

10TH ANNUAL ROCKY MOUNTAIN REGIONAL
ELDER LAW RETREAT

August 23-25, 2018

Vail Marriott Resort • 715 West Lionshead Circle, Vail, CO

PLEASE JOIN US FOR THIS INTERACTIVE, ADVANCED-LEVEL RETREAT, IN VAIL!

FEATURING 17 Timely, Practical, and Helpful Sessions, Including:

- How the Stockholm Syndrome can impact Elders and families
- Opioids & Elders in the Homes, Courts and the Medical field, Issues and Advice
- Protocols, Procedures and Work of the Public Guardianship Program in Colorado
- Preparing for Transition: Succession Planning for Fiduciaries & Attorneys
- Identifying and Dealing with Complex GAL & Legal Issues in Probate
- Working through the Complexities of Settlement Planning
- All the New Law – the Case and Statutory Updates

PLUS Terrific Breakout Sessions Including:

- Emergency Medicaid Planning
 - Forensic Accounting
 - Mediation
 - ALJ Medicaid Judge Appeals
 - Conservatorships and Divorce
 - Unusual Guardianship Cases
 - The New POMS
 - Obtaining Information from a POA
- ... and much, much more!**

Submitted for 14 General CLE Credits, Including up to 2.4 Ethics Credits*

*You must attend the ethics sessions to claim ethics credits

REGISTER ONLINE TODAY
@ <http://cle.cobar.org/elder/>

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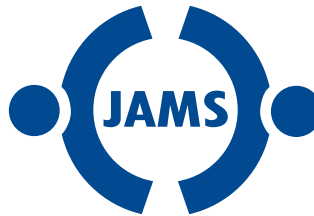
Vail Marriott Resort
715 West Lionshead Circle, Vail, CO

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THANK YOU TO OUR 2018 SPONSORS (confirmed to date)

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GOLD LEVEL:



SILVER LEVEL:



SPONSORSHIP OPPORTUNITIES ARE STILL AVAILABLE! For more information,
please contact **Melissa Higham** at mhigham@cobar.org

REGISTER @<http://cle.cobar.org/elder/>

DAY ONE - Thursday, August 23, 2018

12:30 PM	Registration Open
1:00 - 1:15 PM	Welcome and Opening Remarks
1:15 - 2:15 PM	<p>Colorado Office of Public Guardianship Pilot Program</p> <ul style="list-style-type: none"> ■ The history, reasoning and need behind the creation of a public guardianship office in Colorado ■ Why is this a pilot project? ■ The protocols, procedures and work to date of the PGC ■ What is working so far in Colorado, and what is not? ■ What are other states doing? <p>Marco D. Chayet, Esq., and Shari D. Caton, Esq.</p>
2:15 - 2:30 PM	Networking Break – Please Visit Your Sponsors!
2:30 - 3:30 PM	<p>Panel Discussion on Succession Planning for Fiduciaries and Attorneys: The Cobbler's Children Have No Shoes – The Time to Prepare for a Transition is Before It Happens</p> <ul style="list-style-type: none"> ■ What happens when a lawyer or a fiduciary leaves without advance planning? ■ Impact of the failure to engage in planning for the future on our clients ■ Practical steps to take to prepare for death or disability ■ Review of relationship between the Colorado Rules of Professional Conduct and succession planning for attorneys <p>Barbara E. Cashman, Esq., Robert McCauley, Professional Fiduciary, and Gregory Sapakoff, Esq., Deputy Regulation Counsel Moderator: Sandra Sigler, Esq.</p>
3:30 - 3:45 PM	Networking Break – Please Visit Your Sponsors!
3:45 - 4:45 PM	<p>The Guardian ad Litem's Complex Ethical Scope and Role Under the Colorado Probate Code</p> <ul style="list-style-type: none"> ■ Colorado Uniform Guardianship and Protective Proceedings Act ■ GAL and confidentiality ■ GAL as a litigant, witness, or signer of documents on behalf of respondent ■ GAL's role in light of the new Formal Ethics Opinion 131 and post-adjudication statute ■ GAL's role in appeals <p>Arlene S. Barringer, Esq., Sarah L. Golombek, Esq., and Thomas A. Rodriguez, Esq. Moderator: Tammy D. Conover, Esq.</p>
4:45 PM	Adjourn
5:00 - 6:30 PM	Welcome Reception – Sponsored by CFPD-Colorado Fund for People with Disabilities, and Colorado State Bank & Trust



