SCHEDULE FOR NJ NAELA UN-PROGRAM April 10, 2024

Asbury Hotel, Asbury Park NJ

8:00 Registration table opens

9:00 Breakout Session 1

10:30 Coffee Break and chance to meet out sponsors

10:45 Breakout Session 2

12:15 LUNCH – in 3 adjacent break-out rooms. We will introduce the sponsors who will tell you about their services.

1:15 Breakout Session 3

2:30 Afternoon Break and chance to meet our sponsors

2:45 Breakout Session 4

4:00 Optional spontaneous breakouts, whatever topics people want

5:00 or 5:30 Gather in the bar for cocktails and happy hour snacks

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NJ-NAELA 2024 Un-Program -- BREAKOUT SESSION LIST

In each topic area, these break-outs will discuss practical steps as well as challenging issues people have encountered. You'll have an opportunity in a small group to swap case stories, get some how-to advice or provide advice to a colleague, and learn something you've been trying to learn

A. TRUSTS AND REAL ESTATE: These break-outs will discuss practical steps as well as challenging issues people have encountered after the Trusts are set up, such as – Trust has real estate but no cash, and the occupant has to move out; the co-trustees don't get along; caseworker are counting certain Trusts as a resource but may be mistaken; should the Trust buy a title insurance policy when property is transferred to the Trust? Use & occupancy agreements as compared to reserved life estates; what to do about an existing mortgage at time of transfer; "Medicaid issues" that can arise based on how a Trust was handled, and more.

1. Revocable Living Trusts -- debate the pros and cons. They are the "plan of choice" for many T&E attorneys; are they useful for non-Medicaid elder care planning, and what are the practical steps to set it up or administer it after death? In what ways are they beneficial for NJ estates that have no out-of-state property?

2. 3rd party Supplemental Needs Trusts : Established by parent for a disabled person, or testamentary trusts.

3. D4As (1st party) especially with DDD participants and extra family members in the house; communications with the Social Security Administration and with DDD and Medicaid; annual accountings; adverse notices from DMAHS; monitoring and record-keeping.

4. "5-year planning" with 3rd party Trusts for the Family and interplay with a Medicaid application after 5 years; IDGTs, income-only, and non-retained interest trusts; use of co-Trustees and independent trustees.

B. BUSINESS MANAGEMENT: These break-outs enable you to talk frankly with colleagues who have dealt with these situations or are thinking about these issues.

1. For Associates Only

2. Thinking about becoming an owner or partner? Issues with buying into a Firm; structuring the relationship; risks and benefits; LLCs vs S-corps; big firms and small; etc.

3. Wind-down planning / retirement planning— Different options for your practice; how do you do it? Valuations, buy-outs, re-evaluating/changing compensation arrangements as your work time decreases; mergers, obligations; etc.

4. Business planning/ expansion – how do you know when to bring on paralegals or associates; how do you plan for productivity?

C. LITIGATION IN CHANCERY – Nuts and bolts discussions of Emergent actions, Structuring claims, cross claims, affirmative defenses, etc., Depositions (e.g. if witness is a person with a disability or dementia), Motions, Discovery, …

1. Protective Arrangements – creative use of NJSA 3B:12-1 for urgent problems when you can't get the AIP examined

2. Trust reformation or revocation of non-revocable trusts

3. Elective share cases – how to pursue it in court, how to calculate;

4. Contested Guardianships

D. MEDICAID : These breakouts will enable people to swap stories and helkp each other out with tricky and challenging issues as well as differences in how how things are dealt with by different Boards of Social Services

1. Applications – using the electronic portal vs paper submissions; evidence issues; communication problems; etc.

2. Caregiver Child exemption battles and ideas for proving all the elements of the exception

3. Gift and annuity planning – how's that working out? Does anyone do it in assisted living? What if a person wants to stay home and not use Medicaid -- pros and cons of transferring assets to Trusts and gifting if home care is the preferred option in lieu of institutional care.

4. Medicaid in ALF and in the Home -- there's a broad range of issues that people encounter such as requirement for ongoing payment while application is pending (ALF); internal waiting lists (ALF), slow response for the PAS and post-approval Care Plan approval through the MCO. This session is designed to talk about problems people are encountering and how they are dealing with it

E. GUARDIANSHIP: These breakouts will discuss particular issues in un-contested Guardianship and how they've played out in people's actual cases (forewarned is forearmed, hopefully)

1. GAL issues – defining/limiting the role, asking Judge to further define the role if necessary, and how to deal with a Court-appointed counsel who acts like a GAL

2. Temporary guardians and Special medical guardians – how to get the Judge's attention to make these immediate appointments; procedural issues also

3. Limited Guardianship vs Supported Decision-making? What's supported decision-making all about, how is it structured and what are the benefits and drawbacks compared to limited guardianship? What safeguards can be built in from the standpoint of each party? And how does limited guardianship play out in practice? Anyone who's been doing this is encouraged to share their knowledge.

4. Serving as court-appointed counsel for high-functioning individuals with intellectual disabilities – how to handle it if the client wants to oppose the action; helping client narrow the scope of the guardianship; creating time limitations and mandatory reviews.