



REGISTER FOR THIS PROGRAM ONLINE! Go to www.elderlawretreat.com

2ND ANNUAL

ELDER LAW RETREAT

Co-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, August 26 - Saturday, August 28, 2010

Beaver Run Resort and Conference Center • 620 Village Road • Breckenridge, Colorado 80424

TOPICS INCLUDE:

- A Keynote by **Ira Rosofsky**, author of *Nasty, Brutish, and Long: Adventures in Old Age and the World of Eldercare*
- End of Life Decisions: The Crossroads of Legal and Medical Issues
- Medicaid Planning Panel
- Litigating Financial Abuse Cases
- Medicare's Interest in a Personal Injury Settlement
- Advanced Family Law Issues for the Elder Law Attorney
- Rights of the Elderly Incapacitated or Disabled Person
- Cognitive Assessment of the Elderly

*Submitted for 13 general CLE credits, including 1.2 ethics credit**

**Ethics may only be claimed by attending the session with the ethics component.*

DEAR COLLEAGUE

Our First Annual Elder Law Retreat in 2009 was an immediate hit. And this year promises to be even better.

In our second year, expect the same, popular retreat format with two value-packed additions. On Thursday afternoon, we'll offer an optional VA Benefits Accreditation program, and on Friday afternoon, we have two full Unprogram sessions, where attendees will have the opportunity to determine what to discuss and how.

Please take a few moments to take a look at our revamped agenda and our experienced faculty, and reserve your spot early. Space is limited.

We hope you're as excited about this year's program as we are and we look forward to seeing you there.

Sincerely,
The 2nd Annual Elder Law Retreat
Planning Committee

**Register NOW to ensure
your space because
ATTENDANCE IS LIMITED!**

**MAKE YOUR HOTEL
RESERVATION EARLY!**

*For more information about the
Retreat, please call Colorado Bar
Association CLE at (303) 860-0608,
or toll free at (888) 860-2531.*

AGENDA

THURSDAY, AUGUST 26

12:00 pm Registration Open

NEW! 1:00 - 5:00 pm VA Benefits Attorney Accreditation Program

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

FRIDAY, AUGUST 27

7:30 am Registration Open

7:30 - 8:45 am Buffet Breakfast

8:00 - 8:15 am Welcome and Introduction
Marco Chayet, Esq., Program Co-Chair
Catherine A. Seal, Esq., Elder Law Section Co-Chair

8:15 - 9:45 am PLENARY SESSION - Keynote Presentation

9:45 - 10:00 am Adjourn to Breakout Sessions

10:00 - 11:00 am BREAKOUT SESSION A*

11:00 - 11:20 am Networking/Refreshment Break

11:20 am - 12:20 pm BREAKOUT SESSION B*

12:20 - 2:00 pm Lunch - On Your Own

NEW! 2:00 - 3:00 pm PLENARY SESSION - Elder Law Unprogram - Session 1

3:00 - 4:00 pm PLENARY SESSION - Elder Law Unprogram - Session 2

4:00 pm Adjourn

5:00 - 6:30 pm Wine Tasting Reception

SATURDAY, AUGUST 28

7:30 am Registration Open

7:30 - 8:00 am Buffet Breakfast

8:00 - 8:10 am Introduction
Tammy Conover, Esq., Program Co-Chair

8:10 - 9:40am PLENARY SESSION - End of Life Panel

9:40 - 9:45am Adjourn to Breakout Sessions

9:45 - 10:45 am BREAKOUT SESSION C*

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

11:00 am - 12:00 pm BREAKOUT SESSION D*

12:00 pm Adjourn

*Select one topic per session - please indicate your selection on the registration form

VA BENEFITS ACCREDITATION PROGRAM

THURSDAY, AUGUST 26

In its second year, the Elder Law Retreat is already the go-to event for elder law practitioners. This year, we have partnered with ElderCounsel to provide a pre-retreat, half-day accreditation program for attorneys interested in assisting with VA benefits claims.

The program will take place August 26, 2010, from 1pm - 5pm. It will satisfy the 3 hours of continuing education credit required by the Veterans Administration for accredited attorneys. If you are not yet accredited, there is still time! Most applications are processed within 30-45 days.