DAY TWO - Friday, August 24, 2018

7:30 - 8:00 AM	Continental Breakfast – <i>Sponsored by JAMS</i>
8:00 - 8:10 AM	Welcome and Morning Remarks
8:10 - 8:30 AM	<p>Legislative Update</p> <p>Jeremy Schupbach, Director of Legislative Relations</p>
8:30 - 9:20 AM	<p>Unraveling Roots To Understand Branches</p> <p>Drugs have long been considered a social ill that we as a society must eradicate, but, 48 years into the drug war, it has become increasingly clear that addiction, not drugs themselves, is the issue with which we must contend. This talk will address the underlying causes of addiction (mental illness, traumatic brain injury, trauma, etc.), what addiction actually is, and some possible approaches to dealing with it.</p> <p>Magistrate Albert S. Zweig</p>
9:20 - 10:10 AM	<p>The Scope of the Opioid Crisis and Its Impact on the Colorado Community and Protective Proceedings</p> <p>A discussion of the use and abuse of opioids by elders or their family members and the impact on clients; practical information and examples</p> <p>Ayodele G. Labode, Esq., Robin Yasui, MD, and Magistrate Albert S. Zweig</p>

10:10 - 10:30 AM Networking Break – Please Visit Your Sponsors!

10:30 - 11:30 AM – **BREAKOUT SESSIONS**

TOPIC A1:

Protecting Minor Children – Guardianships and Settlement Resolution

Guardianship for a minor under Title 15 and the interplay of Title 14; Gathering information prior to filing of a Rule 16 Petition; Hearing and post hearing considerations
Sherene C. Stenger, Esq., and Timothy D. Bounds, Esq.

TOPIC A2:

Emergency Medicaid Planning

Opportunities for planning for a married couple and a single person; Spend-down strategies; Excess assets and mitigating the damage of ineffective trusts; Application process: navigation and timing; Home- and Community-based services and family caregivers; Facility private pay requirements as a prerequisite to obtaining care under Medicaid
Bryan C. Benbow, Esq., and Shauna C. Clemmer, Esq.

TOPIC A3:

Forensic Accounting in Elder Law Matters - It Never Gets Old

Processes for obtaining financial records; Ask for the right records; Review of accountings – what to look for; Selecting an expert; Consideration of other financial records and reports; Fraud prevention
Gary Schwartz, CFE, and Marcie R. McMinimee, Esq.

11:30 - 11:45 AM Networking Break – Please Visit Your Sponsors!

11:35 AM - 12:35 PM – **BREAKOUT SESSIONS**

TOPIC B1:

Mediation, Resolution, and Kumbaya; or Jack and Jill Went up a Hill

Mediation is a different process for elder law, probate litigation, and contested guardianship and conservatorship cases. An open forum will explore the forms of dispute resolution, who is involved, when to bring in an expert, how to deal with difficult parties or family members, spotting ethical issues and how to meaningfully and successfully involve your clients.

Rose M. Zapor, Esq., and Martha L. Ridgway, Esq.

TOPIC B2:

ALJ Medicaid Judge Appeals

Office of Administrative Courts

Statutory powers, nature of, limits of authority

Adequate and proper notice

What a notice must contain and the most common defects in notices

Timeline

Deadlines, preparation, what is required of the county, sample letters and briefs

Most common reasons for appeal Resolving appeals

prior to hearing Beyond appeal

HCPF's review division, district court, limits of exhaustion of remedies requirement

Claire E. Dineen, Esq., and Lance E. McKinley, Esq.

TOPIC B3:

Conservatorship and Divorce

- Legal standards and options for GAL's, conservators, and special conservators
 - When does a divorce need to take a detour to the probate court?
 - Divorce law basics and issues impacting the spouses and children of a divorce in cases involving crossover to the probate world
 - Tips for divorce and probate counsel working together
- Jeremy M. Ramp, Esq., and Scott H. Challinor, Esq.**
-

12:35 - 1:00 PM Networking Break to Pick up Lunch

1:00 - 2:30 PM

LUNCHEON PRESENTATION

Integrating the Elder Law Attorney into the Complexities of the Settlement Planning Process – A Cross Disciplinary Planning Process Using Real Life Case Studies, i.e., The David Repsher Settlement

- Evaluating each category of the unique needs of injured people
- Utilizing specialized resources and knowledgeable providers
- Dealing with compliance issues related to injury settlements
- Qualified settlement trusts
- Lien resolutions
- Role of structured settlement annuities
- Medicare Secondary Payer Act
- Needs-based benefits preservation
- Ongoing investment management and estate planning

Eric Solem, Esq., Mark Dickson, Settlement Consultant, David Simon, Managing Director, and Gregory P. Seal, Founder and Vice President

2:40 - 3:30 PM

Case Law Update

Spencer J. Crona, Esq., and Kayla R. Nelson, Esq.

