

**MONDAY:**

**CONTINENTAL BREAKFAST**

**I. Ohio Environment for the Elderly-know your market**

- A. Facts and Statistics
  - 1. Nation
  - 2. Ohio
- B. Needs of the Elderly
  - 1. Financial needs
    - a. What makes one poor
    - b. What makes one rich
  - 2. Medical needs
    - a. What makes one competent
    - b. What makes one incompetent
  - 3. Basic needs
    - a. Shelter
    - b. Food
    - c. Clothing
- C. Dignity and Independence
  - 1. What is independence
  - 2. What is dignity
  - 3. Elderly versus the homeless
  - 4. What is the cost of dignity and independence
- D. Educating the Potential Client
  - 1. Office intake
  - 2. Seminars
  - 3. Advertising
  - 4. Brochures
  - 5. Website
- E. Cultural Diversification
  - 1. Depression Generation
  - 2. Baby Boomer Generation
  - 3. X Generation
  - 4. Ethnic Background
- F. Specific Ohio Laws for Protection of Elderly
- G. Laws that should be Ohio laws for the Elderly

**BREAK**

**II. Ohio Environment for Elder Law-how to stand out among your peers**

- A. What is Elder Law?
  - 1. Definition
  - 2. Aged versus disabled
- B. What Makes Elder Law Different?
  - 1. The focus
  - 2. No subject area label

3. The holistic approach
- C. Certification as an Elder Law Attorney
  1. The qualifications needed to apply
  2. The application process
  3. The knowledge needed
  4. The test
- D. How to Choose an Elder Law Attorney
  1. Phone book
  2. Word of mouth
  3. Local bar
  4. Ads
  5. Seminars
  6. Website
  7. Professional people
  8. Attorneys
  9. Nursing homes
  10. Agencies
  11. Financial planners

**LUNCH: MOVIE - WE ARE MARSHALL**

Coach Jack Lengyl's challenge

**III. Preliminary Aspects of Start-up Business-do it right the first time**

- A. Elder Law as a Business
  1. The vision
  2. Law as a business
  3. Why law businesses fail
- B. Finding Your Niche
  1. Many aspects of elder law
  2. Why? What's your story?
  3. What do you bring to the table?
- C. Location of and Office Design
  1. Geography
  2. Parking
  3. Handicap accessible
  4. Theme
- D. Furniture
  1. Elder friendly furniture
  2. Office furniture
  3. Conference room furniture
  4. Lobby furniture
  5. Reception area
- E. Business Plan/Strategies/Five Year Plan
  1. Why plan
  2. Realistic goals
- F. Technical systems
  1. Start-up

2. Budget
  3. Essentials
  4. Future vision
- G. Staff and Growth
1. Sole practitioner
  2. Add a secretary
  3. Add a paralegal
  4. Office growth
  5. Add an attorney
  6. Retirement plans
- H. Advertising and Marketing
1. Letterhead paper
  2. Court paper
  3. Give aways - what works what doesn't
  4. Radio
  5. TV
  6. Seminars
  7. Phone book
  8. Ads
  9. What works/what doesn't work

**BREAK**

- I. Insurance
1. Business
  2. Auto
  3. Malpractice
  4. Health
  5. Dental
  6. Vision
- J. Professional Associations
1. Local bar
  2. Ohio Bar
  3. Other state bars
  4. Committees
  5. NAELA
  6. Wealth Counsel
  7. National Estate planners
  8. Ohio chapters
  9. SNT Assoc.
- K. On-going Education
1. CLEs per year
  2. Ohio Bar College
  3. Presenting seminars
- L. Design of Letterhead and Documents
1. Letterheads
  2. Documents

- M. Hours of Operation
- N. Dress Code
  - 1. Court attire
  - 2. Office casual
  - 3. Jewelry
  - 4. Hair
  - 5. Body art
  - 6. Cosmetics
- O. Office Environment

**DINNER WITH JACK LENGYL**

**TUESDAY:**

**CONTINENTAL BREAKFAST**

**IV. Practice Management- the nuts and bolts of the practice**

- A. Basic Practice Management
- B. Appointments
  - 1. Appointment form
  - 2. Client's time frame
  - 3. Evening and home calls
  - 4. Conflict check
  - 5. Calendar
- C. Intake/Initial Interview
  - 1. Intake form
  - 2. Attorney conducting intake
  - 3. Explanation of legal needs
  - 4. Fee discussion
  - 5. Client intake- role play with elderly volunteer client
  - 6. Critique of intake process
- D. Client File
  - 1. Paperless office
  - 2. Work product
  - 3. Documents
  - 4. File retention
  - 5. Closing file
- E. Forms
- F. Mail
  - 1. Date stamping
  - 2. Court pleadings
  - 3. calendar
- G. Procedures that save time
  - 1. Colored mail folders
  - 2. Messages
  - 3. Attorney time
- H. Billing and Accounts Receivable
  - 1. Fee upfront strategy

