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# 2021 Basics of Elder and Special Needs Law

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**Friday, October 22, 2021**  
**Live Webcast**

**NORTH CAROLINA: 7.50 MCLE HOURS**

Includes:

1.00 Ethics/Professional Responsibility

Qualifies for NC State Bar Elder Law Specialization

Planned by the NCBA Elder & Special Needs Law Section

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## Program Summary

The *2021 Basics of Elder and Special Needs Law* program offers a foundational knowledge base for building an elder and special needs law practice. This year's program offers practical guidance on the basics of elder and special needs planning and Medicaid eligibility. Attendees also enjoy the following benefits:

- Developing improved cultural competency and awareness of relevant ethical issues when representing a diverse client base
- Locating and analyzing relevant statutes, regulations, rules and resources for public benefits planning
- Learning the basics of guardianship laws and the process of obtaining and administering a guardianship
- Using applicable case studies to help see the “bigger picture” of how the various facets of elder and special needs planning fit together

## Past Program Testimonials

“Great content and the information was not too simplified but also not overly complicated for the basics.”

“Great program and very useful.”

“Very good program. As someone who does estate/trust administration and planning but lacks knowledge about Medicaid planning and other elder law, it was very useful.”

— Attendees, *2020 Basics of Elder and Special Needs Law*, October 23, 2020

# AGENDA

**Friday, October 22, 2021 | 8:15 AM – 5:25 PM**

8:15 **Welcome and Introductions**

8:20 **Ethical Issues Arising in Representation\*** | Walthall

Identify and navigate ethical issues that arise when representing elderly clients or clients with disabilities. This presentation walks through the process of identifying the client, working with fiduciaries and family members of a client, exploring the representation of a person with questionable capacity, and other related ethical considerations.

9:20 **Break**

9:30 **Cultural Competence and LGBTQIA+ Communities** | Vetter

Cross-cultural competency is critically important for elder and special needs law attorneys. Gain insight into what cultural competence is and its components. Then discuss the LGBTQIA+ communities, how the law impacts your clients who identify with these communities and how to better serve them.

10:30 **Break**

10:40 **Introduction to Medicaid Eligibility and Planning Techniques** | Lawler

The elder and special needs law practitioner often confronts issues related to long-term care planning and Medicaid eligibility. This session is intended to provide you with a general overview of Medicaid eligibility and expose you to some of the basic asset protection techniques often used in both advanced planning and crisis settings.

12:10 **Lunch Break**

12:55 **Using Trusts in Elder and Special Needs Planning** | Smith

Delve into the basic types of trusts and taxation, including grantor and non-grantor trusts, and the applicable Medicaid rules. Learn how and why trust tax rules drive trust design.

1:55 **Break**

2:05 **Resources and FAQs You Have Been Afraid to Ask** | Atherton and Rodberg

Elder and special needs law are nuanced and ever-changing fields. Successfully developing solutions for your clients requires not just an understanding of the law, but also of where to find answers. From the mundane to the complex, no question is too trivial for this panel of experienced attorneys.

3:05 **Break**

# AGENDA

- 3:15 **Basics of Guardianship** | McKinney  
Review the process of adjudicating a person incompetent and appointing a guardian, as well as administering a guardianship from a lawyer's perspective.
- 4:15 **Break**
- 4:25 **Putting It All Together: Case Studies in Elder Law and Special Needs Planning** | Potter  
Elder law cases often do not stay in nice, neat boxes. After a day of exploring aspects of elder law from ethics to Medicaid planning and guardianships to trusts, this final session looks at case studies showing how these pieces fit together, how they can awkwardly overlap and how they sometimes just plain complicate each other.
- 5:25 **Adjourn**

\* Indicates portion providing Ethics/Professional Responsibility credit

The views and opinions expressed are those of the individuals and do not necessarily represent official policy, position or views of the North Carolina Bar Association.

# PROGRAM DETAILS

## Speakers

- **Andrew D. Atherton**, McGuire Wood & Bissette PA, Asheville
- **Brian T. Lawler**, The Van Winkle Law Firm, Asheville
- **Mariah D. McKinney**, Garlock & McKinney, Black Mountain
- **John R. Potter**, Potter Law Firm, Charlotte
- **Kathleen R. Rodberg**, McGuire Wood & Bissette PA, Asheville
- **Aimee L. Smith**, Craige Jenkins Liipfert & Walker LLP, Winston-Salem
- **Connie J. Vetter**, Connie J. Vetter LGBT Attorney at Law PLLC, Charlotte
- **Joshua T. Walthall**, Nelson Mullins Riley & Scarborough LLP, Raleigh

## Planners

- **Marjorie J. Brown**, Elder Law & Estate Planning Solutions of the Piedmont, Concord
- **Brian T. Lawler**, The Van Winkle Law Firm, Asheville

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Live Webcast (100LWC)

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