SEMINAR

Representing Clients with Diminished & Fluctuating Capacity

The lawyer's role, including advice for addressing problems of client capacity

Estate planners and practitioners must take steps to assist their impaired client without violating obligations pursuant to the Massachusetts Rules of Professional Conduct, while simultaneously managing their duty to adequately represent their client's interests. Scenarios involving adult children who stop taking their medication, who harm themselves, or who need medical assistance but cannot or will not get it, are stressful for parents and caregivers who often find themselves overwhelmed by the whirlwind of medical and legal issues surrounding these times of crisis. Additionally, there is an ever-growing body of seniors who have various degrees of capacity that ebb and flow according to medications they are willing to take. Practitioners assisting these clients often find themselves balancing legal issues with the medical crisis.

This program helps practitioners guide a client through a crisis in which a family member or loved one is struggling with a temporary limited incompetence due to mental health issues, substance abuse, and the like. The program also proffers planning steps you can take anticipating a client's decline and vulnerability. Expert practitioners guide you through the process of how and when to use a guardianship or conservatorship in a crisis situation where the individual has fluctuating capacity. Learn how to navigate among different courts that address mental health issues and involuntary placement, and also about potential options for help outside of the court system.

Agenda

- Overview of the Rules, Guidelines, and a Lawyer's Duties
- How and When to Use Guardianships and Conservatorships
- Involuntary Placement
- Navigating the Courts
- Ethical Issues Impacting Client Representation
- Potential Options Outside the Court System
- Estate Planning Tools and Strategies for Clients with Diminishing Capacity

Faculty

Steven M. Cohen, Esq., *Rubin and Rudman LLP, Boston,* Cochair

Patricia Keane Martin, Esq., *Seegel Lipshutz Lo & Martin, LLP, Wellesley Hills,* Cochair

Dr. Jonathan Barker, S*teward Medical Group, Boston*

Linda G. Bauer, Esq., *General Counsel and Executive Director, Clients' Security Board, Commonwealth of Massachusetts*

Dates & Location

LIVE WEBCAST
Tuesday, May 25, 2021
9:30 am–12:30 pm

Register at **www.mcle.org**
Program Number: 2210309WBC

REBROADCAST CC
Wednesday, June 9, 2021
2:00 pm–5:00 pm

Register at **www.mcle.org**
Program Number: 2210309RBC

REBROADCAST CC
Thursday, June 17, 2021
9:30 am–12:30 pm

Register at **www.mcle.org**
Program Number: 2210309RB1

ON DEMAND WEBCAST CC
View after Thursday, June 17, 2021

Register at **www.mcle.org**
Program Number: 2210309WBA

Tuition *(includes written materials)*

- $245
- $220.50 MCLE Sponsor Members
- $183.75 New Lawyers admitted to law practice after 2018, Pending Admittees, Law Students, and Paralegals

To apply for a need-based scholarship, email scholarships@mcle.org.

Materials

The materials for this program include MCLE's practice handbook, *Guardianship and Conservatorship Practice Under the Massachusetts Uniform Probate Code*, which, along with any other materials, can be downloaded via the link emailed to you upon registration.

Also, there is no need to take extensive notes. Two weeks after the live webcast, all registrants receive a link to a verbatim transcript of this program.

CLE Credits

Earn up to 3 CLE credits