2. Always ask for \$
  3. Fee disputes
  4. Retainer contracts
- I. Flat Rate vs. Hourly Rate
1. Fee agreements for both
  2. Flat rate time limit
  3. Hourly rate limited representation

**BREAK**

- J. Delegation/Accountability of Client's Work
1. Specific employee subject areas
  2. Delegation of legal work
  3. Timely output
  4. Annual employee review
- K. Management of Phone Calls
- L. Execution of Documents
1. Trusts
  2. Estate planning documents
  3. Capacity
  4. Duties of notary
  5. Client document execution-role play with elderly client volunteer
- M. Out of State Documents
1. Out of state deeds
  2. In state execution of out of state deeds
- N. Clients
1. Who's the Client
  2. When to say No
  3. When to Fire a Client
- O. Monday Morning quarter backing
1. Monday morning staff meeting
  2. Week appointments
  3. Statistical tracking YTD versus prior year
    - a. Number of appointments
    - b. Number who became clients
    - c. How was client referred
    - d. Trust, Medicaid or other
    - e. Number of closed files
  4. Correspondence/emails
  5. Upcoming seminars
  6. Client news
  7. Staff reports
  8. Office report
  9. Misc.

**LUNCH**

**V. Ethics-why this is essential to your elder law practice**

- A. Basic Ethics
- B. Clients
- C. Titling of Property
- D. Capacity Issues
- E. Conflicts of Interest
- F. Practice of Sheltering Funds
- G. Malpractice Issues
- H. Advertising
- I. Ohio Ethics Law
- J. Execution of Documents
- K. Relationships
- L. Confidentiality and Withdrawal

**BREAK**

**VI. Basic Estate Planning Documents-why elder law documents are different**

- A. Basic Estate Planning
- B. Wills
- C. Durable Powers of Attorney
  - 1. Joint Tenancy
  - 2. Joint Name Bank Accounts
  - 3. Practical Issues
  - 4. Termination and Revocation
  - 5. Types
- D. Living Wills
  - 1. Informed Consent
  - 2. Enforcement
  - 3. Right to Refuse Treatment
- E. Durable Powers of Attorney for Health Care
- F. Disposition of Remains
- G. HIPPA Waiver
- H. Capacity
- I. Execution
- J. Document Technology

**ADJOURN**

**WEDNESDAY:**

**CONTINENTAL BREAKFAST**

**VII. Evaluating Client's Needs-the key to your practice and success-  
LISTENING**

- A. Basic Needs
- B. Financial and Income Planning
  - 1. Qualified vs. Non-Qualified Plans
  - 2. IRAs: Traditional and Roth
  - 3. Pensions
  - 4. Annuities

5. Retirement Plans
- C. Disability Planning for Client and Family
  1. Medicaid Planning
  2. Disability Trusts
  3. Social Security Disability
  4. Asset Preservation
- D. Estate Planning/Tax Planning
  1. Issues in Retirement Planning
  2. Trusts
  3. Gifting to Charities
  4. Family Businesses
- E. Post Mortem Planning
  1. Tax
  2. Estate Tax Elections
  3. Retirement and Account Planning
- F. Exploitation, Abuse and Neglect
  1. Defining Exploitation, Abuse and Neglect
  2. Signs of Abuse: Physical and Mental
  3. Annuities and Trusts
  4. Reporting Requirements
  5. Adult Protective Services
  6. Remedies
  7. Case Law
  8. Age Discrimination
  9. Grandparent's Rights

**BREAK**

**VIII. Ohio Medicaid-**

- A. Basic Medicaid
  1. Eligibility Requirements
  2. Income Eligibility
  3. Resource Eligibility
  4. Spousal Impoverishment
  5. Spending Down
  6. Asset Transfers
  7. Ineligibility Time Periods
  8. Strategies
  9. Trusts
  10. Annuities
- B. Ohio Regulations
- C. Federal Deficit Reduction Act (DRA)
- D. Organization of Dept. of Job and Family Services
- E. Application and Process
- F. Appeal Process
- G. Forms
- H. Estate Recovery Law: Federal State Application

**LUNCH**

**IX. Housing-be a social worker with clout for your client**

- A. Basic Housing Issues
- B. In Home Health Care
- C. Group Homes
- D. Assisted Living Facilities
  - 1. Qualification
  - 2. Contract
  - 3. Medicaid Eligibility
  - 4. Veteran's Eligibility
- E. Nursing Homes
  - 1. Introduction
  - 2. Compliance with Federal and Ohio Law
  - 3. Contract
  - 4. Rights
  - 5. Care Planning
  - 6. Dementia Patients
  - 7. Use of Restraints
  - 8. Medical Issues
  - 9. Prescriptions
  - 10. Falls, Injuries and Neglect
  - 11. Liability of Power of Attorney, 3<sup>rd</sup> parties and Spouses
  - 12. Arbitration
  - 13. Eviction and Discharge Hearing
- F. Client testimonial: Kathy Long on Elder law
- G. Questions and Answer period

