2019 National Aging and Law Conference

October 31 - November 1, 2019
Crystal Gateway Marriott
1700 Jefferson Davis Highway
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As part of the ABA Fund for Justice and Education, CoLA fights for justice for all older Americans. Through national advocacy, policy development, education, and research, we work tirelessly to:

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Welcome from the Program Chair

It is my pleasure to welcome attendees to the 2019 National Aging and Law Conference, in our sixth year of hosting NALC. Thank you for being here and being a part of the National Aging and Law Conference!

“Empowerment” is the theme of this year’s conference. Empowerment encompasses everything we do to help our clients with income security, access to health care and other benefits and services. Empowerment is about giving our clients a voice in decisions affecting their lives, from advance planning to decision supports. Empowerment is about helping our clients avoid abuse, neglect and exploitation, and providing empowering and healing interventions when bad things happen. Empowerment is about assuring that our clients’ voices are heard, loud and clear. Empowerment is about helping people age with dignity. Empowerment comes from the work we have dedicated our lives to.

In the agenda for 2019, you will find four plenary sessions and 30 workshops, with a mix of sessions on elder abuse, consumer law, legal ethics, supporting decision making, health care, benefits, and legal service development and delivery. I hope you will agree that the agenda has something for everyone. By popular request, NALC has returned to the Crystal City area of Arlington, Virginia, for the first time in more than a decade. A short walk to the east will lead you to exciting restaurants along Crystal Drive. The Wednesday pre-conference is on Supplemental Security Income (SSI.) The session will explore challenges to obtaining and retaining benefits and emerging issues such as special needs trusts and ABLE accounts.

We thank the NALC planning committee for giving tirelessly of their time, our ABA entity co-sponsors, and our financial sponsors and exhibitors. The support of Borchard, AARP, Camilla McRory, and the Weinberg Center make a world of difference. Please take a moment to visit our exhibitors.

Planning for 2020 has already begun. Join us next year. The pre-conference programs will be on October 21, and the National Aging and Law Conference will be October 22 and 23rd, at the Hilton Crystal City, just down the street from where we are this year. If you would like to join the planning committee, let me know. If you have an idea for a workshop or plenary session for next year, join the Elderbar list serve. We will do an open call for workshop proposals in very early 2020. Join us to explore and celebrate Empowerment in our work and in helping our clients.

Looking forward to seeing you soon!

All the best,

David Godfrey

NALC Program Chair, Senior Attorney
ABA Commission on Law & Aging
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Supplemental Security Income: A Vital Benefit for Older Adults and People with Disabilities

The Supplemental Security Income (SSI) program is more critical than ever for the financial security of millions of our nation’s most vulnerable individuals. Join experts from leading advocacy organizations for a special pre-conference designed for advocates who focus on establishing and maintaining clients’ eligibility for SSI.

9:00 – 10:30 am: Overpayments, Appeals, and Waivers

An overpayment of SSI benefits occurs whenever an individual receives money that SSA later claims he or she was not entitled to. This presentation will review overpayment options and steps advocates can take to enforce clients’ due process rights.

Kate Lang, Justice in Aging and John Whitelaw, Community Legal Aid Society, Inc. (DE)

10:30 – 10:45 a.m. break

10:45 am – 12:00

In-Kind Support and Maintenance Living arrangements matter!

Why do some individuals receiving SSI benefits only receive $540 each month instead of $771? In many cases, the reason is “in-kind support and maintenance” (ISM), a rule unique to SSI. We will explore the ins and outs of ISM, provide examples of how the rule works, and offer practice tips for dealing with the rule.

Jennifer Kye, Community Legal Aid Society, Inc. (DE)

12:00 – 1:00 pm: Lunch and Networking

1:00 – 2:30 pm: Special Needs Trusts and ABLE Accounts

On far too many occasions, our clients receive funds from various sources (personal injury settlements, inheritances, lottery winnings) that threaten their eligibility for SSI. Special Needs Trusts and ABLE Accounts are two mechanisms that can avoid these problems. In this session, we will cover the basics of both of these options as a means of protecting SSI for vulnerable clients.

