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ILLINOIS STATE BAR ASSOCIATION

# ELDER LAW

*The newsletter of the Illinois State Bar Association's Section on Elder Law*

## Notes from the Editors

*By William Siebers and Peter Ashmore*

As Spring approaches and the promise of longer days and warmer temperatures advance, please enjoy another spectacular issue of our Elder Law Section newsletter.

In this issue Zach Hesselbaum proposes a New Year's resolution to elder law attorneys and guides the reader through the changing VA pension landscape. In addition, Margaret Benson presents new case law as it relates to a guardian's authority in divorce cases. ■

## The necessary resolution for 2013: Don't lose sight of the changing VA pension landscape

*By Zach Hesselbaum, Esq.*

In our society it is a cherished custom to embrace the New Year by both reflecting upon the past and anticipating future change. This practice allows us to embed in our memories all of the great things that have happened over the past twelve months. It also allows us to set resolutions that will improve our personal and professional lives in the coming year. In the spirit of the season, I would like to propose a resolution that all elder law attorneys should set in 2013. This resolution is to familiarize oneself with recent changes to the regulations and processes surrounding the Veterans Administration non-service connected pension benefit. In addition, this resolution needs to include researching the proposed changes to the benefit that could be enacted by Congress in the near future. While it may not be as traditional as losing weight or maintaining an organized office, prioritizing these resolutions will have positive effects on your elder law practice in 2013.

Let us start priming our resolution by looking at recent changes the VA is implementing. On October 26, 2012, the VA released its first sweeping change to the VA pension benefit with VA Fast Letter 12-23, regarding "Room and Board as a Deductible Unreimbursed Medical Expense."[1] A "Fast Letter" for VA purposes is a directive to the pension management centers to take quick action and implement the directive of the letter immediately. In my opinion, this is the most important analytical change the VA has issued in three years. The last major change came in 2009 with the release of the Fast Letter requiring release of monthly pension benefits while the claimant awaits a fiduciary appointment.[2] This current Fast Letter attempts to clarify the VA's stance on counting independent living facility fees as unreimbursed medical expenses.[3]

As a point of review, to obtain pension benefits you must have an income for veterans administration purposes which is less than the maximum annual pension rate for your specific client.[4] Income for veteran administration purposes is determined by identifying the veteran's gross taxable income and reducing it by the amount of unreimbursed medical expenses the veteran pays for their own care as well as the medical expenses they pay for their dependents.[5] To qualify for maximum pension rates

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## The necessary resolution for 2013: Don't lose sight of the changing VA pension landscape

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you actually want to present the VA with a negative income for veterans administration purposes. In our office we call this the critical calculation. A reduced benefit is available as long as your income for veterans administration purposes is below the maximum annual pension rate for your specific client.[6] As one can now discern, the more acceptable medical expenses a claimant has, the stronger the application they are presenting to the VA.

In the Fast Letter, the VA has attempted to clearly state that a veteran or surviving spouse cannot deduct the expenses of living in an independent living facility unless specific criterion are met.[7] The VA views payments to independent living facilities that include meals, emergency pull cords, and 24-hour staffing as rent and not a medical expense.[8] This is a previous area of ambiguity with regards to unreimbursed medical expenses in the VA world. The letter instructs VA caseworkers to view these payments as simple cost of living expenses, which are no different than paying rent or paying to live in your own home.

In order to use any expenses at an independent living facility, you must contract with a third party provider to come to your apartment and provide "custodial care."[9] Custodial care includes payments to these providers for services such as medication management and administration, toileting assistance, bathing assistance, dressing assistance or help with any other activity of daily living.[10] The VA will no longer accept that this assistance is simply being provided due to the fact that you live in the facility.

