

This full-day program meets the legal requirements certified by the NYS Office of Court Administration Guardian and Fiduciary Services; therefore, all participants of this program are eligible for enrollment on the list of the Chief Administrator, pursuant to Part 36 of the Rules of the Chief Judge, in the category of “Guardian, Court Evaluator, and Attorney for Alleged Incapacitated Person.”

This program takes a functional approach to determining whether an alleged incapacitated person requires a guardian and places a premium on employing the least restrictive intervention to preserve independence and self-determination. Article 81 requires the appointment of a court evaluator in all cases to determine the functional strengths and weaknesses of the alleged incapacitated person, to explain the court proceedings and to advise the person of his or her rights, including the right to counsel. The authority and powers of the guardian are then tailored to the specific needs of the incapacitated person and may be reduced or increased over time as the person’s needs change. You will hear from attorneys, court representatives and others with expertise in this important area of practice.

9:00 a.m.	Welcome & Introductions Kelly Barrett Sarama, Esq., <i>Center for Elder Law & Justice, Chair, Elder Law Committee</i>	12:55 p.m.	Community and Institutional Resources Kristin Surdej, <i>Laping Surdej Associates, LLP, Geriatric Care Manager</i>
9:10 a.m.	Medical and Treatment issues Kathleen T. Grimm, MD, FAAP, FACP, MHSC, <i>Erie County Medical Center</i>	1:20 p.m.	The Role of Mental Hygiene Legal Services Anne Carberry Priore, Esq., <i>Mental Hygiene Legal Service</i>
9:35 a.m.	Overview and Concepts; Pre-Hearing Procedural Issues Frank R. Vavonese, Esq., <i>Smith Vavonese, LLP</i>	1:45 p.m.	Article 81 from the Perspective of Hospitals and Nursing Homes Danielle A. Becker, Esq., <i>Kaleida Health</i>
10:00 a.m.	Rights of the AIP and Rights of the Person in Need of a Guardian Frank R. Vavonese, Esq., <i>Smith Vavonese, LLP</i>	2:10 p.m.	Break
10:25 a.m.	Break	2:20 p.m.	The Court Evaluator Duties, Responsibilities and Ethics Howard B. Frank, Esq., <i>Nuchereno & Nagel</i>
10:35 a.m.	Duties, Responsibilities and Ethics of Guardian Helen Ferraro-Zaffram, Esq., <i>Center for Elder Law & Justice</i>	2:45 p.m.	Powers of Guardians Bradley Loliger, Esq., <i>Center for Elder Law & Justice</i>
11:00 a.m.	The Attorney for the AIP, Role, Duties and Ethics Alan J. Bozer, Esq., <i>Phillips Lytle LLP</i>	3:10 p.m.	Preparation and Review of Guardian Reports by Court Examiner Richard A. Grimm, III, Esq., <i>Magavern Magavern & Grimm, LLP</i>
11:25 a.m.	Part 36: The Rules of the Chief Judge Angela Stamm-Philipps, Esq., <i>Niagara County Surrogate’s Court</i>	3:35 p.m.	Practice Challenges During COVID-19 Panel of all speakers
11:50 p.m.	Q&A	4:00 p.m.	Q&A
12:00 p.m.	Break	4:15 p.m.	Adjourn
12:30 p.m.	The Hearing Hon. Timothy Walker, <i>New York State Supreme Court</i>		