Caitlin McAndrews, McAndrews Law Offices, PC
Lesley Mehalick, McAndrews Law Offices, PC

2:30 – 3:00 p.m. afternoon break

3:00 – 4:30 pm: Cessations: Continuing Disability Reviews and 18 Year Old Reviews

In recent years, SSA’s administrative funding has required the agency to complete an increased number of Continuing Disability Reviews (CDRs) and 18 year old reviews. We will examine the sequence of review, the burden of proof required under a CDR and SSA’s duties in conducting CDRs. We will also cover what is included in an “age 18” review for those who started receiving SSI benefits as children.

Jennifer Burdick, Community Legal Services (PA), Richard Weishaupt, Community Legal Services (PA)

4:30 – 5:00 pm: Closing
Elder Justice Coordinating Council Listening Session with Edwin Walker and Beth Williams, Assistant US Attorney General

Grand Ballroom - Salon D & E
4:30 – 7:00 p.m.

The ACL wants to hear your best thoughts and ideas for the future activities of the Elder Justice Coordinating Council (EJCC). The EJCC coordinates activities related to elder abuse, neglect, and exploitation across the federal government. We want to know what issues you think the EJCC should prioritize over the next two years. We’re interested in comments, thoughts, and ideas about any aspect of the Elder Justice Coordinating Council. Please do not use this session to report suspicions of abuse, neglect, or exploitation. Any suspected abuse, neglect, or financial exploitation should be reported to your state’s Adult Protective Services.

Stay Connected to the Commission on Law and Aging

Subscribe to Bifocal, the Commission’s bi-monthly journal. Bifocal provides timely, valuable legal resources pertaining to older persons, generated through the joint efforts of public and private bar groups and the aging network. Email the Commission on Law and Aging and ask to be added to our Bifocal subscription list.

Discussion lists. The Commission provides a forum for legal professionals to communicate and share ideas on four active discussion lists:

- Elderbar: a discussion list for professionals in law and aging.
- Collaborate: a discussion list on aging, disability, and dispute resolution (jointly sponsored by the Commission and the Association for Conflict Resolution’s Elder Decisions Section)
- Elderlink: a discussion list for ABA members and staff to discuss law and aging programming being developed by ABA interest groups.
- AgingSolo: a discussion list for professionals working on the issue of persons aging without readily identifiable family or friends.
8-9:30 a.m. Coffee and Tea Pre- Conference Area

9:30 – 10:45 a.m.

A Psychiatrist, a Prosecutor, an APS Director and a Lawyer Walk into a Room - Salon A, B, J & K

Elder abuse multidisciplinary teams (MDTs) have emerged as an effective strategy for addressing complex cases and improving high quality service delivery. In this session, participants will experience a mock MDT, staffed by leading professionals. Attendees will gain insight into working with community resources to improve client outcomes for civil attorneys. Catherine Christian, Malya Levin, Deirdre Lok, Nancy Needell, Merry O'Brien

Addressing Unmet Legal Needs Through Medical Legal Partnerships - Salon C

Many older adults face social isolation and barriers to accessing legal and health care services. Medical-legal partnerships (MLPs) provide an opportunity to identify and reach older adults with unmet needs. Panelists in this session will discuss how MLPs are connecting older adults with critically needed legal assistance and will offer practical guidance on creating an MLP for older adults, financial sustainability, and building strong relationships with medical partners. Sarah Galvan, Teresa Yao, Nancy Wright

Participating in a Medicare Administrative Law Judge Hearing - Salon D & E

This session will include a mock Medicare Administrative Law Judge (ALJ) hearing. In addition to the mock hearing, the relevant laws governing ALJ hearings will be reviewed. The session also will give practical tips for preparing for an ALJ hearing including the submission of evidence and prepping witnesses. Mary Ashkar, Paul Grabowski, David Lipschutz

Improving Nutrition for Older Adults: Helping Seniors Access SNAP and Oral Health Benefits - Salon H

Join us to learn how to improve nutrition for older adults by increasing access to SNAP benefits and dental care. Participants will get tips on increasing SNAP enrollment for seniors in their state and what they can do to expand seniors' access to dental care. Jennifer Goldberg, Leslie Fried, Wey-Wey Kwok

