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The ElderLaw Report

Including Special Needs Planning

INSIDE THIS ISSUE

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How to Protect Clients from Financial Abuse

By Harry S. Margolis

We've all had clients who have become victims of financial abuse. Here's what's happened to some of my own firm's clients:

- The widower who was discovered to have his house filled with items purchased on the Home Shopping Network, many of them in unopened boxes.
- The client's daughter who called to ask what she could do about her mother similarly purchasing unnecessary items from the Home Shopping Network and online.
- The great-nephew who cared for his elderly great-aunt, eventually getting her to name him as her agent on her power of attorney and health care proxy and to change her will in his favor – all ultimately thrown out in court.
- The elderly man who kept subscribing to magazines in the belief that he'd have a better chance of winning the Publishers Clearing House sweepstakes.
- The woman whose longtime homecare worker began forging checks once the worker got back into taking drugs.
- Several clients who sent money in response to telephone calls assuring them that they had won German or Irish sweepstakes.

Other stories come from the popular media:

- The movie *Nebraska* focuses on an elderly man, played by Bruce Dern, who similarly is convinced that he has won a sweepstakes and persuades his son to drive him across a barren Great Plains to collect his prize.
- Atul Gawande in his excellent new book, *On Being Mortal*, tells about his mother-in-law who was victimized by contractors who came for one repair and then made many more at inflated prices, claiming that she had contracted for them. She was too ashamed of what was happening to her to tell her family.
- In *Is Your Parent In Good Hands? Protecting Your Aging Parents from Financial Abuse and Neglect*, Attorney Edward J. Carnot describes the story of his father planning to give all of his savings to his longtime caregiver in exchange for her promise to care for him for the rest of his life. He only found out and prevented this from occurring due to a fortuitous call he made to his father's stockbroker, who had no plans to inform the family that his client of many years had just liquidated all of his stockholdings.

You must have your own stories.

Senate Passes Special Needs Trust Fairness Act; Focus Shifts to House

The Senate has unanimously approved the Special Needs Trust Fairness Act, a bill that would allow people with disabilities to create their own first-party special needs trusts without having to rely on others.

Now that the legislation has cleared the Senate, action moves to the House, where a companion bill has been tied up in the Energy and Commerce Committee and its Health subcommittee. Advocates say that bill is unlikely to move out of committee and onto a full House vote without additional support.

The Special Needs Trust Fairness Act fixes a drafting error in the Social Security Act specifying that the parents or grandparents of a person with disabilities are the only ones with the right to create a special needs trust to hold the person with disabilities' own funds. If the person with disabilities does not have a living or competent parent or grandparent, he has to rely on a complicated court procedure to create this vital trust. The proposed Act remedies this problem and gives the person with disabilities the ability to create his own trust. [*See The ElderLaw Report*, July-Aug. 2013, p. 9].

For a list of members of the House Energy and Commerce Committee, go to: *http://energycommerce.house.gov/about/membership*

The question is how can we protect our clients from their own poor decisions and undue influence, coercion, or fraud by others? And how can we do this in the context of our usual relationship with estate planning clients in which we see them on an episodic basis – when they are moved to update their plans or respond to changes in circumstances, such as the birth of a grandchild or the purchase or sale of a house? To what extent are we as estate planning and elder law attorneys in a position to make a difference? What should the balance be between protection against loss and protection of client autonomy? To put this issue in perspective, while client loss of funds and victimization occurs, in our experience it has been rare and the funds lost have not been huge – not nearly as great as the associated shame that occurs.

Without necessarily being able to answer all of these questions, I will discuss below a number of steps we and our clients might consider.

Scope of the Problem

Allianz Life Insurance Company reports in its study, "Safeguarding Our Seniors," that only 5 percent of the seniors it surveyed reported being victims of financial abuse, but that almost one in five of the younger adults its surveyed reported having an older family friend or relative who was a victim. The study concludes that seniors are unlikely to self-report financial abuse, so that the incidence is higher than the reported 5 percent. The survey responders reported the following sources of abuse:

Source	Seniors	Family/Friends
Telemarketing	80%	69%
Internet	68%	47%
US Mail	52%	39%

The study finds that the average loss from financial abuse is $30,000, but that 10 percent of victims lost more than $100,000.

