



# QUEENS COUNTY BAR ASSOCIATION

90-35 148<sup>th</sup> Street, Jamaica, NY 11435 • Tel 718-291-4500 • Fax 718-657-1789 • www.QCBA.org • CLE@QCBA.ORG

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Sponsored by:



## CLE CREDIT:

### 6.0 Prof Practice + 1.0 Ethics

*Transitional Seminar. Valid for All Attorneys*  
ACCREDITATION: QCBA has been certified by the NYS CLE Board as an Accredited CLE Provider in NYS, 10/2019 - 10/2022.

## LIVE ZOOM FEE:

\$70 – QCBA/SAICBA Members

\$245 - Non-Members

**Materials will be provided electronically via email.**

PRE-REGISTRATION REQUIRED

*Elder Law Committee presents a ZOOM Two-Night Training*

## **PART 36 TRAINING PROGRAM** *for* **GUARDIAN, COURT EVALUATOR AND ATTORNEY FOR AN ALLEGED INCAPACITATED PERSON**

**Thursdays, September 23<sup>rd</sup> & September 30<sup>th</sup>, 2021**  
**4:00 pm – 8:00 pm**

**Will qualify attendees to apply for enrollment on the list of the Chief Administrator of the Courts pursuant to Part 36 of the rules of the Chief Judge in the following categories: GUARDIAN; COURT EVALUATOR; and ATTORNEY FOR ALLEGED INCAPACITATED PERSON.**

**This training will satisfy the education requirements for: GUARDIAN, pursuant to MHL § 81.39, and COURT EVALUATOR, pursuant to MHL § 81.40. Must attend both nights to satisfy.**

## PANELISTS:

**BRIAN R. HEITNER, ESQ., Moderator**

### **Part 36 of the Rules of the Chief Judge**

**HON. MICHELLE GARTNER, OCA Special Counsel**

Applicability to MHL Article 81; Procedures for Qualification; Disqualifications; Compensation Limits

### **Introduction to Topic and Background**

**CONSTANTINA PAPAGEORGIU, ESQ.**

Concepts and Legislative Findings (MHL 81.01): Civil rights deprivation, due process issues, drastic remedy, tailoring, flexibility, self-determination, independence and participation Necessity plus agreement or incapacity MHL 81.02(a); Least Restrictive Form of Intervention MHL 81.03(d); MHL Article 81 vs. SCPA Article 17-A;

**Guardians**

**ELLYN KRAVITZ, ESQ.**

Duties and Responsibilities of a Guardian; Available Resources to Aid an Incapacitated Person; Entitlements

**The Court Evaluator**

**SCOTT G. KAUFMAN, ESQ.**

Legal Duties and Responsibilities; Rights of the Alleged Incapacitated Person; Access to Medical, Psychological and/or Psychiatric Records; Available Resources to Help in Determining Recommendations; Court Evaluator’s Report

**The Attorney for Alleged Incapacitated Person; Role, Duties and Ethics (MHL 81.10)**

**DAVID A. SMITH, ESQ.**

Right to Counsel; Who is the Client; Communication with Client (client’s refusal vs. inability); Ethical Considerations; Role at Hearing

**Psychological and Social Concerns of Older and/or Disabled Persons**

**FRANK BRUNO, ESQ.**

Orientation to Terminology, Capacity, Impairments (Extent and Reversibility), Assessments; Psychological and Social Concerns

**A View from the Bench - Guardianship Hearings**

**HON. WYATT N. GIBBONS, J.S.C.**

**Initial and Annual Reports and Role of Court Examiner**

**ANTHONY DeCAROLIS, ESQ.**

Initial, Annual, Final Reports/Accountings; Interim/Short-Form Orders; Secondary Appointments

**A View from the Bench - Post-Hearing Issues**

**HON. LEE A. MAYERSOHN, J.S.C.**

**Question/Answer, Conclusion**

**BRIAN R. HEITNER, ESQ.**

**Registration Form**

Name: \_\_\_\_\_ Tel. \_\_\_\_\_

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**Must Register with Zoom & Pay by September 20<sup>th</sup> to receive access.**

**[Registration Link Here](#) or EMAIL: [CLE@QCBA.ORG](mailto:CLE@QCBA.ORG)**

**No Refunds/credits if registration is not canceled by September 20, 2021.**