD-ROM <input type="checkbox"/> I want the CLE Book (Add \$50 to your registration fee).....\$50	
<b>COURSE MATERIALS SUBTOTAL \$</b> _____	
<b>GUEST REGISTRATION:</b>	
Guests may purchase a breakfast ticket for \$15 per day.	
<input type="checkbox"/> FRIDAY GUEST BREAKFAST .....\$15 <input type="checkbox"/> SATURDAY GUEST BREAKFAST .....\$15	
The Welcome Reception and Wine Tasting are complimentary for attendees and their guests.	
Please tell us how many adult guests will be joining you _____	
<b>GUESTS SUBTOTAL \$</b> _____	
<b>TOTAL ENCLOSED FOR LIVE RETREAT \$</b> _____	
<i>Add up all the subtotals from above</i>	

SELECT BREAKOUT SESSION TOPICS	
<b>BREAKOUT SESSIONS:</b>	
Indicate topic choices (1 for each time slot)	
<b>Friday, October 2nd - SESSION A:</b>	
<input type="checkbox"/> TOPIC 1 <input type="checkbox"/> TOPIC 2 <input type="checkbox"/> TOPIC 3	
<b>Friday, October 2nd - SESSION B:</b>	
<input type="checkbox"/> TOPIC 1 <input type="checkbox"/> TOPIC 2 <input type="checkbox"/> TOPIC 3	
<b>Saturday, October 3rd - SESSION C:</b>	
<input type="checkbox"/> TOPIC 1 <input type="checkbox"/> TOPIC 2 <input type="checkbox"/> TOPIC 3	
<b>Saturday, October 3rd - SESSION D:</b>	
<input type="checkbox"/> TOPIC 1 <input type="checkbox"/> TOPIC 2 <input type="checkbox"/> TOPIC 3	
<b>HOMESTUDY ORDER FORM</b>	
Course manual is included in registration fee. To receive full CLE credit, you must purchase both the course materials AND the recorded seminar (CD format).	
<b>COURSE MATERIALS ONLY:</b>	
<input type="checkbox"/> CBA Member: \$129 <input type="checkbox"/> Non-Member: \$159	
<b>COURSE MATERIALS AND RECORDED SEMINAR (CD):</b>	
<input type="checkbox"/> CBA Member: \$425 <input type="checkbox"/> Non-Member: \$475	
Price \$ _____ Shipping & Handling \$ 10.00 Subtotal \$ _____ Applicable Sales Tax \$ _____ (7.72% Denver, 4.1% RTD and 2.9% rest of Colo.)	
<b>HOMESTUDY TOTAL \$</b> _____	

**CANCELLATIONS:** If you are unable to attend, please notify CBA-CLE by September 16, 2009 and we will gladly refund your tuition in full. Cancellations after September 16 will be refunded less a \$100 cancellation fee

Name(s) \_\_\_\_\_

Attorney Reg. No. \_\_\_\_\_

Firm/Organization \_\_\_\_\_

E-Mail Address \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone (    ) \_\_\_\_\_ Fax (    ) \_\_\_\_\_

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Signature \_\_\_\_\_

*Required for credit card orders*

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**Colorado Bar Association CLE**

The nonprofit educational arm of the Colorado Bar Association and the Denver Bar Association

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