It is possible to use the payments to the facility as an unreimbursed medical expense if you can prove to the VA that you are living in the facility as a part of clear physician's order rather than by choice.[11] Specifically, the physician would need to state that the claimant needs to live in the specific facility due to a need for a protective environment and assistance with at least two activities of daily living.[12] At Law ElderLaw, LLP, we have been suggesting obtaining a care plan prepared by a geriatric care manager to accompany the physician's order to substantiate a medical need for living in the facility.[13]

This Fast Letter has caused quite a stir in the VA universe. Even the most experienced VA practitioners fear that it will be applied with a broad scope to include clients living in assisted living facilities. If the application of this policy is broadened to assisted living facility claimants, many clients who would have obtained the benefit previously would be left outside looking in. As 2013 plays out we will become more familiar with how this letter interacts with our clients, but you must become familiar with it to give your clients the appropriate counsel.

On December 20, 2012 the VA released news that beginning in 2013, they will no longer require the submission of an Eligibility Verification Report for VA pensioners.[14] This release caught VA practitioners by complete surprise because the EVR process was such an integral part of VA pension benefit planning. The VA is ceasing this annual recertification process to reallocate the caseworkers who typically process Eligibility Verification Reports to clear up the large back log of claims of VA claims.[15] The VA will recertify Veterans and Surviving Spouses receiving pension on an annual basis using alternative means. The VA will use reports issued to the VA from the Social Security Administration and the Internal Revenue Service to determine ongoing eligibility.[16]

When this news release was made official on the VA Web site,[17] I was doing figurative back flips with excitement. For years, the EVR reporting that traditionally began in January and ended in March was a huge thorn in the side of our practice. We would spend January through March helping clients file these forms prior to the March 1st deadline. We would then subsequently spend March through December working with clients to have VA benefits reinstated for those who filed their EVRs incorrectly or not at all. In my opinion, this is a step in the right direction for the VA because it will benefit not only those already on the benefit but those who have a claim waiting in the mountainous backlog. How the VA will conduct maintenance on benefits is yet to be seen. This is another VA detail you should keep your sights on for your 2013 professional resolution.

While the Fast Letter and the EVR change are having immediate effects on practitioners, the biggest change on the horizon rests with Senate Bill 3270 proposed by Senators


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Wyden and Burr in June 2012. The Senate Bill proposes to dramatically change the VA program that elder law attorneys have been working under for years. If the bill is enacted in 2013, it will have an effective date one year from the day it is enacted.[18] The first major change to become familiar with is the implementation of a 36-month review period for asset transfers.[19] While the proposed bill does not include procedures by which the VA will review asset transfers, it puts additional duties on the practitioner to review past actions to determine current eligibility.

This is a seismic shift from the current VA world, where one will often hear practitioners state that the VA does not have asset transfer rules. This is not necessarily true.[20] As the law is currently written, the VA does not institute penalty periods for asset transfers that follow the regulations located in the M21-1MR similar to those of the Medicaid program. Under Instruction number four on VA Form 21-526, it is the claimant's duty to report any and all previous asset transfers on their application. If you can prove your client met the standards put in place for asset transfers in the M21-1MR, eligibility will be maintained even with an asset transfer. As can be expected proving this eligibility to the VA can be an uphill battle.

If this senate bill passes and the claimant has transferred assets, the VA will determine the penalty by dividing the amount transferred away from the claimant by the amount of pension they would be entitled to but for the transfer.[21] For example, consider a veteran who transferred $10,000 to a family member 1 year prior to application for VA pension. If not for this transfer, the veteran would have been eligible for a $1,000 monthly non-service connected pension from the VA. Under the proposed senate bill, this veteran would be subject to a 10-month penalty period. During this period, no pension would be received by the veteran. Under current rules, this penalty would not be imposed as long as the veteran has transferred the $10,000 outside their household and can prove they retain no right to income or control over the $10,000.[22]

While the asset transfer penalties are not nearly as punitive as the asset transfer rules that have recently been put in place in Illinois for Medicaid, the proposed penalty structure for the VA will present issues for accessing the benefit for your client. One key provision to be aware of is that the maximum penalty under the proposed rule is 36 months.[23] If penalties are a bar to your client obtaining the benefit, the proposed law does allow for full return to cure penalty periods instituted by previous transfers.[24] Of course if the transfer is cured, the expectation will be for the claimant to use those funds to pay for their care. In unique sets of circumstances where the veteran or surviving spouse will not have funds due to a transfer, hardship provisions will be instituted by the VA.[25]

One of the unique provisions of Senate Bill 3270 is that it will consider transfers to certain trusts and financial products as an asset transfer.[26] The more shocking provision is that transfers to annuities will be considered asset transfers.[27] The proposed bill is unclear whether this includes penalizing claimants for creating single premium immediate annuities, even ones with Medicaid compliant provisions. If transfers of this nature are penalized, practitioners are going to have to adapt and create new solutions.

