



# NYSBACLE

Friday, May 17, 2013  
*Albany*



Friday, May 31, 2013  
*New York City*

Friday, June 14, 2013  
*Syracuse*



## Can't attend in person?

The Albany session of this program is also available via a simultaneous live webcast option.

Newly admitted attorneys (less than twenty-four months) must attend the program in person to receive New York MCLE credit.



**INCLUDES**  
2.5 ethics credits

See inside for more details.

# Article 81 of the Mental Hygiene Law

By attending this program, you will fulfill the training requirements for enrollment on the Part 36 Fiduciary Eligibility List as guardian, court evaluator, and attorney for alleged incapacitated persons.

## Topics to be covered include:

- Commencing a Guardianship Proceeding and Legal Duties and Responsibilities of a Guardian.
- Health Care Decision Making.
- Representation Issues, Including Legal Fees and Who is the Client.

## Register Now!

Save Money, and Guarantee Your Seat at the Program!!!

### Co-Sponsors:

Committee on Issues Affecting Persons with Disabilities, Health Law Section, Committee on Ethics in the Provision of Health Care, and the Committee on Continuing Legal Education of the New York State Bar Association



# Program Description

Under Article 81 of the Mental Hygiene Law, persons appointed as a court evaluator or guardian, in almost all cases, must receive training approved by the Office of Court Administration. This program has been approved by the Office of Court Administration for such purposes.

The highly qualified and experienced practitioners in the health, elder and guardianship law fields on the faculty will highlight the latest legal and regulatory developments in this

area as well as the fundamentals of how to serve as an effective guardian or court evaluator.

**By attending this live session or by viewing the recording we will make of this program, you will fulfill the training requirements for enrollment on the Part 36 Fiduciary Eligibility List as guardian, court evaluator, and attorney for alleged incapacitated persons.**

## Who Should Attend:

Those seeking practical advice and training, and a review of the latest developments, in carrying out guardianship responsibilities.

## Agenda

<b>8:20-8:50 a.m.</b>	<b>REGISTRATION (outside meeting room)</b>	<b>12:40-1:30</b>	<b>Hot Topics and Recent Developments (recent decisions, right to hire/fire counsel, differences between local venues, etc.</b>
<b>8:50-9:00</b>	<b>WELCOME</b>		
<b>9:00-9:50</b>	<b>Panel 1: Introduction and Orientation</b> A: Article 81 Comparison with SCPA 17-A B: Orientation to Medical Terminology (emphasis on capacity determination, medical assessments and extent of impairment)	<b>1:30-3:10</b>	<b>Panel 3: Guardianship</b> A: Legal Duties and Responsibilities of a Guardian B: Health Care Decision Making C: Resources D: Part 36 of the Rules of the Chief Judge
<b>9:50-10:00</b>	<b>Break</b>	<b>3:10-3:20</b>	<b>Break</b>
<b>10:00-11:40</b>	<b>Panel 2: The Proceeding</b> A: Commencing a Guardianship Proceeding (including material on emergency relief and single transactions, ethical issues) B: Court Evaluator C: Hearing and Order	<b>3:20-5:00</b>	<b>Panel 4: Representation</b> A: Counsel B: Legal Fees and Who is the Client C: Role of MHLS
<b>11:40-12:40 p.m.</b>	<b>Lunch (on your own)</b>	<b>5:00 p.m.</b>	<b>ADJOURNMENT</b>

## Program Faculty

### Program Planning Chair and Coordinator

#### Laurence Faulkner, Esq.

Director of Corporate Compliance and General Counsel  
ARC of Westchester  
Hawthorne

### Program Planning Committee (in alphabetical order)

#### Adrienne J. Arkontaky, Esq.

Cuddy Law Firm, P.C.  
White Plains

#### Rose Mary Bailly, Esq.

Executive Director, New York State Law Revision Commission, Special Counsel to the Aging Law & Policy Program of the Government Law Center of Albany Law School  
Albany