If They Own It, Know It: Homeownership Preservation Through Litigation and Legislative Advocacy - Salon F & G

Presenters will cover common issues that arise for low-income senior homeowners, including reverse mortgages, real property taxes, un-probated property, and underused homeownership benefits. Presenters also will discuss potential legislative advocacy to enhance homeownership protections, such as property tax deductions, transfer on death deeds, and special protections for older mortgage borrowers. Joanne Savage, Deborah Cuevas Hill

10:45 – 11 a.m. break
11:00 AM Ballroom

NCLER Plenary Session:

A Conversation on Promoting Legal Empowerment through Practices - Salons A, B, J & K

Welcome and Introduction by: David Godfrey

At the National Aging and Law Conference, professionals with a variety of experience gather together, united by the goal to improve access to justice for older adults. Promoting access to justice includes the practice of legal empowerment. How can we, as attorneys, advocates, law enforcement, and older adults, empower others to access the legal system and find legal solutions? During this plenary, panelists will participate in a candid conversation. Panelists will share their vision and strategies for improving access to legal assistance and empowering older adults and communities. The plenary will offer participants an insight into different paths, illustrated by stories from panelists’ interactions and involvement with the legal system. Fay Gordon, Leah Myers, Calissa Randall, and Assistant Attorney General Beth Williams

Noon – 1 p.m. - Lunch Buffet

1 - 2 p.m. Ballroom

Empowering Clients with Diminished Capacity by Applying Ethical and Professional Standards in Serving Them - Salons A, B, J & K

Participants will participate in an interactive discussion of case studies involving the ethical issues that arise when representing clients with diminished capacity. This presentation will highlight the importance of empowering these vulnerable clients by considering not only what the client cannot do, but more importantly, what the client can do. Gregory S. French, Roberta K. Flowers

Empowering Older Adults to Fight Scams and Financial Exploitation in Their Community - Salon C

Financial exploitation threatens many older Americans’ economic stability. The FTC, CFPB and NCLC will share trends, tips, and tools to help empower older adults to reduce financial exploitation and safeguard economic security. Participants will use what they learned by role-playing final exploitation scenarios. Hector Otiz, Lisa Weintraub Schifferle and Odette Williamson

Elder Justice Toolkit for Legal Aid Advocates - Salons D & E

Armed with knowledge of legal strategies and tools to use in elder abuse cases, attorneys can help their clients obtain relief and avoid further harm. Learn more about new Elder Justice resources from ACL’s National Center on Law & Elder Rights, including the Toolkit of Civil Legal Remedies for Elder abuse. Hilary Dalin, Sarah Galvin, Eva LaManna, Omar Valverde

Reverse Mortgages: Regulatory Framework, Market Trends Enforcement Actions & Consumer Resources - Salon H

Reverse mortgages and alternative equity use products are being marketed to older homeowners who have their net worth tied up in their homes. Learn about reverse mortgages, including the existing regulatory framework, emerging market trends, CFPB enforcement actions, and available consumer resources. Cora Hume, Veronica Spicer

Managed Care is Everywhere: Helping Your Clients Get the Health Care and Services They Need - Salons F & G

Navigating managed care systems is critical as number of older Americans receiving Medicaid and Medicare through managed care grows. Join us to share strategies for handling Medicaid administrative hearings with managed care plans and get issue-spotting tips, including recent rule changes in Medicare Advantage. Jennifer Goldberg, Gwen Orlowski

2:00 – 2:15 p.m. break

Thursday, October 31

2:15 – 3:45 p.m. Ballroom

My client may be a victim of elder abuse or exploitation: How do I know and what I do about it? - Salons A, B, J & R

This interactive presentation will provide an overview of elder abuse and financial exploitation to heighten participants’ awareness of an underreported and often
overlooked issue. Using a hands-on case study, participants will learn how to spot signs of abuse and exploitation, while gaining tools to deliver trauma-informed services to victims of abuse. Tovah Kasdin, Amy Mix, Barbara Mulitz and Curtis Prince

