

# ILLINOIS INSTITUTE FOR CONTINUING LEGAL EDUCATION

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## 7<sup>th</sup> Annual Elder Law Short Course

Wednesday, November 30, Thursday, December 1, 2011

Hamburger University in Oakbrook\*\*

Produced in Cooperation with the Illinois Chapter of the National Academy of  
Elder Law Attorneys

### Day One: Wednesday, November 30, 2011

#### General Sessions 5.5 Hours

Moderator: Ben Neiburger, *Neiburger Law Ltd.*, Elmhurst

8:30 – 8:50

Registration

8:50 – 9:00

Opening – Starting the Day and Announcements

9:00 – 10:00

Legislative and Case Law Update

Martin W. Siemer, *Resch Siemer Law Office, LLC*, Effingham

10:00 - 10:20

Break — Visit Sponsors and Network with Your Peers

#### 10:20 – 12:00 Dementia is More Than Just One Disease Process — Presentations & Panel

Did you know that there is more than one type of dementia and each type manifests itself differently? Did you know that different types of dementia will affect different capacities and competencies? In this informative and interdisciplinary session, that begins with a foundational discussion of the differences between testamentary and contractual capacity will also include insight into how an attorney can determine whether the client has sufficient capacity or whether additional testing or information is necessary. The session will conclude with a panel on various types of dementia, how they are alike, and how they differ.

Susan Dawson-Tibbits, *Attorney at Law*, Peoria

Neelum T. Aggarwal, M.D., *Associate Professor of Neurological Sciences, Rush Alzheimer's Disease Center*, Chicago

Michael H. Fogel, Psy.D., ABPP, *Forensic Psychologist*, Chicago

12:00 - 1:00

Networking Lunch – Provided

**1:00 – 2:00 Civil Unions: Unmarried Elder Law Client Couples' Long Term Care Planning Needs**

The Illinois civil union statute has interesting implications regarding unmarried elderly couples. In this session, you will identify the changes the statute made in the way the elder law attorney looks at his or her planning compared to planning for other types of non-traditional couples.

**Kenneth M. Bloom**, *Peck Bloom LLC, Chicago*

**2:00 – 2:20 Break — Visit Sponsors and Network with Your Peers**

**2:20 – 3:20 DRA In Illinois and Beyond: The Good, The Bad, The OMG What Were They Thinking?**

Illinois will eventually have its version of the Deficit Reduction Act but until then it's helpful to take a look at how things are working in neighboring states that have already adopted new rules. Don't miss this opportunity to learn what planning strategies have and have not worked and why. This session also serve as background for the breakout sessions on Medicaid scheduled for Day 2.

**Kristi M. Vetri**, *Attorney At Law, Belleville*

**Diana M. Law**, *Law Elder Law, Aurora*

**TBD**

**3:20 – 3:30 Quick Break**

**3:30 – 4:30 Maneuvering Within the Labyrinth of Nursing Home Admissions and Evictions**

What are the statutory differences with respect to overview and State reporting requirements for assisted living facilities (ALFs) vs. supportive living facilities (SLFs)? Are ALFs and SLFs putting "profits over people?" Relaxed reporting standards and inspection requirements have led to understaffing problems, that in turn have led to negligence in caring for your elderly clients, including over-medicating those with "behavior" problem, sometimes with dire consequences. With several seven-figure jury awards throughout the United States last year on this very issue, you can't afford not to be up-to-date on these important issues.

**Amy Parise Delaney**, *Delaney Law Offices Ltd., Orland Park*

**4:30 Adjourn Day 1**

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### Day Two: Thursday, December 1, 2011

#### Opening General Session followed by Breakout Sessions 6.25 Hours

8:15 – 8:50                    Registration – Day 2 – Remember to pick up a Day 2 MCLE Attendance Verification Form

8:50 – 9:00                    Opening announcements

9:00 – 10:15                 **General Session**  
**Diminishing Capacity and Surrogacy Issues**

This session will focus on the practical issues that arise when a client or family member approaches incapacity, and the legal principles that address those situations, including the new Rule 1.14 in the Illinois Rules of Professional Conduct. In addition, the program will cover advice on how to work with the family of a person who has diminished capacity. We will also discuss various surrogacy statutes and principles that, if implemented properly, can minimize the likelihood that a guardianship becomes necessary. In particular, we will discuss the Health Care Surrogate Act, the use of Do-Not-Resuscitate Orders, and the use of Powers of Attorney. Part of the discussion will include a description of the changes to the Power of Attorney Act enacted earlier this year, as well as advice on how best to work with financial institutions and health care providers who may not always be eager to cooperate with a surrogate decision-maker.