3:30 PM

Enjoy Vail and see you at the Annual Wine Tasting at 5:00 PM!

5:00 - 6:30 PM

Annual Wine Tasting – Sponsored by PeopleCare Health Services

8:15 - 8:45 AM Continental Breakfast

8:50 - 9:00 AM Welcome and Morning Remarks

9:00 - 10:00 AM **This is Not Your Patty Hearst Case of the Stockholm Syndrome**

- How an older person could become a victim to the Stockholm Syndrome without realizing it
- Characteristics that could lead to exploitation
- How a victim of the Stockholm Syndrome would not want to testify against the alleged perpetrator
- Why a Respondent would not want to testify against the person who is suspected of holding them captive and/or exploiting them
- How a victim would refuse to accept and passionately disagree that they are being victimized, despite all evidence
- Discerning the difference between voluntarily exercising their choice to “give up the farm” versus being coerced
- Various agencies and organizations that could become suspicious that an older person might be a victim of the Stockholm Syndrome
- Various methods a perpetrator could use to “captivate” an older person

Richard Spiegle, Psy.D, and Catherine (Cate) Seal, Esq.

10:00 – 10:15 AM Networking Break – Please Visit Your Sponsors!

11:35 AM - 12:35 PM – **BREAKOUT SESSIONS**

TOPIC C1:

Unusual Guardianship Topics and Cases

It's all about the money . . . Or is it? Join us for a loosely guided discussion of how “sticky wickets” and other complications can spiral out of control before and even after appointment of a guardian or conservator.

M. Carl Glatstein, Esq., and Debbie Reinberg, MAcc

TOPIC C2:

The New POMS and Tax Law re: Trusts, ABLÉ and More

Changes related to trust administration and post-eligibility

- 90-day amendment period
- Sole benefit rule
- Clarifications on POAs establishing trusts
- Indian Gaming Revenue Act trusts and ABLÉ accounts

New tax law creates two important changes to ABLÉ accounts

- What are the changes?
- Practical implications for drafting and administration for attorneys, fiduciaries and trustees

Susie Germany, Esq., and Megan Brand, Executive Director, CFPD

TOPIC B3:

You Can't Handle the Truth! A Few Good Ways to Obtain Information from a POA

- Who has standing to request/receive information?
 - Compelling information from an agent under the Uniform Power of Attorney Act
 - Best practices for getting information without a fight
 - Medical agents and HIPAA
- Brooke W. Brestel, Esq., and Alison Zinn, Esq.**

12:00 PM Adjourn – **THANK YOU for Attending the 10th Annual Rocky Mountain Regional Elder Law Retreat**

2018 ELDER LAW RETREAT HEADQUARTERS

RESERVATIONS OR CANCELLATIONS MUST BE MADE BY AUGUST 8, 2018



VAIL MARRIOTT RESORT • 715 West Lionshead Circle • Vail, CO 81657

TO RESERVE YOUR ROOM ONLINE, PLEASE GO TO: <https://book.passkey.com/go/ElderLaw2018>

ROOM RATES:

- Hotel Room - \$180 + taxes/night
- Deluxe and Studio King - \$195 + taxes/night
- Jr. Timberline Suite - \$250 + taxes/night (limited number)
- Timberline Suite - \$309 + taxes/night (limited number)

Please identify yourself as a member of the “Elder Law Retreat” in order to receive the group discount. Reservations made after August 8, 2018 shall be at the prevailing rate. Cancellations after August 8, 2018 will forfeit the deposit equal to one-night's room & tax. A daily resort fee of \$20 may be purchased upon check-in. Resort fee includes guestroom Wi-Fi and two water bottles per day. Valet parking is available for \$20 per day. The Lionshead Parking Structure which is approximately 5-10 minutes walking distance from the Marriott, is now \$25 per night for overnight parking.

YOUR DISTINGUISHED FACULTY

RETREAT CO-CHAIRS

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Germany Law Firm, P.C.
Attorney at Law and
Deputy Public Administrator for the 17th
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Erie, CO

Tammy D. Conover, Esq.*

Conover Law LLC
Greenwood Village, CO

**Also Faculty*

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Denver, CO

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The Lakewood Legal Center
Lakewood, CO

Alison Zinn, Esq.

Lathrop & Gage LLP
Denver, CO

Magistrate Albert S. Zweig

Denver District Court
Denver, CO

LIVE PROGRAM ORDER FORM

Retreat tuition includes course materials*(printed book**or digital download), admission to the entire Retreat, admission to the Welcome Reception on Thursday, August 23rd, and the Wine Tasting on Friday, August 24th.