While there are some provisions of the proposed bill that are clear, there are many issues that were not addressed in a clear manner. These components will have to be monitored throughout 2013. The VA has not listed any assets that may be transferred in an allowable fashion, assets sometimes referred to as "exempt" assets. The treatment trusts and annuities will receive needs to be reviewed in great detail so appropriate advice can be provided.

Senate Bill 3270 stands to be the largest change to VA law for non-service connected pension in decades. It will create situations in which additional or new planning will have to be conducted on a distant trajectory considering not only Medicaid benefits on a distant timetable but VA benefits on a similar trajectory. Since the bill has been referred to Congressional committee, it is likely to go through some changes. With the current political and economic climate that seems to encourage debate regarding cutting government payments and reigning in entitlements, I would expect the VA to work with Congress to tighten the reigns in accessing VA non-service connected pension.

In summation, the Fast Letter changing the landscape of unreimbursed medical expenses for VA claimants living in independent living facilities needs to be examined immediately. The pension centers have already started to implement these policies. Practitioners need to be ready to handle document requests and phone calls from your clients as it relates to this Fast Letter. The change in EVR policy will present an initial relief due to the easing of reporting requirements, but vigilance will be needed by practitioners as to how the VA will substantiate awards on an annual basis. Finally, carefully watching the progress of Senate Bill 3270 as it goes through congressional committee needs to be prioritized throughout the year.

If 2012 was the year of change for Medicaid in Illinois, there is no doubt that 2013 is going to be a big year of change for VA pension benefits. Making it a resolution to stay up to date with the VA changes will not only benefit your clients, but it will make your practice dynamic as well. I wish you a happy, healthy, and prosperous 2013. When you eat your extra helping of broccoli early this year, remember to add some VA research as dessert. ■

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Zach Hesselbaum, Zach@lawelderlaw.com, is an associate attorney with Law ElderLaw, LLP in Aurora, Illinois. Zach focuses his practice on elder law, estate planning, tax planning, and veterans' benefits.

1. *VA Fast Letter: 12-23* – Room and Board as a Deductible Unreimbursed Medical Expense, October 26, 2012. This "Fast Letter" was issued in October, and is already being used judiciously by the VA caseworkers to approve or deny cases. There are fears that this policy will potentially be applied to claimants living in assisted living facilities as well.

2. *VA Fast Letter: 09-41* – Revised Procedures for Releasing Monthly Benefits with Proposal of Incompetency, October 16, 2009.

3. *VA Fast Letter: 12-23* – Room and Board as a Deductible Unreimbursed Medical Expense, October 26, 2012.

4. 38 C.F.R. 3.271(a). The United State Department of Veterans Affairs defines income as payments of any kind from any source. It is important to note that for veterans administration purposes you deduct unreimbursed medical expenses from gross income, to determine the reportable income as well. The maximum annual pension rate is set by congress annually. The maximum annual pension rate is found at <http://www.benefits.va.gov/bin/21/Rates/pen01.htm>. There are different maximum annual pension rate categories for veterans with dependents, veterans only, and surviving spouses. You must analyze each table separately.

5. *Id*.

6. The maximum annual pension rate is found at <http://www.benefits.va.gov/bin/21/Rates/pen01.htm>.

7. *VA Fast Letter: 12-23* – Room and Board as a Deductible Unreimbursed Medical Expense, October 26, 2012. The VA will no longer count room and board unless you are under specific physician order to live in the facility to receive "catered care" which means assistance with two activities of daily living not including meals, pull cords, and simple 24-hour per day staffing.

