

CRITICAL ISSUES IN ADULT PROTECTIVE PROCEEDINGS: A FORUM TO EXPLORE EMERGENT ISSUES AND RECOMMEND SOLUTIONS

Sponsored by Senior Citizens' Law Office, Inc., Lawyer Referral for the Elderly Program; New Mexico Office of Guardianship; New Mexico Guardianship Association; Disability Rights New Mexico and the Elder Law Section of the New Mexico State Bar.

Wednesday, November 20, 2013
8:30 to 5:00 pm
At the State Bar of New Mexico
Journal Center
5121 Masthead, NE, Albuquerque, New Mexico

6.0 (including 2.2 Ethics) MCLE Credits
And
6.5 CEU Credits (Pending)

CRITICAL ISSUES IN ADULT PROTECTIVE PROCEEDINGS: A FORUM TO EXPLORE EMERGENT ISSUES AND RECOMMEND SOLUTIONS

Wednesday, November 20, 2013

8:30 a.m. to 4:30 p.m. at the State Bar of New Mexico, 6.0 (including 2.2 Ethics) MCLE Credits and 6.5 C.E.U. Credits (Pending)

By 2030, the population of people age 65 and over is projected to increase from 40 million in 2010 to 71.5 million. As the number of seniors increase, so will the number of individuals with cognitive disabilities such as Alzheimer's disease and dementia. This trend will produce an increasing demand for guardianship and conservatorship on behalf of incapacitated older adults. However, protective proceedings have the potential of harming older adults, rather than protecting them, if not appropriately filed and carefully administered.

There are concerns about (1) the lack of best practice guidelines for petitioning attorneys, qualified health care professionals, guardian *ad litem*s, court visitors and qualified health care professionals, (2) how to address the tension between the best interests and the civil rights of the Alleged Incapacitated Person (AIP) (3) the costs of the guardianship and conservatorship process and its effect on the AIP, and (4) the scope of protective proceedings orders.

This facilitated Forum will feature a keynote speaker, Prof. Joseph Rosenberg from City University of New York School of Law, an interdisciplinary panel discussion,

followed by a plenary session that identifies the main critical issues, and break-out sessions of small interdisciplinary groups that will develop recommendations for improving the system. The small group sessions will be followed by a plenary session in which all participants will consider the small group recommendations and define next steps.

The Forum should be a ground-breaking event and we welcome the participation of judges, lawyers, geriatric care managers/court visitors, guardians and conservators.

Co-sponsors are the Senior Citizens' Law Office, Inc., Lawyer Referral for the Elderly Program; New Mexico Office of Guardianship; New Mexico Guardianship Association; Disability Rights New Mexico and Elder Law Section of the New Mexico State Bar.

CLE and CEU credits will be available. The cost of the event covers direct costs only such as CLE/CEU credits, facilitator's fee and food. The cost is \$75 without lunch and \$85 with lunch provided.

Program Schedule and Outline

8:15 a.m. Registration

8:50 a.m. Introduction and Program Overview. *Ellen Leitzer, Esq.*

9:00 a.m. Keynote Address - The Role of Medical Evidence in Adult Protective Proceedings: Practical and Ethical Considerations. *Professor Joseph Rosenberg, Esq.*

10:00 a.m. Break

10:15 a.m. Panel Discussion – Identification of Critical Issues in Adult Protective Proceedings in New Mexico with a Focus on Ethical Standards of Petitioning Attorneys, Guardian Ad Litem, Court Visitors, and Qualified Health Care Professionals. *Judge Alan Malott, Laurie Hedrich, Esq., Lucrecia Jaramillo, Esq., Dr. Rex Swanda, Ph.D., and Mary Galvez, Certified Guardian and Care Manager.*

11:30 a.m. Facilitated session involving all attendees to identify the foremost critical issues in New Mexico's adult protecting proceedings. *Lucy Moore, Facilitator.*

12:00 p.m. Lunch and Voting for Foremost Critical Issues

1:00 p.m. Facilitated break-out sessions involving all participants to explore solutions to the foremost critical issues and make recommendations to all participants.

2:30 Break

2:45 p.m. Facilitated session where recommendations are presented and discussed.
Lucy Moore, Facilitator.

4:00 p.m. Next Steps Defined to Refine and Implement Recommendations. *Lucy Moore, Facilitator.*

4:30 p.m. Adjourn

Program Faculty

Ellen Leitzer, Esq. is the Executive Director of the Senior Citizens' Law Office, Inc. a free legal services agency that serves seniors who reside in Bernalillo, Tarrant, Valencia and Sandoval Counties.

Prof. Joseph Rosenberg, Esq. is Associate Dean for Clinical Programs and Professor of Law at City University of New York School of Law and is supervising attorney in the law school's Elder Law Clinic.

Judge Alan Malott practiced law in New Mexico for 30 years and since 2009 has served as a Second Judicial District Court Judge where he presides over adult protective proceedings.

Laurie Hedrich, Esq. is a director of the Elder Law Section of the State Bar of New Mexico and practices in the areas of estate planning and elder law. She serves as a petitioning attorney and guardian *ad litem*.

Lucrecia Jaramillo, Esq. is SCLO's Supervising Attorney and practices elder law. She serves as guardian *ad litem* and respondent's attorney.

Dr. Rex Swanda, Ph.D. is a neuropsychologist who is Director of the Neuropsychology Consultation Program at the New Mexico VA Healthcare System and is a Clinical Assistant Professor at the UNM School of Medicine, Department of Psychiatry.

Mary Galvez is a Nationally Certified Guardian and Nationally Certified Manager of Care and routinely serves as court-appointed guardian and visitor.

Lucy Moore is a mediator, facilitator, and trainer and who has worked with multi-issue, multi-party conflicts for the past 25 years. She specializes in public policy and environmental issues.

REGISTRATION FORM

Critical Issues in Adult Protective Proceedings: A Forum to Explore Emergent Issues and Recommend Solutions

Name _____

Address _____

City _____ State _____ Zip _____

Phone _____ New Mexico Bar # _____

Registration Fees:

With Lunch Provided \$85 Vegetarian Non-Vegetarian

Without Lunch \$75

Amount Enclosed \$ _____

Please mail this form with check payable to:
Senior Citizens' Law Office, Inc.
4317 Lead Avenue, SE, Suite A
Albuquerque, NM 87108

Payment must accompany registration; No credit cards