**ADJOURN**

**THURSDAY & FRIDAY:\***

**CONTINENTAL BREAKFAST**

**X. Veterans' Rights-a great marketing tool**

- A. Basic VA Benefits
- B. Aid and Dependence
- C. Nursing Home Rights
- D. Facilities

**XI. Trusts-when to use and when not**

- A. Basic Trusts
- B. Revocable
  - 1. A/B Trust
  - 2. Individual vs. Joint
- C. Irrevocable
- D. Special Needs
  - 1. D4A

2. D4C
3. Third Party
- E. Charitable Remainder Trusts
- F. Generation Skipping
- G. Miscellaneous
- H. Trustee Choice
- I. Medicaid Perception of Trusts
- J. Funding and Unfunded Trusts
- K. Administration of Trust
- L. Termination of Trust
- M. Administration of Trust Post Mortem
- N. Trustee Technology

**BREAK**

**XII. Real Estate-the market is in the dumpster**

- A. Basic Real Estate
- B. How to Handle
- C. Deeds-Kinds
- D. Funding Trust
- E. Dower Rights
- F. Farm- Family Business
- G. Medicaid Perception- Six Month Rule

**XIII. Health Care-some tough issues**

- A. Basic Health Care Concerns
- B. Long Term Care Insurance
- C. Medicare
  1. Basic Medicare
  2. Eligibility and Enrollment
  3. Part A : Hospital Coverage
  4. Part B: Supplemental Medical Insurance
  5. Part D: Prescriptions
  6. MediGap Insurance
  7. Medicare Skilled Care
  8. Medicare Appeals
  9. Home Healthcare
  10. Hospice
  11. Dual Issues with Medicaid
- D. Medicare Supplement
- E. HIPPA
- F. Meaning of Living Will
- G. Declaration for Mental Health Care
- H. Anatomical Gifting
- I. Do Not Resuscitate (DNR)
- J. American Disability Act (ADA)

**LUNCH**

**XIV. Social Security-understanding the system**

- A. Basic Social Security
- B. Eligibility
- C. Taxes and Earnings
- D. Retirement Benefits
- E. Disability Benefits
- F. Survivor's Benefits
- G. Appeals
- H. Supplemental Security Income

**XV. Dying Client-being there for your client**

- A. Planning in Place
- B. No Pre-planning
- C. Pre-Burial Contracts
- D. Shiavo and Kruzan
- E. Right to Die issues
- F. Right to Refuse Treatment

**XVI. Guardianship-family friendly or the last straw**

- A. Basic Guardianship
- B. Focus and Need
- C. Scope of Authority
- D. Guardianship Process
- E. Conservator vs. Guardianship
- F. DPOA vs. Guardianship
- G. Spousal Guardianship
- H. Bond
- I. Ohio Law
- J. Application and Process
- K. Land Sale under Guardianship
- L. Termination

**BREAK**

**XVII. Probate-up and coming litigation area**

- A. Basic Probate
- B. Ohio Law
- C. Will or No Will
- D. Application and Process
- E. Release from Administration
- F. Claims Against the Estate
- G. Viability of Avoiding Probate
- H. Will Contest
- I. Attorney incompetence
- J. Wrongful Death

**XVIII. Tax- what an elder law attorney should know-the basics**

- A. Basic Tax
  - 1. What you can learn from a client's tax form
  - 2. How to understand an annual business report spreadsheet

- B. Unified Gift Tax Credit
- C. Ohio Estate Tax
- D. Annuities
- E. Gift Tax Planning
- F. Estate Tax Planning
- G. Revocable trusts
- H. Irrevocable Trusts
- I. Other trusts
- J. Marital Deduction Planning
- K. Charitable Gift Planning
- L. Generation Skipping Tax Planning
- M. Residences

**XIX. Future of Elder Law**

- A. Depression generation
- B. Baby Boomers are coming**
- C. What Now

**XX. Legislative Update**

**ADJOURN**

\* Half of class will spend Thursday hands-on at the law office observing and critiquing the actual running of the office. The other half of class will spend Thursday at the presentation of specific elder law areas. Friday reverses.

**Additional Information:**

Each seminar participant will also receive:

1. A primer on Ohio Elder Law;
2. A book of office and legal forms used in the elder law office;
3. A reference manual containing the tax code sections pertinent to elder law; and
4. The rules and laws needed to understand Medicaid.

This seminar will touch on all aspects an elder law attorney must know to satisfy the client's needs.

CLE credit is being applied for.