

CLE Program

The
Aging
Population
and
Effective
Representation
of Older
Clients

Friday October 4, 2013 • 8:30 am - 4:15 pm • Iowa City, Iowa

Sponsored by: The National Health Law and Policy Resource Center, University of Iowa College of Law

Co-Sponsored by: Elder Law Section, Iowa State Bar Association

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Program Description

America's population is aging rapidly, and the proportion of older persons in Iowa's population is greater than that in most other states. As a result, the demand for legal services for the aging population, already large, is growing.

The CLE program will present an overview of what attorneys should know about effects of aging on clients and will explain techniques attorneys can use to enhance communication with older clients. It will address legal and ethical issues with respect representation of clients with suspected or actual diminished capacity due to Alzheimer's and other dementias; it will address the legal framework for and the drafting of vehicles for substitute decision making in the event a client becomes incapacitated. Among the vehicles discussed will be financial powers of attorney, *inter vivos* trusts, joint ownership and accounts and health care advance directives. Finally it will explain how attorneys can assist aging clients to plan for Medicaid funded long term care.

Program Schedule

8:00 - 8:30 am — Registration

8:30 - 8:40 — Greetings and Introduction

8:40 - 9:30 am — Effects of Aging on Older Clients and Communication with Older Clients
— *Prof. Kathleen C. Buckwalter*

9:30 - 10:20 am — Decision Making Capacity of Older Clients: Legal and Ethical Issues
— *Prof. Josephine Gittler*

10:20 - 10:40 am — BREAK

10:40 - 11:10 am — Client Capacity Assessment: Obtaining and Using Expert Opinion
— *Prof. Kathleen C. Buckwalter*

11:10 - 12:10 — Planning for Long Term Care and Medicaid
— *Gregory L. Kenyon*

12:10 - 1:10 — LUNCH

1:10 - 2:00pm — Financial Powers of Attorney
— *Margaret Van Houten*

2:00 - 2:45 pm — *Inter Vivos* Trusts
— *Paul P. Morf*

2:45 - 3:00 pm — BREAK

3:00 - 3:30 pm — Joint Ownership and Joint Accounts
— *Michel Nelson*

3:30 - 4:15 pm — Health Care Advance Directives
— *Prof. Josephine Gittler*

4:15 pm — Adjourn

Presenter Profiles

Kathleen C. Buckwalter, PhD, RN, FAAN is Co-Director of the National Health Law and Policy Resource Center. She holds a secondary appointment at the University of Iowa College of Law. Prior to assuming emerita status, she was the Sally Mathis Hartwig Professor in Gerontological Nursing and was the Director of the John A. Hartford Center of Geriatric Nursing Excellence at the University of Iowa College of Nursing. She is a nationally recognized expert on issues related to aging.

Josephine Gittler, JD, is the Wiley B. Rutledge Professor of Law and is the Director of National Health Law and Policy Resource Center at the University of Iowa College of Law. She also holds secondary appointments in the Colleges of Medicine, Public Health and Nursing where she serves as Director of Policy for the Hartford Center on Excellence in Geriatric Nursing. The focus of her teaching, scholarship, and service includes health law and policy, and elder law and policy.

Gregory L. Kenyon, JD, is a shareholder of the Bradshaw Fowler Proctor & Fairgrave law firm in Des Moines. He engages in the general practice of law

including the areas of health care elder law, and wills, trusts, estate planning and probate law. He has been recognized for his expertise in the area of Elder Law by Best Lawyers in America. He is Chair of the Elder Law Section and is a member and former Chair of the Probate Section Council of the Iowa State Bar Association (ISBA).

Paul P. Morf, JD, is a member of the Simmons Perrine Moyer Bergman law firm in Cedar Rapids and is Chair of its Estate Planning, Wills, Trusts, Probate and Wealth Transfer Practice Group. He has been recognized for his professional expertise in the areas of trusts and estates, litigation-trusts and estates and nonprofit/charities law by Best Lawyers in America. He has held various positions in the Probate & Trust Section of the ISBA, is Vice-President of the Iowa Academy of Trust and Estate Counsel and is a fellow of the American College of Trust and Estate Counsel.