Supplemental Security Income - Salon C

Supplemental Security Income (SSI) is a means-tested program based on financial need for seniors and people with disabilities. SSI benefits are an essential component of the economic security of many Americans. This session will provide a basic introduction to the SSI eligibility rules, special considerations for certain populations, and an introduction to the SSI appeals process. Tracey Gronniger and Kate Lang

Preventing Nursing Facility Evictions: Strategies to Use in State Capitols, Administrative Hearings, and Daily Advocacy - Salons D & E

This session will discuss advocacy strategies at multiple levels, from state-level policy advocacy to strategies in counseling residents and advocating with facility management. The session will include a specific case study – Mississippi – as one of the states participating in an ACL-funded project on preventing nursing facility evictions. Tracy Bowen, Eric Carlson, Al Catturini, Catherine “Ginny” Kilgore and Lori Smetanka

Advance Care Planning Tools You Can Use - Salon H

This workshop will present usable and actionable best practice guidelines, a checklist, and consumer-active tools to enable you to incorporate and use advance care planning practices that are more person-centered, aligned with the clinical realities of end-of-life decision-making, and result in patients’ goals of care and wishes being known and honored in clinical settings. Learning objectives: After this session, participants will be able to (1) Describe to their clients how to engage in a communications approach to advance care planning with their loved ones and health care providers that is more in alignment with the clinical realities of end-of-life decision-making; (2) Incorporate into their client counseling a checklist to accomplish objective 1; and (3) Identify and use at least 3 advance care planning assistive tools available online. Mary Jane Ciccarello and Charlie Sabatino

Empowering Older Adults: Advancing Language Access Rights in Healthcare and Beyond - Salons F & G

Over 5 million of America’s seniors are limited English proficient (LEP). Come to this session to learn how to empower older adults through language access: what rights exist in healthcare and beyond that LEP seniors are entitled to, the latest developments on non-discrimination law, and tips on working with interpreters. Denny Chan and Virginia Rosa

3:45 p.m. to 5:00 p.m.

On the Cusp of Legal Assistance 6.0 - Salons A, B, J & K

Introduction: by Erica Wood

A dialogue and discussion on where we’ve come from, where we’re going and an exploration of our legal assistance community’s pathway of growth and empowerment for older Americans. ACL leaders and legal assistance veterans Vicki Gottlich and Hilary Dalin will walk us through the 5-decade long history of how legal assistance has established elder rights, self-determination, community living and more for older Americans, setting the stage for an interactive dynamic discussion of how we move towards even greater success as we enter legal assistance 6.0.

Hilary Dalin and Vicki Gottlich

Closing Comments: by Mary Jane Ciccarello - Borchard Foundation

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5:00 p.m. – 6:00 p.m.

Opening Reception with Refreshments - Grand Foyer

Made possible by generous support from the Borchard Foundation Center on Law & Aging

6:00 – 7:00 p.m. National Association of Senior Legal Hotlines Meeting - Salons D&E

6:30 p.m. Dine Arounds
7:30 a.m. - 8:30 a.m. Breakfast Buffet
Pre-Conference Room and Ballroom

8:30 – 9:45 a.m.

Opening remarks by Jack Rives

The Lightning-Round Plenary - Salons A, B, J & K

Facilitated by Louraine Arkfeld

This fast-paced, high-energy session kicks off the second day. Learn about new research, programs, policies and emerging technology to improve the legal assistance to older adults.

- LGBT Experiences in Hospice and Palliative Care, Gary Stein
- Responding to the Opioid Crisis, John Hardin Young
- Transforming Guardianship Systems in Pennsylvania, Judge Paula Francisco Ott
- Who Decides What Happens Next?” Decisions Concerning Rights to Disposition, Donald B. Ferfolia
- Empowering Older Consumers to Reduce Unwanted Calls, Kati Daffan
- Suspicious Activity Reports: What they tell us about elder financial exploitation, Hector Ortiz
- Empowering Banks to Detect & Combat Financial Exploitation: the Senior Financial Safety Tool, Melissa Woods
- Issues Impacting Reverse Mortgage Homeowners After a Disaster, Barbara Jones
- Secondary Trauma: Self-Care for Advocates for Older Adults, Eleanor C. Lanier
- iBill Currency Reader, Bureau of Engraving and Printing, Heather Book

9:45 - 10:00 a.m. break

10:00 -11:00 a.m.