**Susan Dawson-Tibbits**, *Attorney at Law*, Peoria

**Charles A. LeFebvre**, *First Mid Illinois Bank & Trust*, Mattoon  
(1.25 hours professional responsibility credit applied for)

10:15 – 10:35                 Time to Visit Sponsors and Network

## Day 2 Breakout Sessions

**Moderator Room A: TBA**

**Moderator Room B: Kristi M. Vetri, Attorney  
At Law, Belleville**

<b>10:35 – 11:35 Concurrent Session 1</b>	<p><b>Medicaid — Part I</b></p> <p><b>Ford C. “Chet” June, III, June, Prodehl &amp; Renzi, LLC, Joliet</b>  <b>Constance B. Renzi, Elder Law Center, PC / Mickey, Wilson, Weiler, Renzi &amp; Andersson, PC, Aurora</b></p>	<p><b>Uniform Guardianship Legislation for Illinois</b></p> <p><b>Kerry Reid Peck, Peck Bloom LLC, Chicago</b></p>
<b>11:35 – 11:45</b>	<b>Quick Break</b>	
<b>11:45 – 12:45 Concurrent Session 2</b>	<p><b>Medicaid — Part II: What is changing with DRA?</b></p> <p><b>Ford C. “Chet” June, III, June, Prodehl &amp; Renzi, LLC, Joliet</b>  <b>Constance B. Renzi, Elder Law Center, PC / Mickey, Wilson, Weiler, Renzi &amp; Andersson, PC, Aurora</b></p>	<p><b>Discovery and an Overview of the Process for Getting into Mental Health Litigation.</b></p> <p><b>Joseph T. Monahan, Monahan &amp; Cohen, Chicago</b></p>
<b>12:45 – 1:45</b>	<b>Networking Lunch - Provided</b>	
<b>1:45 – 2:45</b>	<p><b><u>General Session</u></b></p> <p><b>Basic Marketing Techniques &amp; Building a Referral Network with Financial Planners</b>            Get ideas to make your practice profitable and a discussion about the various products available to practitioners and how they will work in light of new DRA rules (when they happen).  <b>Rick Law, Law Elder Law, Aurora</b>  <b>Kathy Motley, Law Elder Law, Aurora</b></p>	
<b>2:45 – 2:55</b>	<b>Quick Break</b>	

<p><b>2:55 – 3:55 Concurrent Session 3</b></p>	<p><b>Pooled Trust Options vs. Non-Pooled Trust Options</b></p> <p><b>Scott Nixon, <i>Life's Plan Inc.</i>, Lisle</b></p>	<p><b>Long-Term Care Insurance</b></p> <p><b>Jennifer M. Lynch, <i>June Prodehl &amp; Renzi LLC</i>, Joliet</b> <b>TBD</b></p>
<p><b>3:55 – 4:05 Quick Break</b></p>		
<p><b>4:05 – 5:05 Concurrent Session 4</b></p>	<p><b>Life Care Planning</b></p> <p><b>Ben Neiburger, <i>Neiburger Law Ltd.</i>, Elmhurst</b> <b>Shay Jacobson, RN, MA, NMG, <i>Lifecare Innovations, Inc.</i>, Burr Ridge</b></p>	<p><b>Removing the Rogue Agent — Recognizing Abuse in Your Clients and What to Do About It</b></p> <p><b>Wendy Cappelletto, <i>Cook County Public Guardian</i>, Chicago</b></p>

**5:05 PM**

**Adjourn**

**\*\*Hamburger University dress code requires business casual attire**