8 *Id. If you lived in your own home or an apartment you would not be able to deduct the costs of*

*the home upkeep or rent from your gross income for veterans administration purposes. The VA is shifting this paradigm to the independent living fees.*

9. *Id at pg. 2*. Custodial Care is defined by Director McLenachen as receiving the daily assistance of another with two or more activities of daily living.

10. *Id.*

11. *Id.* In order to count the costs as an unreimbursed medical expense, documentation that you are living in the facility under a clearly designed medical plan is going to be vital to having a successful pension claim.

12. *Id.*

13. According to the National Association of Professional Geriatric Care Managers, a Geriatric Care Manager is defined as is a health and human services specialist who acts as a guide and advocate for families who are caring for older relatives or disabled adults. The Geriatric Care Manager is educated and experienced in any of several fields related to care management, including, but not limited to nursing, gerontology, social work, or psychology, with a specialized focus on issues related to aging and elder care. See - <http://www.caremanager.org/why-care-management/what-you-should-know/#section2>.

14. *Department of Veterans Affairs – News Release*: VA, SSA, and IRS Cut Red Tape for Veterans and Survivors- New Policy Eliminates Paperwork, Allows More VA Staff to Focus on Eliminating Claims Backlog, December 20, 2012.

15. *Id.*

16. *Id at page 2*.

17. <http://www.va.gov/opa/pressrel/> - this represents the link to the Web site where VA posts news releases and breaking news. I check it often for updates. I think this is a practice anyone interested in VA pension should adopt in 2013.

18. S. 3270, 112th Cong. (June 6, 2012)

19. *Id.*

20. US Department of Veterans Affairs, M21-1MR, Part V, Subpart iii, Chapter 1, Section 1 – 65 – Asset Transfers and Life Estates: Effect on Net Worth and Income – This manual section guides the caseworkers on how to evaluate asset transfers under current law. This section would be nullified if US Senate Bill 3270 passes in its current configuration.

21. S. 3270, 112th Cong. (June 6, 2012)

22. US Department of Veterans Affairs, M21-1MR, Part V, Subpart iii, Chapter 1, Section 1 – 65 – Asset Transfers and Life Estates: Effect on Net Worth and Income

23. S. 3270, 112th Cong. (June 6, 2012)

24. *Id.*

25. S. 3270, 112th Cong. (June 6, 2012)

26. *Id*.

27. *Id.*

# The demise of *Drews*: The right of a guardian to file for divorce on behalf of a ward

*By Margaret C. Benson*

On October 4, 2012 the Illinois Supreme Court finally removed *In re Marriage of Drews,* 503 N.E.2d 339 (1986), from life support by overturning the nearly 26-year-old opinion. (*Karbin v. Karbin,* 2012 IL 12815 (Ill. 2012). While multiple cases had siphoned away the life force of the *Drews* decision over the past two decades, its narrow holding had continued to have a significant impact for many disabled adults and their guardians.

In *Estate of Drews*, decided December 1986, the Supreme Court held that a guardian did not have standing to initiate a dissolution of marriage action on behalf of a ward. The court found that Section 11a-18(c) of the Probate Act, which allows a guardian of the estate to appear and represent a ward in legal proceedings, was limited to matters directly involving the ward's estate and that there was no comparable language in Section 11a-17, which governs rights and responsibilities over the ward's person. In making this decision, the court said that it was following a strong majority rule across the country. *In re Marriage of Drews,* 503 N.E.2d 339 340 (1986).

The decision was short and concise. Justice Seymour Simon dissented, arguing that the court's holding was too restrictive. "If the initiation of a legal proceeding though personal can be shown to be beneficial to the maintenance and welfare of the ward, the court ought to allow it." *In re Marriage of Drews,* 503 N.E.2d 339 342 (1986).