Medicare Updates - Salons A, B, J & K

This session will provide timely information on the latest in Medicare, from a practical and policy perspective. The session will explore what to expect in 2020, including the landscape of Medicare Advantage and Part D plans, the latest about Medicare and health reform and updates regarding Skilled Nursing Facilities. Kata Kertesz, David Lipschutz and Judy Stein

Elder Justice: Using Trauma Informed Communications Skills - Salon C

This session will be an interactive training on the use of trauma-informed communications when working with survivors of abuse in later life. This presentation will focus on building rapport and interviewing older clients who are survivors, with particular focus on trauma through an intersectional lens. Juanita Davis, Ann Laatsch and Vivianne Mbaku

A New Era Coming in Data Reporting: What Legal Assistance Advocates Need to Know! - Salons D & E

Legal assistance advocates funded by the OAA need to know about changes coming to data they are required to report to ACL. The session will help participants better understand the new requirements scheduled for implementation on October 1, 2020. Join ACL for an Introductory Overview of the new SPR requirements. Hilary Dalin, Laura House and Omar Valverde

The Growing Crisis of Older Consumers and Student Loan Debt - Salon H

Although thought to be a young person problem, consumers age 60+ are the fastest growing age-segment of the student loan market. Today older consumers are
Ethical Duties in Elder Law Practice: There are Right Answers! - Salons A, B, J & K

Introduction by: Kelly Bagby, AARP Foundation

Attorneys working with elders and their families frequently encounter ethically challenging situations. While there may not be easy answers from a moral perspective, there are typically right and wrong answers from a professional responsibility perspective. This fast-paced, interactive session will help attorneys identify right answers to many frequently-encountered questions. Nina Kohn and Eric Carlson

Lunch 12:15 – 1:15 p.m.

Putting Victims in the Driver’s Seat: Civil Legal Aid's Role in Combatting Elder Abuse - Salons A, B, J & K

Civil legal aid is a valuable tool in combatting elder abuse, and pursuing legal action often empowers survivors. This workshop illustrates how civil remedies can address elder abuse and how to partner with law enforcement. You will leave with an understanding of available remedies and sample pleading ideas. Jessica Brock, Sarah Everett and Bruce L. Jones

Three Faces of Pro Bono - Salons F & G

Reach and serve more clients with law firm and law school pro bono collaboration. Learn how to partner with pro bono attorneys to represent individual clients, deliver direct services through clinics and other projects and engage in systemic advocacy to empower vulnerable older people. Learn to tap your own unique set of resources and expand your reach. Wendy Bookler, Nora Dowd Eisenhower, Katharyn Christian McGee and Rashida T. West

Advanced Training in Consumer Law and Health - Salon C

Consumer law and litigation are invaluable tools for protecting nursing facility residents, and Medicare beneficiaries. Join us to explore how consumer law can be used to enforce important provisions of federal nursing facility law, and push back against improper billing practices, facility overcharges, charges assessed against residents’ family members, illegal evictions, and improper Medicare billing. Eric Carlson and Denny Chan

Keeping the Doors Open: Creative Ways to Fund Legal Services Development - Salons D & E

Have you ever wanted to do more than you could afford? We did, so instead of giving up on our goals, we secured funds from independent sponsors, industry partners, and granting agencies. Our Legal Service Development Program is now heavily subsidized and we can do much more because of it. Katy Lovell and Richard Heitstuman

Empowering Guardianship Reform Through Collaborative Action by WINGS - Salon H

Guardianship reform is not a quick fix. WINGS (Working Interdisciplinary Networks of Guardianship Stakeholders) is an ongoing, multidisciplinary judicial partnership to change practices. This session will highlight 2019 evaluation findings, offer an in-depth look at WINGS and similar groups in action, and engage attendees in discussion about using WINGS for needed reforms in their state. Session includes highlights by four state WINGS stakeholders. Erica Wood, Lori Stiegel and Dari Pogach
that legal services are delivered with military cultural competence. Kent Eiler and Peter Kempner