#### Alyssa M. Barreiro, Esq.

Levene Gouldin & Thompson, LLP  
Binghamton

#### Christine M. Doran, Esq.

New York State Office for People with Developmental Disabilities  
Albany

#### Lisa K. Friedman, Esq.

Law Office of Lisa K. Friedman  
New York City

#### Michele Gartner, Esq.

Special Counsel for Surrogate & Fiduciary Matters  
Office of Court Administration  
New York City

#### Christine Julien, Esq.

NYC/HRA Finance Office  
New York City

#### Ellyn S. Kravitz, Esq.

Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara & Einiger, LLP  
New York City

#### Bernard A. Krooks, Esq.

Littman Krooks LLP  
White Plains

#### Sheila E. Shea, Esq.

Director, Mental Hygiene Legal Service  
Appellate Division  
Third Department  
Albany

#### Shannon L. Stockwell, Esq.

Mental Hygiene Legal Service  
Appellate Division Third Department  
Albany

#### Carolyn Reinach Wolf, Esq.

Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara & Einiger, LLP  
Lake Success

#### Chair, NYSBA Committee on Issues Affecting People with Disabilities

#### Christine M. Doran, Esq.

New York State Office for People with Developmental Disabilities  
Albany

### Faculty

**Albany Session: Adrienne J. Arkontaky, Esq.**, Cuddy Law Firm, P.C., White Plains \* **JulieAnn Calareso, Esq.**, Burke & Casserly, P.C., Albany \* **Jennifer J. Corcoran, Esq.**, Tully Rinckey PLLC, Albany \* **Julie B. Friedman, Esq.**, Mental Hygiene Legal Service, Third Judicial Department, Albany \* **Michele Lippa Gartner, Esq.**, Special Counsel for Surrogate & Fiduciary Matters, Office of Court Administration, New York City \* **Hon. Michael C. Lynch**, New York State Supreme Court Justice, Third Judicial District, Albany \* **Wayne Olinzock, Esq.**, Mental Hygiene Legal Service, Third Judicial Department, Albany \* **Tara Anne Pleat, Esq.**, Wilcenski & Pleat PLLC, Clifton Park \* **Sheila E. Shea, Esq.**, Director, Mental Hygiene Legal Service, Third Judicial Department, Albany \* **Robert N. Swidler, Esq.**, Vice President, Legal Services, St. Peter's Health Partners, Albany \* **Janet M. Thayer, Esq.**, Associate Counsel, SUNY, Albany \* **Margaret A. Vella, Esq.**, Reed & Vella LLP, Delmar.

**New York City Session: Robert Abrams, Esq.**, Of Counsel, Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara & Einiger, LLP, Lake Success \* **Deborah S. Ball, Esq.**, Law Office of Deborah S. Ball, New York City \* **Leslie M. Delia, Esq.**, Director, Mental Hygiene Legal Service, Second Judicial Department, Mineola \* **Lisa K. Friedman, Esq.**, Law Office of Lisa K. Friedman, New York City \* **Hon. Arthur M. Diamond**, New York State Supreme Court Justice, Tenth Judicial District, Mineola \* **Christine Julien, Esq.**, NYC/HRA Finance Office, New York City \* **Michele Lippa Gartner, Esq.**, Special Counsel for Surrogate & Fiduciary Matters, Office of Court Administration, New York City \* **Bernard A. Krooks, Esq.**, Littman Krooks LLP, White Plains \* **Robert Kruger, Esq.**, Law Office of Robert Kruger, New York City \* **Anthony J. Lamberti, Esq.**, Attorney at Law, Brooklyn \* **Kirk M. Lewis, Esq.**, Executive Director, Schenectady County ARC, Schenectady \* **Ira Salzman, Esq.**, Goldfarb Abrandt Salzman & Kutzin LLP, New York City \* **Carolyn Reinach Wolf, Esq.**, Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara & Einiger, LLP, Lake Success.