A MetLife study of elder financial abuse based entirely on reported cases estimates that total damage in 2010 was $2.9 billion. Perpetrators fell into the following categories:

Strangers	51%
Family, friends & neighbors	34%
Businesses	12%

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Estate Attorney and Mother of Four May Face Prison After Plea Deal

A Wisconsin estate planning attorney whose license to practice law was revoked earlier this year for numerous counts of professional misconduct has reached a plea agreement with federal prosecutors. [*See The ElderLaw Report*, Sept. 2015, p. 3]. After she pleads guilty to five charges of a 33-count indictment, the mother of four could face years in prison.

Sarah Laux, 36, first came to public attention when the heirs of an early 20th century Milwaukee industrial leader claimed that she had converted more than $1.5 million to buy real estate and pay personal expenses. This publicity prompted the son of another couple, who had retained Laux after meeting her at a trust seminar, to look into his parents' finances. The son discovered that Laux had persuaded the couple to put some $2.1 million into a series of annuities, but that the annuities had never been purchased. He contacted the FBI. So far, only $106,000 of this amount has been recovered.

Other examples of misconduct were detailed in the complaint to revoke Laux's law license. According to the Milwaukee *Journal Sentinel*, Laux will plead guilty to five counts in the indictment: bank fraud, mail fraud, wire fraud, money laundering, and filing a false tax return.

"Federal sentencing guidelines would call for a prison sentence in the three- to four-year range, but as part of the deal, prosecutors agreed to recommend a below-guidelines sentence if Laux fully reveals everything she stole and helps identify and turn over assets to pay restitution," the *Journal Sentinel* reports.

Laux also faces civil suits, including one from a former associate who claims he was wrongly terminated after he questioned legal and ethical aspects of her business.

Most victims were women, in their 80s, and needed some help with their health care or home maintenance.

According to various studies, as we get older we lose the ability to manage our finances. The most risky period occurs not when seniors are so demented that they obviously need a caregiver to step in, but before that when they have mild cognitive impairment and can still handle most aspects of their lives independently. Family members and professionals may not know to intervene or may be reluctant to confront a senior who wants to stay independent.

In the article "Clinical Assessment of Financial Decision Making Capacity," in the book *Aging and Money*, Thomas Price, M.D., describes the usual decline in financial ability accompanying progressive loss of cognition. He offers the following chart:

Stage	Effects
Mild cognitive impairment	Difficulty managing bank statements, paying bills, financial judgment
Mild dementia	Simple financial skills lost (making change)
Moderate dementia	Impairment in all financial skills, financial incapacity
Severe dementia	Absence of financial capacity (loss of conceptual understanding of currency)

What can we, as professionals, do to protect our clients from elder financial abuse or poor decisions attributable to dementia? Following are some steps attorneys can take.

Revocable Trusts and Joint Accounts

One of the best ways to prevent the occurrence or continuation of poor decisions by a client or his victimization by others is for someone else to be in a position to monitor account activity. This can be accomplished by the client adding one or more family members to accounts or naming one or more as co-trustees on a revocable trust. One of the advantages of a revocable trust over joint accounts is that it does not confer any ownership interest in the co-trustee, as do joint accounts. Parents, especially those with a large number of children, may not want to add them all to their accounts. Too many names on an account can be cumbersome. Some children may be more appropriate financial watchdogs and managers than others. And some children may have financial or marital trouble, which could put the accounts at risk were their names to be added. But adding only one or a few of one's children to an account runs the risk that the child or children ultimately may not share the account equally with their siblings. We've seen clients put some children's names on some accounts and other names on other accounts, often resulting in difficulties at the parent's death when the accounts are inevitably of different values.

A trust does not run into any of these problems. The co-trustee has no ownership interest in the trust assets and the trust dictates how the remaining funds will be distributed upon the grantor's death. The trust funds

NY Bar Rules on Ethics of Firm's Consultation with Son While Father Was Client

The New York Bar Association has issued an opinion over the duty of a law firm to inform a client that his son also sought representation at the firm. The bar concluded that the law firm owes a duty of confidentiality to the prospective client, so it is not automatically required to disclose the meeting with current client.

