



CALIFORNIA LAWYERS ASSOCIATION
TRUSTS & ESTATES SECTION

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Includes Competence Issues
and Legal Specialization



The Second Annual Financial Elder Abuse Symposium

FRIDAY, MARCH 29, 2019

Loyola Law School

Merrifield Hall

919 Albany Street, Los Angeles, CA 90015

Register Online: <http://CALawyers.org/Trusts-and-Estates>

PROGRAM SCHEDULE

Registration and Continental Breakfast

8:30 a.m. - 9 a.m.

The Intersection Between Undue Influence, Lack of Capacity and Civil Financial Elder Abuse (1.50 HOURS)

9 a.m. - 10:30 a.m.

This initial panel will cover in-depth the concepts of undue influence and lack of capacity with a review of the relevant statutes in Probate Code, Welfare and Institutions Code and Civil Code, the latest cases, and the role these concepts play in financial elder abuse litigation.

SPEAKERS: Honorable David J. Cowan (Supervising Judge of the Probate Department, Los Angeles County Superior Court)
Susan I. Bernatz, Ph.D. (Bernatz Experts, Marina del Rey; Los Angeles County Elder Abuse Forensic Center)
Vivian L. Thoreen, Esq. (Holland & Knight, Los Angeles)
Philip P. Lindsley, Esq. (San Diego Elder Law Center, San Diego)

Break

10:30 a.m. - 10:45 a.m.

Civil Financial Elder Abuse: Choice of Forum, Standing, Pleadings, Related Civil and Probate Claims, and Remedies (1.50 HOURS)

10:45 a.m. - 12:15 p.m.

This panel will cover the complex standing rules with financial elder abuse cases, the tactical considerations in choosing civil court or probate court as the forum for prosecuting the case, the ultimate facts that need to be pled, the overlapping civil and probate-related claims, the applicable statutes of limitations, tolling and the enhanced remedies under the Welfare and Institutions Code and the Probate Code.

SPEAKERS: Honorable David J. Cowan (Supervising Judge of the Probate Department, Los Angeles County Superior Court)
Honorable Mary Thornton House (Judge, Los Angeles County Superior Court, retired; Alternative Resolution Centers (ARC), neutral)
Vivian L. Thoreen, Esq. (Holland & Knight, Los Angeles)
Frank J. Fox, Esq. (Majors & Fox, San Diego)

Lunch (Provided)

12:15 p.m. - 1:15 p.m.

Criminal Financial Elder Abuse (The Basics) (1 HOUR)

1:15 p.m. - 2:15 p.m.

This panel will cover the elements of criminal financial elder abuse under the Penal Code, potential remedies/restitution and sentencing, and the types of cases that enforcement is willing to prosecute.

SPEAKERS: Janet K. Hasegawa, Esq. (Deputy District Attorney, Financial Crimes, Riverside County)
Alicia R. Johnson, Psy. D. (Bernatz Experts, Marina del Rey)
Prescott Cole, Esq., (Senior Staff Attorney, California Advocates for Nursing Home Reform, San Francisco)

Adult Protective Services, Court Investigators, Law Enforcement & Forensic Centers: Reports of Abuse & What Happens Next (1 HOUR)

2:15 p.m. - 3:15 p.m.

This panel will cover the progression of a criminal financial elder abuse case from start to finish, and the respective roles and/or limitations of Adult Protective Services, Court Investigators, the District Attorney and the County's Forensic Elder Abuse Center.

SPEAKERS: Janet K. Hasegawa, Esq. (Deputy District Attorney, Financial Crimes, Riverside County)
 Alicia R. Johnson, Psy. D. (Bernatz Experts, Marina del Rey)
 Julie Orozco, LCSW (Regional Manager, Riverside County DPSS, Adult Services Division (APS))
 Leah E. Hahn (Supervising Court Investigator, Los Angeles County Superior Court)

Break

3:15 p.m. - 3:30 p.m.

Civil & Criminal Financial Elder Abuse: The Collection, Preservation and Admissibility of Evidence (1 HOUR)

3:30 p.m. - 4:30 p.m.

This panel will cover the types of evidence typically used in prosecuting a civil or criminal financial elder abuse case, where and how to obtain the evidence, challenges with authentication and the hearsay rule, and admitting the evidence at trial.