Remember, any attorney who wants to assist clients with a claim for Veterans Benefits must be accredited! If you plan to take this course, you must begin processing your application with Veterans Administration as soon as possible. See 38 CFR §590.1 et seq. for attorney accreditation of attorneys.

Topics include:

- Representation before the VA
- Basic eligibility - pension, compensation, death pension and dependency indemnity compensation claims.
- Claims procedures
- Claimant's right to appeal

Presented by Valerie Peterson, Esq., Executive Director Elder Counsel, Sisters, Oregon



PLENARY SESSIONS

FRIDAY, AUGUST 27



Keynote Presentation: Presented by Ira Rosofsky

Author of Nasty, Brutish, and Long: Adventures in Old Age and the World of Eldercare

Ira Rosofsky is a psychologist and a writer with years of experience on the front-lines of eldercare

in a variety of nursing homes and assisted living facilities. Born and raised in Brooklyn, New York, he graduated Phi Beta Kappa from the City College of New York with a degree in philosophy. His PhD is from the University of Chicago, and he has taught at Mount Holyoke College and the Smith College School of Social Work. His writing has appeared in publications as varied as the New York Times, the Los Angeles Times, the Village Voice, Salon, and Aging Well Magazine. He has appeared on a variety of broadcast venues—including NPR, AARP's Prime Time Live, and the Bob Edwards Show.

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Colorado Chapter of National Academy of Elder Law Attorneys*

Elder Law "UnProgram"

The Elder Law Retreat brings together some of the top elder law practitioners in the region, so one of the greatest benefits the Retreat offers is a forum for discussion.

This year we're devoting Friday afternoon to the "UnProgram" format. Borrowing from NAELA's successful model, you'll have the opportunity to learn, share, network and discuss topics chosen by the attendees at the conference.

Each session will be facilitated by a planning committee member, but the content will be driven by YOU.

Facilitated by Baird Brown, Esq., Brown & Brown, P.C., Grand Junction

SATURDAY, AUGUST 28

End of Life Decisions: The Crossroads of Legal and Medical Issues

The panelists will discuss the following points from the viewpoint of elder law practitioners and medical care providers:

- The right to refuse medical treatment
- Informed consent
- Surrogate decision making for end of life treatment decisions

*Michael A. Kirtland, Esq., Kirtland & Seal, Colorado Springs
M. Carl Glatstein, Glatstein & O'Brien, Denver
David Koets, M.D., Colorado Advance Directives Consortium, Denver
Special Guest*



BREAKOUT TOPICS AND DESCRIPTIONS

TOPIC #1

Medicaid Planning Panel

Elder law attorneys must understand the impact of the Deficit Reduction Act of 2005 (DRA) and how it is being practically applied. To demonstrate application of the DRA, a panel of Medicaid experts will be given a complex planning hypothetical and will be asked to make recommendations to a hypothetical client. The panel will highlight complex planning strategies likely to include:

- Irrevocable income only trusts
- Partial return of transferred assets
- The long term care insurance partnership program
- Annuity purchases by the applicant or spouse

MODERATED BY:

Shari D. Caton, Esq., Poskus, Caton & Klein, Denver

PRESENTED BY:

R. Eric Solem, Esq., Solem, Mack & Steinhoff, Englewood

Paul Mitchell, Esq., Law Office of Paul Mitchell, Aurora

Bernie Poskus, Esq., Poskus, Caton & Klein, Denver

TOPIC #2

Litigating Financial Abuse Cases

- Procedures under 15-10-501 et seq.; the “judicial toolbox”
- Procedures for obtaining information in Estate and Protective proceedings under 15-12-723
- Fiduciary standards for agents: agent duties under 15-14-714
- Litigation in contempt proceedings
- Miscellaneous litigation topics: predatory lending, civil protection orders
- Breach of fiduciary duty and surcharge

PRESENTED BY:

Spencer J. Crona, Esq., Wade Ash Woods Hill & Farley, Denver

Marcie McMinimee, Esq., Steenrod, Schwartz & McMinimee, Denver

TOPIC #3

Medicare's Interest in a Personal Injury Settlement: What Every Elder Law Attorney Needs to Know About Medicare Set-Aside Requirements and Medicare Secondary Payer Rules