The Impact of Divorce on Benefits for Older and Disabled Clients - Salon H

This program is designed to educate practitioners on two important issues which are which federal benefits provide an income stream, health insurance and long-term care. Second, the practitioner will learn the interface between federal benefits and domestic relations and how to preserve federal benefits. Richard Neworth and Camilla McRory

Empowering Adults Subject to Guardianship: Reforming Guardianship Law for the 21st Century - Salons F & G

The UGCOPAA approved by the Uniform Law Commission in July 2017 has been used by several states as a guide in updating laws to ensure a better quality of life for vulnerable adults while providing courts and guardians the tools they need to. This session will provide participants an overview of the key provision of the UGCOPAA and how they can encourage enactment in their state. Diana Noel and Benjamin Orzeske

Innovations in Legal Services for Older Adults - Salon C

To meet the legal needs of low-income older adults, innovative methods to build the capacity of legal services delivery systems must be encouraged. This session will highlight innovative models, such as unbundled legal services, remote outreach innovations, centralized elder justice coordination, limited scope representation, clinics, helplines, and more. Ellen Cheek, Fay Gordon, Sarah Halsell and Erin Riker

Serving Aging Veterans and Survivors: Integrating Veterans Cultural Competency and VA Benefits into Your Practice - Salons D & E

An overview of VA benefits available to older veterans with a focus on the upcoming expansion of the VA caregiver benefits program to older veterans, a recent court decision which increases Vietnam veterans eligible for service connected disability benefits and ensuring

Stampede to the Airport
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2020 National Aging and Law Conference

Hilton Crystal City, Arlington, VA

Pre-Conference Programing Wednesday October 21

National Aging and Law Conference October 22 & 23

- Spacious Meeting Rooms
- Free shuttles to National Airport and the Metro
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<tr>
<th>Time</th>
<th>Event</th>
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<tr>
<td>8:00 - 5:00</td>
<td>Registration and Check In</td>
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<td>8:00 - 9:30</td>
<td>Coffee and Tea Pre-Conference Area</td>
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<td>9:30 - 10:45</td>
<td>A Psychiatrist, a Prosecutor, an APS Director and a Lawyer Walk into a Room</td>
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<td>Addressing Unmet Legal Needs Through Medical Legal Partnerships</td>
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<td>9:45 - 10:45</td>
<td>Participating in a Medicare Administrative Law Judge Hearings</td>
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<td>10:45 - 11:00</td>
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<tr>
<td>11:00 - Noon</td>
<td>NCLER – A Conversation on Promoting Legal Empowerment Through Practices</td>
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<td>12:00 - 1:00</td>
<td>Lunch</td>
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<td>Empowering Clients with Diminished Capacity by Applying Ethical and Professional Standards in Serving Them</td>
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<td>Empowering Older Adults to Fight Scams and Financial Exploitation in Their Community</td>
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<td>Elder Justice Toolkit for Legal Aid Advocates</td>
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<td>Reverse Mortgages: Regulatory Framework, Market Trends, Enforcement Actions &amp; Consumer Resources</td>
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<td>Managed Care is Everywhere: Helping Your Clients Get the Health Care and Services They Need</td>
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<td>2:15 - 3:30</td>
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<td>My client may be a victim of elder abuse or exploitation: How do I know and what I do about it?</td>
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<td>Preventing Nursing Facility Evictions: Strategies to Use in State Capitols, Administrative Hearings, and Daily Advocacy</td>
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<td>Advance Care Planning Tools You Can Use</td>
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<td>Empowering Older Adults: Advancing Language Access Rights in Healthcare and Beyond</td>
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<td>3:45 - 5:00</td>
<td>On the Cusp of Legal Assistance 6.0</td>
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<td>5:00 - 6:00</td>
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<td>2:45 - 4:00</td>
<td>Undue Influence Update: Research, Legislation, and Screening</td>
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<td>4:00</td>
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