***ALL ATTENDEES will receive the course materials (PDF) digitally via email approximately 3 business days before the Retreat. If you wish to receive your materials via email ONLY (no printed book picked up at the Retreat), please select this option on the registration form.**

****The printed book will be available for pick up at the Retreat.**

STEP ONE – REGISTRATION CATEGORIES: (EL082318L)

- CLE Elite Pass Holder.....\$199
- New Lawyer Edge Partner:\$224.50
- Government Employee/Law Enforcement Rate:\$339
- Colorado Guardianship Association Member:\$399
- CBA Elder Law/ Trust & Estate Law Section Member:\$399
- NAELA Member:.....\$399
- CBA Member:\$449
- Non-member:.....\$469

STEP TWO – LIVE MATERIALS FORMAT

- Digital Download (Emailed approx. 3 days before the Retreat)
- Printed Book

STEP THREE – GUEST BREAKFAST

Please skip this step if you do not wish to purchase breakfast for your guest.
 Guests may participate in breakfast on Friday and/or Saturday for \$39/adult per day, or \$19/child per day. Deadline to purchase breakfast for guests is August 17, 2018.

ADULT GUEST BREAKFAST

- Friday: # of Guests x \$39: _____
- Saturday: # of Guests x \$39: _____

CHILD GUEST BREAKFAST (under 13 years of age)

- Friday: # of Guests x \$19: _____
- Saturday: # of Guests x \$19: _____

STEP FOUR – SOCIAL EVENTS

Receptions on Thursday and Friday are complimentary for all attendees and their guests. Please help us to plan for the appropriate number of people participating in each reception.

ATTENDEES: Please indicate if you will be attending

Thursday Night Welcome Reception: Yes No

Friday Night Wine Tasting: Yes No

GUESTS: Please skip this step if you are not bringing any guests

How many of your guests will be attending the Thursday Reception: _____

How many of your guests will be attending the Friday Wine Tasting: _____

STEP FIVE – FRIDAY LUNCH SESSION

Included with your tuition.

- YES, I will attend the lunch session
 - Gluten Free Lunch
 - Vegetarian Lunch
 - Regular Lunch
- NO, I will not attend the luncheon

LIVE PROGRAM ORDER FORM TOTAL \$ _____

CANCELLATIONS: If you are unable to attend, please notify CBA-CLE by AUGUST 17, 2018, and we will gladly refund your tuition in full. Cancellations after August 18 will be refunded less a \$100 cancellation fee OR you may send someone in your place.

All registrations must include a check or charge card information. Mail to CBA-CLE, 1900 Grant St., Suite 300, Denver, Colorado 80203-4303. You may register by phone or fax when using Visa, MasterCard or AmEx. Phone 303-860-0608 • Fax 303-860-0624

HOMESTUDY ORDER FORM

To receive CLE Credit you must purchase both the course materials AND the recorded seminar. Retreat submitted for 21 General CLE Credits, Including 2.4 Ethics Credits

STEP ONE – SELECT DESIRED PRODUCT FORMAT:

- MP3 Audio Download (EL082318J)
- Paper course materials & recorded homestudy on Audio CD (EL082318D)

STEP TWO – SELECT PAYMENT CATEGORY:

- CLE Elite or Basic Pass Holder (MP3 product ONLY).....**FREE**
- New Lawyer Edge Partner (MP3 product ONLY).....**\$274.50**
- CBA Member.....\$549
- Non-member\$569

NOTE: Shipping & handling only applies to orders you receive via mail. Materials will be mailed to you approximately 2 weeks after live program.

Price \$ _____
 Shipping & Handling \$ 11.95
 Subtotal \$ _____

Applicable Sales Tax (7.62% Denver, 4% RTD and 2.9% rest of Colo.) \$ _____

HOMESTUDY ORDER FORM TOTAL \$ _____



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Or FAX form ... using VISA, MasterCard or AmEx.
 FAX to: (303) 860-0624



Or MAIL form to ...
 CBA-CLE, 1900 Grant St., Suite 300, Denver, CO 80203-4303



Or Register ONLINE ... using VISA, MasterCard or AmEx.
 Register @ <http://cle.cobar.org/elder/>

Name(s) _____

Attorney Reg. No. _____

Firm/Organization _____

E-Mail Address _____

Street Address _____

City _____

State / Zip _____

Telephone () _____

Fax () _____

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- Enclosed is my check made payable to **CBA-CLE**



- VISA
- MasterCard
- AmEx

Credit Card # _____

Exp. Date _____

Signature _____

Required for credit card orders

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The nonprofit educational arm of the
Colorado and Denver Bar Associations

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

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Denver, CO

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