- Impact of government benefits (Medicaid, SSI, Medicare, SSDI) on a personal injury settlement
- Medicare's separate claim in a personal injury liability case
- When should an MSA be created in a personal injury settlement
- Client and attorney liability for not creating an MSA
- Minimizing an MSA allocation from the settlement

PRESENTED BY:

Bradley J. Frigon, Esq., Law Offices of Bradley J. Frigon, Englewood

TOPIC # 4

Advanced Family Law Issues for the Elder Law Attorney

- Some of the unique psychological issues with elderly or disabled spouses in dissolutions and separations
- Combining or dividing the marital estate with estate planning considerations
- The use of special trusts
- Retirement plans: sources of income or property, what to do?
- Working with GALs, friends and family ... how to sort out conflicts of interest
- Spousal support obligations – what to do with Medicaid and other public benefit entitlements?
- Separate property in an elder divorce
- Incapacity issues and *In Re Sorenson*

MODERATED BY:

Marco Chayet, Esq., Chayet & Danzo, Denver

PRESENTED BY:

Ann Gushurst, Esq., and Melanie Jordan, Esq., Gutterman

Griffiths, Littleton

TOPIC # 5 (1.2 Ethics Credit)

Rights of the Elderly Incapacitated or Disabled Person

This ethics presentation will discuss various ethical issues faced by Elder Law attorneys as we represent the family members and the elderly/disabled client.

- What are the responsibilities of the attorney when confronted with a family who is doing the right thing for the elderly/disabled person, but against their wishes?
- Is there a moral responsibility?
- How do we deal with the problems of end of life decisions?
- What are the constitutional rights of the incompetent/disabled adult?
- What are the ethics of dealing with the incompetent/disabled adult?

PRESENTED BY:

Edward H. Ladon, Ph.D., Elder Mediation of Colorado, Clinical Psychologist and Facilitator, Healthcare Ethics Seminar, UCD-Center for Bioethics & Humanities, Denver

R.E. Chips Portales, Esq., Portales & Associates, Board Member of the Legal Center for People with Disabilities and Older People and Member of the CBA Ethics Committee, Denver

TOPIC #6

Cognitive Assessment of the Elderly

- Normal versus abnormal cognitive decline
- Functional assessment
- Methods of assessment
- Testing considerations, and why test?
- Some frequently used psychological tests
- Use of collateral information
- Conclusions regarding capabilities, capacity, and susceptibility to undue influence

PRESENTED BY:

Stuart Kutz, Jr., Ph.D., Esq., Denver

PLANNING COMMITTEE AND FACULTY

PLANNING COMMITTEE

Shari D. Caton, Esq.
Poskus, Caton & Klein
Denver, Colorado

Tammy Conover, Esq.*
Steenrod, Schwartz & McMinimee
Denver, Colorado

Marco Chayet, Esq.*
Chayet & Danzo
Denver, Colorado

Sarah Golombek, Esq.
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Denver, Colorado

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Denver, Colorado

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The Germany Law Firm
Denver, Colorado

Tom Rodriguez, Esq.**
Vincent, Romeo & Rodriguez
Englewood, Colorado

Catherine A. Seal, Esq.**
Kirtland & Seal LLC
Colorado Springs, Colorado

Rose Mary Zapor, M.A., J.D.
The Zapor Law Office
Denver, Colorado

* Program Co-Chair

** Elder Law Section Co-Chair

RETREAT FACULTY

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Elder Counsel
Sisters, Oregon

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Poskus, Caton & Klein
Denver, Colorado

Ira Rosofsky
New Haven, Connecticut

R. Eric Solem, Esq.
Solem, Mack & Steinhoff
Englewood, Colorado



SPECIAL THANKS TO OUR ELDER LAW RETREAT SPONSORS:

PLATINUM LEVEL

- ElderCounsel
 - JAMS
 - LexisNexis
- Marsh Affinity Group Services

GOLD LEVEL

- Colorado State Bank and Trust

SILVER LEVEL

- Douglas Dixon CPA, LLC

SPONSORSHIPS ARE AVAILABLE! Please contact Mary Dilworth at mdilworth@cobar.org for additional information.