Four years later the Supreme Court narrowed the *Drews* holding by allowing a ward to continue a dissolution action filed by a man before he was declared incompetent and made a ward of the court. *In re Marriage of Burgess*, 725 N.E. 2d 1266 (2000). The Court distinguished the two cases on their facts—Mr. Burgess had filed for divorce fourteen months before a court declared him incompetent and appointed his sister as guardian, whereas Mr. Drew's mother had filed for divorce after she was appointed her son's guardian. The *Burgess* Court explained that, while the *Drews* court did not spell out why express authority is necessary, it was due to the very personal nature of the decision to terminate a marriage and the inability to know, for sure, that the ward would have wanted to end it. That reasoning would clearly not apply when a ward had filed for divorce prior to being adjudicated incompetent. As such, the court held that "[a] guardian's authority to continue a dissolution action on behalf of a ward may be implied from section 11a-17." *In re Marriage of Burgess*, 725 N.E.2d 1266 1270 (2000). The *Burgess* opinion then expanded on the notion of a guardian's implied authority, noting that prior decisions had established the implied authority of guardians to make very personal decisions for wards. (*In re Marriage of Burgess*, 725 N.E.2d 1266 1271 (2000), citing cases that allowed a guardian to decide on the withdrawal of artificial nutrition and hydration, the adoption of a ward or authorizing an abortion for a ward. As a result, the court found that, "[a] guardian's authority to continue a dissolution proceeding on behalf of a ward is also encompassed within this broad description of a guardian's powers. The status of a ward's marriage impacts the ward's support, care, comfort, and development of self-reliance and independence. These are the areas in which a guardian may be empowered to act under subsection (a) [of Section 11a-17]." *In re Marriage of Burgess*, 725 N.E.2d 1266 1271 (2000).

The concept of the guardian's implied authority continued to expand after *Burgess.* However, it wasn't until October 4, 2012 that the Supreme Court revisited the right of a guardian to initiate a divorce case on behalf of a ward. *Karbin v. Karbin,* 2012 IL 12815 (Ill. 2012).

*Karbin v. Karbin* involved a contentious divorce case that, while initiated by the competent husband, was being pursued by the incompetent wife's guardian after the husband voluntarily dismissed his petition. The

husband moved to dismiss the counterpetition filed by the guardian, citing *Drews.* The trial court dismissed the case and the Appellate Court affirmed. As its first order of business, the court justified its decision to overturn *Drews,* finding that the court had shifted away from *Drews. Karbin v. Karbin,* 2012 IL 12815 at 6 (Ill. 2012).

In fact, the limitation on the guardian's authority ordered in *Drews* was abandoned only three years later in *Estate of Longeway,* when the Supreme Court held that a guardian has implied authority to act in the ward's best interests regarding the use of life-sustaining measures. *Estate of Longeway,* 549 N.E.2d 292 (1989). Later that year, the Supreme Court reaffirmed that expansion of authority by holding that a guardian may decide to remove life support. *Estate of Greenspan,* 558 N.E.2d 1194 (1980).

The *Karbin* court noted other opportunities where the Supreme Court deviated from *Drews*. *Karbin v. Karbin,* 2012 IL 12815 at 8 (Ill. 2012). For instance, although the court could have limited its ruling in favor of the guardian in the *Burgess* case because the facts were easily and clearly distinguishable from *Drews*, the court included in its decision a discussion of and holding for the implied authority of the guardian to continue the divorce case. The Supreme Court's tilt away from limited express authority espoused in *Drews* toward implied authority created inconsistent rulings for no apparent reason. *Karbin v. Karbin,* 2012 IL 12815 at 8 (Ill. 2012).

After justifying its decision to overturn *Drews,* the *Karbin* Court pointed out that the divorce in *Drews* had been filed prior to the adoption of no-fault grounds in Illinois. At that time, divorce involved one guilty party and one injured party and it was the sole choice of the injured party to severe the marriage. This was considered a uniquely personal decision to which no one else was privy. Once the concept of injury was removed from divorce, the decision to end a marriage would be no more personal than the decision to end life support, have an abortion or undergo involuntary sterilization. In fact, the court noted, divorce was not as final or permanent as those decisions were. *Karbin v. Karbin,* 2012 IL 12815 at 11 (Ill. 2012).

There was simply no reason why a guardian should not be allowed to make the personal decision to file for divorce using the substituted judgment standard permitted by the Probate Act. "As is apparent, the traditional rule espoused in *Drews* is no longer consistent with current Illinois policy on divorce as reflected in the Illinois Marriage and Dissolution of Marriage Act." *Karbin v. Karbin,* 2012 IL 12815 at 11 (Ill. 2012).

