

# Representing Elder Abuse Victims

**W**ith the increase of life expectancy, the population of senior citizens in Oregon is growing rapidly. Elder abuse is an unfortunate and often unreported problem for this growing population. This seminar is for attorneys from many disciplines, including family law, estate planning, elder law, and civil litigation, who serve senior citizens as their clients.

Attorneys will leave this seminar knowing how to identify elder abuse, and if necessary, obtain a restraining order, get a guardian and/or conservator appointed, and use the triple-damage elder abuse statute to recover damages. Participants will also learn about nursing home patient's rights and how to remedy abuse and neglect in long-term care facilities. Finally, members of the Governor's Task Force on Elder Abuse will give civil attorneys some tips on how to work with social services and law enforcement to develop a coordinated approach to protect senior citizens from elder abuse.

**Friday, March 4, 2005**

Oregon Convention Center  
777 NE Martin Luther King Jr., Blvd.  
Portland, Oregon

**6.5 MCLE Credits**

# SCHEDULE

- 8:30 LATE REGISTRATION AND DISTRIBUTION OF MATERIALS
- 8:55 WELCOME AND INTRODUCTION
- 9:00 - 9:30 **Prevalence of Elder Abuse and How to Identify It**
- General introduction to elder abuse
  - Types of elder abuse (physical, sexual, financial emotional, neglect, undue influence, or a combination thereof)
  - Characteristics of the abused and abuser
  - Introduction to the law enforcement angle of elder abuse  
– *Rodney K. Hopkinson*
- 9:30 - 10:30 **Assessing Your Client's Capacity**
- Variability in capacity assessment by health professionals
  - Revising clinical practice for capacity assessment
  - Traditional testing for capacity assessment
  - Specific purpose assessment of capacity
  - Decisionmaking model for capacity assessment  
– *John R. Crossen*
- 10:30 - 10:45 BREAK
- 10:45 - 11:15 **Restraining Orders and Stalking Orders**
- Overview of different types of orders
  - Elder abuse restraining orders: how to obtain and defend
  - Safety planning for attorneys and their clients  
– *Shaun M. Wardinsky*
- 11:15 - 12:00 **Basics of Adult Protective Proceedings**
- Emergency and temporary guardianships and conservatorships
  - Orders to freeze bank accounts
  - Tips from the bench  
– *Hon. Rita Batz Cobb*  
– *Ellyn R. Stier*
- 12:00 - 1:15 LUNCH BREAK (on your own)
- 1:15 - 2:15 **Investigating Financial Abuse**
- Forensic accounting
  - Discovery
  - Depositions in elder financial abuse cases
  - Effectively presenting your case to the court  
– *Gary Beagle*  
– *Jessica W. Dimitrov*
- 2:15 - 3:00 **Litigating an Elder Financial Abuse Case Under EDAPA**
- Statutory elements and judicial interpretation
  - Bystander liability
  - Making your client whole and getting paid  
– *Richard H. Braun*

# SCHEDULE (cont.)

3:00 - 3:15 BREAK

3:15 - 3:35 **Nursing Home Patients' Rights**

- Self-determination
- Privacy
- Notice of rights  
– *Janay Haas*

3:35 - 4:15 **Litigating a Physical Abuse/Neglect Case Against a Nursing Home**

- Intake and client interview
- Discovery tools
- Trial, mediation, and arbitration  
– *Richard J. Vangelisti*  
– *Mark A. Morrow*

4:15 - 4:45 **Integrating Elder Abuse Victim Assistance Into the Criminal Justice System**

- Working with adult protective services and multidisciplinary teams
- Referring cases for criminal prosecution  
– *Joyce DeMonnin*  
– *Gregory T. Moawad*