**Syracuse Session: Cora A. Alsante, Esq.**, Hancock Estabrook, LLP, Syracuse \* **Alyssa M. Barreiro, Esq.**, Levene Gouldin & Thompson, LLP, Binghamton \* **Frances C. Bowen, Esq.**, Associate Court Attorney, Broome County Surrogate's Court, Binghamton \* **Greg S. Catarella, Esq.**, Levene Gouldin & Thompson, LLP, Binghamton \* **Catherine A. Diviney, Esq.**, Hancock Estabrook, LLP, Syracuse \* **Laurence Faulkner, Esq.**, Director of Corporate Compliance and General Counsel, ARC of Westchester, Hawthorne \* **Hon. David H. Guy**, Broome County Surrogate, Binghamton \* **Ami S. Longstreet, Esq.**, Mackenzie Hughes LLP, Syracuse \* **Maria Motsavage, RN** \* **Edward A. Rantanen, Esq.**, Frederick R. Xlander Attorney at Law, Johnson City \* **Kathryn A. Strodel, Esq.**, Associate Attorney, Mental Hygiene Legal Service, Fourth Judicial Department, Syracuse \* **Morgan R. Thurston, Esq.**, Onondaga County Department of Social Services, Syracuse.

## 8.0 MCLE CREDITS: 2.5 Ethics; 2.0 Skills; 3.5 Professional Practice

This **basic-level** course has been approved for MCLE credit in **New York** for all attorneys, **including** newly admitted (less than 24 months).

This program has also been approved for MCLE credit by the **State Bar of California** and the **Pennsylvania Continuing Legal Education Board** for **4.5** credit hours of substantive law and **2.0** credit hours of ethics. All inquiries regarding MCLE credits may be directed to **(518) 487-5606**.

This program has been approved by the **Board on Continuing Legal Education of the Supreme Court of New Jersey** for **8.0** hours of total CLE credit. Of these, **2.5** qualify as hours of credit for ethics/professionalism, and 0 qualify as hours of credit toward certification in civil trial law, criminal trial law, workers compensation law and/or matrimonial law. This course does not qualify under any of the nine specified new admit areas, in five of which New Jersey attorneys admitted in 2009 or thereafter, in their first full two-year compliance period, must take 15 of their 24 required credit hours (see **BCLEReg. 201:2**).

The New York State Bar Association's Committee on Continuing Legal Education has been certified by the New York State Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York.

**IMPORTANT NOTICE: PARTIAL CREDIT FOR PROGRAM SEGMENTS NOT ALLOWED.** Under the New York State Continuing Legal Education Board Regulations and Guidelines, attendees at CLE programs cannot receive MCLE credit for a program segment unless they are present for the entire segment. Persons who arrive late, depart early, or are absent for any portion of the segment will not receive credit for that segment.

## Information and Policies

**Pre-registration Strongly Advised:** You can save money and guarantee your seat and course materials by registering early. Registrations received or postmarked within 10 days of the event, or at the door, are subject to a higher registration fee. Seating is limited in all locations and registrations are taken on a first-come, first-served basis.

**Cancellations are easy – full refunds are given:** Your full registration fee will be refunded if you give us notice no later than the close of business (4:45 p.m. EST) on the day prior to the date of the program for which you registered. To cancel, write the State Bar Service Center at One Elk Street, Albany, New York 12207; or fax **(518) 487-5618**; or call **(800) 582-2452**. If you do not cancel and do not attend the program, access to a complete set of course materials in PDF format will be forwarded to you via e-mail in consideration of the registration fee. Non-registrants may purchase program materials after the final program date.

**MCLE Credit:** This program is acceptable for MCLE credit in New York and many other MCLE jurisdictions.

**Tuition Assistance:** New York Attorneys may apply for tuition assistance to attend this program based on financial hardship. Any New York attorney who has a genuine financial hardship may apply for tuition assistance for a CLE program by completing a *Tuition Assistance Request Form* and returning it to the CLE Department no later than five working days prior to the program, explaining the basis of his/her hardship. If granted, the attorney will receive tuition assistance, depending on the individual's circumstances. For more details, please contact our State Bar Service Center at **(800) 582-2452**.