HOTEL AND LODGING INFORMATION



LOCATION:

A scenic 98 mile drive from Denver International Airport via I-70 West to Summit County. Two hours from Colorado Springs Airport through South Park and over Hoosier Pass.

DATES: AUGUST 26-28, 2010

ELDER LAW RETREAT HEADQUARTERS:

Beaver Run Resort and Conference Center

620 Village Road
Breckenridge, CO 80424

Rooms are being held for guests of the Elder Law Retreat until August 12, 2010.

ROOM RATES AT THE BEAVER RUN RESORT:

Single/Double Occupancy Rate:

- \$113 Standard Hotel Rooms plus applicable taxes
- \$123 Deluxe Studio Rooms plus applicable taxes
- \$135 One-Bedroom Suite plus applicable taxes

TO RESERVE YOUR ROOM, please call (800) 525-2253 and identify yourself as a member of the "Elder Law Retreat" with Colorado Bar Association CLE in order to receive the group discount. Reservations received after August 12, 2010 will be provided on a space available basis.

A one-night deposit per reservation is required within two days of booking the reservation. Reservation will automatically be cancelled if deposit is not received by due date. The remaining balance of the Individual Lodging Reservation shall be due from the member upon arrival.



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4 EASY WAYS TO REGISTER ...

1 Register by **PHONE...**
when using VISA, MC or Amex
In Denver: (303) 860-0608
Toll-Free: (888) 860-2531

2 Or **FAX form to...**
when using VISA, MC or Amex
FAX to: (303) 860-0624

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

4 Or Register **ONLINE...**
when using VISA, MC or Amex
Go to www.cobar.org/cle

LIVE PROGRAM ORDER FORM

Retreat tuition includes course materials and admission to the Welcome Reception on Thursday, August 26, all Retreat programming scheduled on August 27 and 28, and the Wine Tasting on Friday, August 27. An additional discount will be offered to attendees who elect to receive their materials digitally on a USB flash drive.

Attendees who wish to attend the VA ACCREDITATION PROGRAM on August 26 should add this to their registration.

Guest fees include both breakfasts and admission to both receptions.

HINT: If you are interested in saving on tuition, select the digital materials, print just the materials for the 4 sessions you plan to attend, and bring them with you to the Retreat! Or, bring your laptop and the flash drive to your session and view the materials electronically!

VA ACCREDITATION COURSE

LIVE ONLY: AUGUST 26, 2010 • Beaver Run Resort & Conference Center
Tuition Enclosed For:

Elder Law Retreat Attendees \$59
CBA Member (not attending the Retreat) \$129
Non-Member (not attending the Retreat) \$199

2ND ANNUAL ELDER LAW RETREAT (EL082611L)

LIVE ONLY: AUGUST 26-28, 2010 • Beaver Run Resort & Conference Center
Tuition Enclosed For:

	<small>Materials on flash drive</small>	<small>Paper Materials</small>
CBA Elder Law / Trust and Estate Section Member <input type="checkbox"/> \$329 <input type="checkbox"/> \$359
CBA Member <input type="checkbox"/> \$349 <input type="checkbox"/> \$379
Non-Member <input type="checkbox"/> \$399 <input type="checkbox"/> \$429
Government, 501(c)(3) organizations, lawyers with less than two years' practice, full-time judges and law students <input type="checkbox"/> \$199 <input type="checkbox"/> \$229

I want the FLASH DRIVE MAILED TO ME!
 I want the PAPER MATERIALS MAILED TO ME! \$30
(\$30 will be added to your registration fee)

LIVE PROGRAM ORDER FORM SUB TOTAL \$ _____

RETREAT GUEST ORDER FORM

Guests may purchase a "Retreat Pass" which will allow admission to Friday & Saturday breakfast, the Thursday Reception, and the Friday Wine Tasting. Children's passes for children 10-17 are also available.