Finally, this court found that continued application of the holding in *Drews* could put an incompetent spouse at the mercy of an ill-intentioned competent spouse. "Because under the Probate Act the guardian must always act in the best interests of the ward, when a guardian decides that those best interests require that the marriage be dissolved, the guardian must have the power to take appropriate legal action to accomplish that end." *Karbin v. Karbin,* 2012 IL 12815 at 12 (Ill. 2012).

The Court summed up its discussion succinctly: "This ensures that the most vulnerable members of our society are afforded fundamental fairness, equal protection of the laws and equal access to the courts. Therefore, *In re Marriage of Drews* is hereby overruled." *Karbin v. Karbin,* 2012 IL 12815 at 14 (Ill. 2012).

Upon remand, the court directed the Circuit Court to hold a hearing in order to determine if divorce is in the ward's best interests, clarifying that the guardian always acts as the hand of the court and subject to the court's direction. In order to prevent a guardian from pursing a divorce for his or her own purposes, the guardian must satisfy a clear and convincing burden of proof that the divorce is in the ward's best interests. This higher burden is in accordance with the standard applied to other highly personal issues. *Karbin v. Karbin,* 2012 IL 12815 at 15 (Ill. 2012).

Most probate and domestic relations practitioners agree that the decision to overturn *Drews* was long overdue. It was absurd that a guardian had standing to petition the court to withdraw life support from a ward, but could not seek to dissolve a marriage because that decision was too personal to the incompetent ward. This does not mean that wards will be thrown into divorce court at the whim of their guardians because it will be up to the Probate Court to decide whether pursuing a divorce is clearly and convincingly in the ward's best interests. In the meantime, say a prayer for *Drews* if you must. It lived a long and unproductive life. ■

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Margaret C. Benson is the Executive Director of Chicago Volunteer Legal Services Foundation, a legal services organization serving Chicago's indigent and working poor. While responsible for overall program management and funding, Meg also coordinates CVLS' bench, bar and law firm relations. An experienced family law litigator, Meg helped draft substantive changes to the Illinois Probate Act and still steps in on minor guardianship cases from time to time. Meg regularly speaks on child custody, client and pro bono issues for the ISBA, CBA and IICLE and writes a bi-monthly column on pro bono for the *Chicago Lawyer*.

# Upcoming CLE programs

*To register, go to www.isba.org/cle or call the ISBA registrar at 800-252-8908 or 217-525-1760.*

## March

**Tuesday, 3/5/13 – Webinar**—Intro to Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 10:00 – 11:00 a.m. CST.

**Tuesday, 3/5/13 – Teleseminar**—Estate Planning Issues in Pre- and Post-Nuptial Agreements. Presented by the Illinois State Bar Association. 12-1.

**Thursday, 3/7/13 - Webinar—**Advanced Tips for Enhanced Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 10:00 – 11:00 a.m. CST.

**Thursday, 3/7 — Friday, 3/8/13 - Chicago, Kent College of Law**—ISBA 12th Annual Environmental Law Conference. Presented by the ISBA Environmental Law Section. Thurs: 9-4:45 with reception from 4:45-6; Friday, 8:45-1:15.

**Friday, 3/8/13 - Quincy, Quincy Country Club**—General Practice Update 2013: Quincy Regional Event. Presented by the ISBA General Practice Section. 8:15-5:00.

**Tuesday, 3/12/13 – Teleseminar**—2013 Age Discrimination in Employment Law and Hiring Update. Presented by the Illinois State Bar Association. 12-1.

**Thursday, 3/14/13 - Chicago, ISBA Regional Office**—Litigating, Defending, and Preventing Employment Discrimination Cases: Practice Updates and Tips for the Illinois Human Rights Act. Presented by the ISBA Human Rights Section. 9-4.

**Thursday, 3/14/13 – Live WEBCAST**—Litigating, Defending, and Preventing Employment Discrimination Cases: Practice Updates and Tips for the Illinois Human Rights Act. Presented by the ISBA Human Rights Section. 9-4.