SPEAKERS: Honorable Mary Thornton House (Judge, Los Angeles County Superior Court, retired; Alternative Resolution Centers (ARC), neutral)
 Janet K. Hasegawa, Esq. (Deputy District Attorney, Financial Crimes, Riverside County)
 Vivian L. Thoreen, Esq. (Holland & Knight, Los Angeles)

The Initial Client/Family Interview: Detecting Potential Abuse and Undue Influence Before It Happens—Or Is It Already Happening? (1 HOUR of Competence Issues)

4:30 p.m. - 5:30 p.m.

This panel acts out a hypothetical interview of a prospective estate planning client brought to an attorney's office to make substantial estate planning changes to disinherit the family members. After the initial skit, the panel members critique the attorney's effectiveness in terms of asking the right questions, controlling the meeting environment, minimizing interference from family members, and uncovering problems of cognitive impairment. The panel concludes with recommendations and techniques that can be used to increase the likelihood of preventing undue influence and abuse, and decrease the likelihood of claims for attorney malpractice or worse, financial elder abuse.

SPEAKERS: Christopher D. Carico, Esq. (Carico Macdonald Kil & Benz, El Segundo)
 Prescott Cole, Esq. (Senior Staff Attorney, California Advocates for Nursing Home Reform, San Francisco)
 Philip P. Lindsley, Esq. (San Diego Elder Law Center, San Diego)
 Stephen R. Rykoff, Esq. (Law Offices of Stephen R. Rykoff, Los Angeles)

REGISTRATION INFORMATION

CANCELLATIONS/REFUND POLICY:

Cancellations and requests for refunds must be received in writing no later than Friday, March 22, 2019 and are subject to a \$50 service charge. Refunds will not be available after this date.

QUESTIONS:

For registration information call 916-516-1757. Telephone registrations will not be accepted. For program content and/or Section information call 916-516-1755.

SPECIAL ASSISTANCE:

For special assistance, please call 916-516-1755.

ON-SITE:

On-site registration will be on a space available basis. Call to confirm space availability. Email ProgramRegistrations@CALawyers.org to confirm space availability.



The Second Annual Financial Elder Abuse Symposium

Friday, March 29, 2019 • Los Angeles, CA

REGISTRATION FORM

Note: One registrant per form. Photocopies may be used.

Bar Number: _____

Name: _____

Firm: _____

Firm Address: _____

City, State: _____ Zip Code: _____

Phone Number: _____

Email Address: _____

(Required for email confirmation)

Program package includes 7 hours of MCLE credit, 7 hours of Trusts and Estates Specialization credit, program materials on a USB drive, continental breakfast and lunch.

Check here if you do not want your information released.

This event may be recorded. By attending this event, you consent to be photographed, filmed, and/or otherwise recorded, and to any use, by the CLA, of your likeness, voice, and name in any and all media including social media. If you do not want your name or photo to be used, please let us know in advance. We cannot, however, honor requests to opt out of the use of your image or voice if you choose to ask a question during one of the event sessions.

PRE-REGISTRATION FEES (check the appropriate circle)

- \$315** Members of the Trusts and Estates Section
- \$420** Non-Section Members
(includes enrollment in the Trusts and Estates Section for 2019)
- \$215** CYLA—California Young Lawyers Association
(includes enrollment in the Trusts and Estates Section for 2019)

**Onsite registration fees are \$315 for Section Members and \$420 for Non-Section Members

AMOUNT ENCLOSED OR TO BE CHARGED

\$ _____

REGISTRATION INFORMATION

Deadline: In order to pre-register, your form and check, payable to California Lawyers Association, or credit card information, must be received by **Friday, March 22, 2019**.

Register Online: <http://CALawyers.org/Trusts-and-Estates>

Mail To: Program Registrations, California Lawyers Association
400 Capitol Mall, Suite 650, Sacramento, CA 95814

Email To: Program Registrations at ProgramRegistrations@CALawyers.org.
In order to email your registration, credit card information is **MANDATORY**. (*Photocopies of checks will NOT be accepted.*)

CREDIT CARD INFORMATION (VISA/MASTERCARD ONLY)

I authorize California Lawyers Association to charge my program registration to my VISA/MasterCard account. (*No other credit card will be accepted.*)

Account Number: _____

(VISA or MasterCard only)

Expiration Date: _____

Cardholder's Name: _____

Cardholder's Signature: _____

California Lawyers Association and the Trusts and Estates Section are approved State Bar of California MCLE providers.

Register Online: <http://CALawyers.org/Trusts-and-Estates>



CALIFORNIA LAWYERS ASSOCIATION
Trusts and Estates Section
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Sacramento, CA 95814

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