Retreat Guest Pass: \$75 per guest x no. of guests: _____
Guest Names (print clearly): _____

Retreat Guest Pass (CHILDREN ages 10-17): \$40 per child x no. of children: _____
Guest Names (print clearly): _____

(Retreat Guest Passes will be available for pick-up at the registration desk.)

GUEST ORDER FORM SUB TOTAL \$ _____

TOTAL AMOUNT ENCLOSED \$ _____

Please add all the subtotals from above and enter total amount here

SELECT THE SESSIONS YOU WANT TO ATTEND

FRIDAY, AUGUST 27, 2010

SESSION A - 10:00 - 11:00 am (select one): 1 2 3
SESSION B - 11:20 am - 12:20 pm (select one): 1 2 3

UNPROGRAM SESSION 1 - 2:00 - 3:00 pm: YES, I plan to attend
UNPROGRAM SESSION 2 - 3:00 - 4:00 pm: YES, I plan to attend

SATURDAY, AUGUST 28, 2010

SESSION C - 9:45 - 10:45 am (select one): 4 5 6
SESSION D - 11:00 am - 12:00 pm (select one): 4 5 6

Breakouts are filled on a first-come, first-served basis and are limited to 25 participants per session. If a session is full the registrant will be placed in a pre-selected alternate topic. If no alternate topic is selected, one will be assigned.

PLEASE PROVIDE 2 ALTERNATE TOPICS (one per day):

Friday, August 27th: 1 2 3
Saturday, August 28th: 4 5 6

Name _____

Attorney Reg. No. _____

Firm/Organization _____

E-Mail Address _____

Street Address _____

City / State / Zip _____

Phone _____ Fax _____

PAYMENT METHOD:

Enclosed is my check made payable to CBA-CLE
 VISA MasterCard Amex

Credit Card # _____

Exp. Date _____

Signature _____

Required for credit card orders

All registrations must include a check or charge card information.
Please make check payable to CBA-CLE

CANCELLATION POLICY:

If you are unable to attend, please notify CBA-CLE by August 1, 2010 and we will gladly refund your tuition in full. Cancellations after August 1 will be refunded less a \$50 cancellation fee..

CLE USE ONLY - Check #: _____ Approval #: _____

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

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620 Village Road • Breckenridge, Colorado 80424

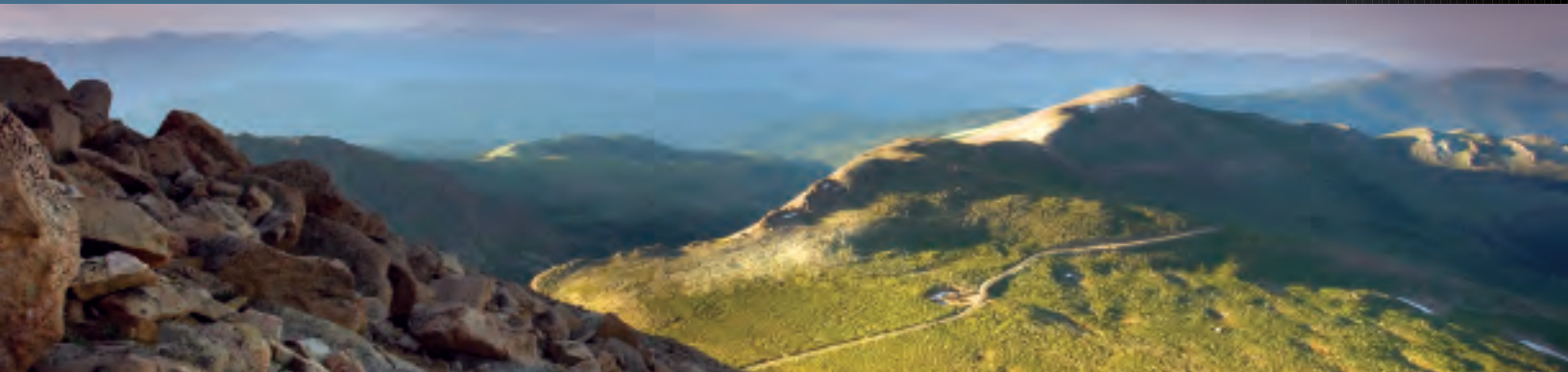
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