**Thursday, 3/14/13 – Teleseminar**—Drafting Confidentiality and Non-disclosure Agreements. Presented by the Illinois State Bar Association. 12-1.

**Tuesday, 3/19/13 – Teleseminar—**Understanding the Role of Insurance and Indemnity in Real Estate Transactions. Presented by the Illinois State Bar Association. 12-1.

**Wednesday, 3/20/13 - Chicago, ISBA Chicago Regional Office**—America Invents Act- Part 2: Protecting Innovation in a First to File System. Presented by the ISBA Intellectual Property Section. AM Program.

**Wednesday, 3/20/13 - Live WEBCAST**—America Invents Act- Part 2: Protecting Innovation in a First to File System. Presented by the ISBA Intellectual Property Section.

**Wednesday, 3/20/13 Webinar**—Introduction to Boolean (Keyword) Search. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 10:00 – 11:00 a.m. CST.

**Thursday, 3/21/13 – Teleseminar**—Ethics and Tribunals: Attorney Duties When Communicating With the Courts and Governmental Agencies. Presented by the Illinois State Bar Association. 12-1.

**Friday, 3/22/13 – Teleseminar**—LIVE REPLAY: Post-Mortem Estate Planning. Presented by the Illinois State Bar Association. 12-1.

**Tuesday, 3/26/13 – Teleseminar**—Formula and Defined Value Clauses in Estate Planning: An Update. Presented by the Illinois State Bar Association. 12-1.

**Thursday, 3/28/13 - Teleseminar**—Techniques and Traps for Merging Unincorporated Entities. Presented by the Illinois State Bar Association. 12-1.

## April

**Tuesday, 4/2/13 – Webinar**—Intro to Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 3:00 – 4:00 p.m. CST.

**Tuesday, 4/2/13 – Teleseminar**—Overtime, Exempt and Non-Exempt: 2013 Wage and Hour Update, Part 1. Presented by the Illinois State Bar Association. 12-1.

**Wednesday, 4/3/13 – Teleseminar**—Overtime, Exempt and Non-Exempt: 2013 Wage and Hour Update, Part 2. Presented by the Illinois State Bar Association. 12-1.

**Thursday, 4/4/13 – Webinar**—Advanced Tips for Enhanced Legal Research on Fastcase. Presented by the Illinois State Bar Association – Complimentary to ISBA Members Only. 3:00 – 4:00 p.m. CST.

**Thursday, 4/4/13** — Friday, 4/5/13 - New Orleans, Hyatt French Quarter—Family Law Update 2013: A French Quarter Festival. Presented by the ISBA Family Law Section. 12:50-6:30; 9:30-5.

**Friday, 4/5/13 - Chicago, ISBA Regional Office**—Privacy & Security: Online Marketing and Other Hot Topics. Presented by the ISBA Antitrust & Unfair Competition Section. Half day AM.

**Tuesday, 4/9/13 – Teleseminar**—Estate Planning for Farmers and Ranchers. Presented by the Illinois State Bar Association. 12-1.

**Friday, 4/12/13 - Chicago, ISBA Regional Office**—Corporate Legal Ethics. Presented by the ISBA Corporate Law Section. 8:30 am – 12:45 pm.

**Friday, 4/12/13 – Rockford, NIU—**Practicing in Juvenile Court: What to Expect, What to Do, and How to Help Your Clients. Presented by the Child Law Section. 8:45 – 5:00.

**Monday, 4/15/13 – Live Studio Webcast (Tape in CLASSROOM C)**—Managing E-Discovery When Resources Are Limited. Presented by the Federal Civil Practice Section and Co-sponsored by the 7th Circuit E-Discovery Pilot Program. 11:00 am – 12:30 pm. (Rehearsal prior at 9:00 – requesting classroom for studio set-up with regular studio cameras due to big panels – not just studio space).

**Tuesday, 4/16/13 – Teleseminar**—Structuring Preferred Stock and Preferred Returns in Business and Real Estate Transactions. Presented by the Illinois State Bar Association. 12-1. ■

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