Michel Nelson, JD, is Senior Vice President and Senior Trust Officer of the Iowa Savings Bank in Carroll. He is a member and former Chair of the Probate Section Council of the ISBA, an officer and Director of the Iowa Academy of Trust and Estate Counsel and the former President

and Director of the Iowa Trust Association. He is a member of the Board of the Iowa Finance Authority.

Margaret Van Houten, JD, is a senior shareholder of the Davis Brown law firm in Des Moines and is Chair of its Business Section. She practices in the areas of wills, estates, estate planning and probate law, taxation, charitable organizations and employee benefits. She has been recognized for her professional expertise in the areas of estate planning and taxation by Best Lawyers in America. She is a member of the American College of Trust and Estate Counsel) and has served as Iowa State Chair of ACTEC. In addition she has been and is an active member of the ISBA and is currently Chair of the ISBA Probate Section Committee established to review the Uniform Power of Attorney Act.

Registration

• **Early-Bird Registraton Fee** (until August 31): **\$195** • **Registration Fee** (after August 31): **\$225**
 (Registration fee includes an electronic copy of the program materials emailed to you prior to the program and includes lunch.)

 **For Online Registration go to:** <http://cle-lawuiowa.3dcartstores.com/>

Mail Registration Form

 **(Please remove registration form and mail with your check to: Continuing Legal Education, University of Iowa College of Law, Iowa Cty, IA 52242.)**

_____ **Yes**, I will attend the CLE program on Friday October 4, 2013. My check or credit card information for the registration fee is enclosed.

_____ I am unable to attend the CLE program on Friday October 4, 2013. Please send me the program materials for \$100.

Name/Address of person registering *(please print all information):*

Name

Address

City

State

Zip

Phone

e-mail

Payment Method

___ **Check** *(Payable to the "College of Law.")*

___ **Credit Card:** Mastercard Visa

Card # _____ **Expiration Date** _____

3-digit V-code _____
on back of card _____

Signature

TOTAL ENCLOSED \$ _____

• **HOTEL:** Arrival Date _____
 for _____ nights . (Your hotel request will be sent to the Iowa House. Once you receive confirmation from the Iowa House you can call and check on your reservation at 319-335-3513.)

• **FOOTBALL TICKETS:** _____ Yes, I would like to purchase Iowa vs. Michigan State football tickets. (Upon receipt of your paid registration, you will receive a link and password to purchase football tickets. (Please see General Information at [http://www.law.uiowa.edu/ alumni/cle](http://www.law.uiowa.edu/alumni/cle) for further detail).)

CLE General Information

Meeting Site: The CLE program on Friday, October 4, 2013, will be held in Iowa City, Iowa. Specific location TBD.

Cancellation Policy: If your registration is canceled by 8:00 a.m. the Friday before the program, you will receive a full refund. No refunds will be made after that date and no course materials will be sent to registrants canceling after that date.

Housing: If you wish to reserve a hotel room at the Iowa House in the Iowa Memorial Union, please so indicate when registering. Your hotel request will be sent to the Iowa House after receipt of paid registration. Registrants are responsible for paying for their hotel accommodations directly to the Iowa House. If you cancel your registration for a CLE program, your hotel reservation will be canceled. (Iowa House phone number: 319-335-3513).

Football Tickets: If you wish to purchase football tickets to the October 5th Iowa vs. Michigan State football game, please so indicate when you register. Upon receipt of your registration fee, a confirmation will be emailed along with a link and password to purchase the tickets on line. There is a limit of two tickets for each paid CLE registrant's household. If you submit more than one football ticket order request on line for any game, the law school reserves the right to reduce (the number of tickets) and/or refund anyone who purchases more than two tickets.

Mandatory Continuing Legal Education: The CLE program on **Friday, October 4** is an accredited program under the regulations of the Iowa Supreme Court Commission on Continuing Legal Education. This program will provide

a maximum of 6 hours of regular credit toward the mandatory continuing legal education requirements under the Iowa Rule. (Activity ID Number: 116508). The program has applied for .5 hours of ethics credit.

Individuals with disabilities are encouraged to attend all University of Iowa-sponsored events. If you are a person with a disability who requires an accommodation in order to participate in this program, please contact us in advance at 319-335-9089.

For more information, contact:

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