**Group Discounts:** Subject to availability and exclusions, group discounts are available to law firms and organizations sending 3 or more employees to any one NYSBA CLE program. Please contact Jane Nielsen, at **(518) 487-5586** for more information.

**CLE Coupon Plan:** For more information on our CLE Coupon Plan offering substantial savings on full-day, live programs, please contact the Registrar's Office at **1.800.582.2452**.

**Recording of NYSBA Seminars in any form is strictly prohibited.**



**Accommodations for Persons with Disabilities:** NYSBA welcomes participation by individuals with disabilities. NYSBA is committed to complying with all applicable laws that prohibit discrimination against individuals on the basis of disability in the full and equal enjoyment of its goods, services, programs, activities, facilities, privileges, advantages, or accommodations. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Cindy O'Brien at **(518) 487-5585** or [cobrien@nysba.org](mailto:cobrien@nysba.org).

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NYSBACLE



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**New this Spring:** All program materials will be distributed exclusively online in searchable PDF format, allowing attendees more flexibility in storing this information and allowing you to copy and paste relevant portions of the materials for specific use in your practice. A *CLE NotePad*® (paper) will be provided to all attendees at the live program site. The *CLE NotePad*® includes lined pages for taking notes on each topic, as well as any PowerPoint presentations submitted prior to printing. Traditional printed course books can be ordered at the program site for a discounted price and will be shipped subsequent to the program date.

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**Online** [www.nysba.org/CLE](http://www.nysba.org/CLE)

**Call** **1.800.582.2452** (U.S. and Canada)  
or **518.463.3724** in Albany &  
surrounding area

**Download** an order form online  
at [www.nysba.org/CLEOrderForm](http://www.nysba.org/CLEOrderForm) and

**Mail** State Bar Service Center  
New York State Bar Association  
One Elk Street  
Albany, NY 12207

**Fax** **518.463.5993**

**Pricing** **NYSBA members: \$150.00**  
Non-members: \$250.00  
Student Members: \$45.00

**Note** Registration fees for live programs increase ten days prior to the program date.

Source Code: CL4097

# Program Locations

**Important Note:** If you plan to pre-register within 10 days of the program or register at the door, please call us at **(800) 582-2452** or in Albany and surrounding area, dial **(518) 463-3724**, to verify that the program is not sold out or that the date or location has not been changed. Those who pre-register in advance of the program will automatically be notified of any such changes and will receive a full refund up to the day prior to the program, if they cannot attend and notify us of their cancellation. Please pre-register as early as possible.

Friday  
May 17, 2013  
**Albany**  
PC: (0D621)

**New York State Nurses Association**  
11 Cornell Road  
Latham, NY 12110  
(518) 782-9400




Friday  
May 31, 2013  
**New York City**  
PC: (0D624)

**New York Hotel Pennsylvania**  
401 7th Avenue  
(between 33rd and 32nd Streets)  
New York, NY 10001  
(212) 736-5000

Friday  
June 14, 2013  
**Syracuse**  
PC: (0D626)

**Sheraton Syracuse University Hotel**  
801 University Avenue  
Syracuse, NY 13210-0801  
(315) 475-3000

 **Can't attend in person?**

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Newly admitted attorneys (less than twenty-four months) must attend the program in person to receive New York MCLE credit.



See our Spring 2013 schedule online at [www.nysba.org/cle](http://www.nysba.org/cle)



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INCLUDES  
2.5 ethics credits  
See inside for  
more details.



# Article 81 of the Mental Hygiene Law

**NYSBA**CLE *presents*

**REGISTER EARLY, SAVE MONEY, AND GUARANTEE YOUR SEAT AT THE PROGRAM!!!**