4:45 ADJOURN

# PROGRAM FACULTY

## **Gary Beagle, MG – NGF, CPG**

*Beagle, Burke & Associates*

## **Richard H. Braun**

*Attorney at Law*

## **Hon. Rita Batz Cobb**

*Washington County Court*

## **John R. Crossen, Ph.D.**

*Private Practice, Portland*

## **Joyce DeMonnin**

*Washington County Sheriff's Department*

*Elder Safe Program*

*Governor's Task Force on Elder Abuse*

## **Jessica W. Dimitrov**

*Attorney at Law*

## **Janay Haas**

*Older American's Act Legal Services*

*Developer, State Unit on Aging*

## **Rodney K. Hopkinson**

*Senior Assistant Attorney General*

*Oregon Department of Justice*

## **Gregory T. Moawad**

*Multnomah County District Attorney's Office*

## **Mark A. Morrow**

*Mark A. Morrow LLC*

## **Ellyn R. Stier**

*Program Co-Planner*

*Attorney at Law*

## **Richard J. Vangelisti**

*Northwest Nursing Home Law Center*

*A Branch of Vangelisti Law Offices, P.C.*

## **Shaun M. Wardinsky**

*Wardinsky & Bobzien, P.C.*

## **Mark M. Williams**

*Program Co-Planner*

*Davis Pagnano & Williams LLP,*

*The Elder Law Firm*

## **LIVE PRESENTATION**

**Portland – 3/5/05**

Oregon Convention Center

777 NE MLK Jr. Blvd.

## **MCLE CREDIT**

*Representing Elder Abuse Victims* will receive **6.5** MCLE credits.

## **PROGRAM TAPES**

Even if you cannot attend, you can still get the program on audiotape or videotape. Use the order form in this brochure to order your set today! OLI Annual Passholders may purchase the tapes at 50% off the full retail price.

## **QUESTIONS?**

Please call OLI at (503) 768-6580 in Portland or toll-free in Oregon at (800) 222-8213, e-mail us at [oli@lclark.edu](mailto:oli@lclark.edu); or visit our Website at [www.lclark.edu/org/oli](http://www.lclark.edu/org/oli).

## **VIDEO REPLAYS**

Please register at least one week prior to the replay date.

**Bend – 3/18/05**

**Replay 8:30 a.m.**

Bryant Lovlien & Jarvis

591 Mill View Way

**Eugene – 3/11/05**

**Replay 8:30 a.m.**

Harrang Long Gary & Rudnick, P.C.

360 East 10th Avenue, Ste. 300

**Medford – 3/11/05**

**Replay 8:30 a.m.**

Kellington Krack Richmond

Blackhurst Sutton & Glatte LLP

23 Newtown Street

**Pendleton – 3/17/05**

**Replay 9:00 a.m.**

Corey, Byler & Rew

222 S.E. Dorion

**Portland – 3/30/05**

**Replay 9:00 a.m.**

Oregon Law Institute

Gus J. Solomon Courthouse,

620 S.W. Main St., Suite 706

# Representing Elder Abuse Victims

Friday, March 4, 2005

Name \_\_\_\_\_ OSB No. or Profession \_\_\_\_\_

Firm/Organization \_\_\_\_\_

Street Address \_\_\_\_\_ City/State/Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ E-Mail \_\_\_\_\_

Please “✓” appropriate box below:

- Live presentation
- Video replay. Location: \_\_\_\_\_ Date: \_\_\_\_\_

## TUITION

*(Prices apply to live and video replays.)*

- \$159** “Early Bird” tuition *(received by February 28, 2005)*.
- \$119** “Early Bird” tuition for new attorneys (admitted 2003–2004), paralegals, or secretaries *(received by February 28, 2005)*.
- \$ 15** OLI Annual Pass holder (Annual Pass No. \_\_\_\_\_).
- \$ 20** Add to above tuition if registration received *after February 28, 2005*.

## BOOK AND TAPE ORDERS

*I am unable to attend. Please send me:*

- Audiotapes and course book, at \$169 per set.
- Videotapes and course book, at \$299 per copy.
- Course book only, at \$49 per copy.
- Deduct 50% from order if you are an OLI Annual Pass holder (Pass No. \_\_\_\_\_)
- \$7.00** *Note: Add \$7.00 shipping & handling fee to above book and tape orders.*

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 Portland, OR 97205-3037

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 form including credit  
 card information to:  
 (503) 768-6585.

**QUESTIONS? Call (503) 768-6580 or (800) 222-8213.  
 Check out our website at [www.lclark.edu/org/oli](http://www.lclark.edu/org/oli)  
 or email us at [oli@lclark.edu](mailto:oli@lclark.edu).**

**CONFIRMATION:** Confirmation will be sent via e-mail or fax.  
**CANCELLATION POLICY:** Tuition minus a \$20 handling charge will be refunded if the cancellation request is *written and received* by March 1, 2005.  
**NEED ASSISTANCE:** If you are a person with a disability, please let OLI know in time to make any necessary accommodations for you.  
**TUITION ASSISTANCE:** A limited number of scholarships are available based on financial need. Contact OLI.