An estate planning/elder law firm requested the ethics opinion after it ran into a tricky situation. Two partners at the firm represented the client in a variety of matters, including a protracted fight with his son over guardianship of the client's wife, which the client won.

Six months after the guardianship fight, a third partner met with client's son about his personal estate planning. He did not conduct a conflict check until after the meeting. Once he discovered the conflict, he declined to represent the son.

The law firm asked the bar association for guidance as to whether it was required to disclose the meeting with the son to its client and whether the law firm was permitted to continue representing the client. The bar association determined that "whether the prospective client's identity, the fact of the consultation, and the subject matter of the consultation constitute confidential information turns on whether the information is protected by the attorney-client privilege, on whether disclosure likely would be embarrassing or detrimental to the prospective client, and on whether the prospective client has asked the lawyer not to disclose the information." In this case, the bar said that if the consultation with the son was unrelated to the law firm's representation of the father, then the law firm would have no duty to disclose the meeting to the father, and if it is confidential to the son, then no ability to disclose it without the son's consent.

To read the bar's analysis of the case, go to: *http://tinyurl.com/elr-NYethics*

are not subject to claim by the trustee's creditors or in a divorce. And, of course, revocable trusts have many other advantages, including avoidance of probate and providing for flexibility in the distribution of estate assets.

Professional Trustees

One potential problem with using either joint accounts or trusts is that they give another person access to the client's funds. In most cases, clients have someone they trust to fill this role, but sometimes they don't. Or even if they trust a particular child, her siblings don't trust her, so putting her in the financial oversight role could create tensions among siblings. A professional trustee, such as a bank, trust company, or law firm, solves this problem. It makes sure that finances are professional managed and protects against any financial abuse.

Many clients object to the cost, often 1 percent per year, of the assets under management (more for smaller trusts and less for larger ones), but this fee is generally earned many times over in protection from predators, professional low-cost investments, better financial organization, and the convenience of the trustee paying certain regular bills. Any one of these benefits could justify the fee by itself. Other clients object to giving up control to an institution, but in most cases professional trustees work closely with their clients in a collaborative fashion. Additionally, it's possible to have co-trustees, a family member, and a professional trustee who work together.

Finally, either the client herself or family members should have the power in the trust to change trustees if necessary. It's always possible that the original individual you work with at a bank moves on and you don't work as well with her replacement or even that the bank merges and, instead of working with a local branch, your account is placed with someone in St. Louis you deal with over the phone. In that case, you can always change trustees.

Involvement of Financial Planners

While a trustee provides direct oversight and management of trust assets, a financial planner can do so as well, if less directly. A financial planner can advise on short- and long-term budgeting, investments, and financial management. By meeting with the client on a regular basis, the financial planner can help protect against financial misdeeds and, with the client's permission, can notify family members of any major change in spending habits.

Financial planners charge fees and work in a number of different ways. Some manage accounts similarly

to trustees, while others leave the client to implement financial plans under their oversight. Some financial planners charge by the hour and others a fee for assets under management, usually in the 1 percent range, similar to trustee charges. Other planners charge for products they sell, such as insurance or annuities. While often financial plans should include these products, we are wary of planners who make their living on commission because the interest of the planner and the client are not well aligned.

As with the involvement of professional trustees, planners generally earn their fees many times over by helping clients organize their finances, plan for the future, make good decisions, and avoid bad decisions – for instance, selling stock after a sharp drop in the market. They often take a more comprehensive view of their clients' financial picture than do trustees, who are only responsible for the funds in trust. But their role can also be less direct than that of trustees, providing more opportunity for financial shenanigans to occur while they're not looking.

Elder law attorneys and their clients should be aware that traditional stockbrokers typically are not the same as financial planners. They advise on the investment portfolios they manage, but they do not take a comprehensive look at the entirety of each client's financial picture. This is changing over time as the whole industry moves toward financial planning, but clients need to clarify with any financial professional how he sees his role: is he simply responsible for the assets under management or for the client's whole financial life? Remember Edward Carnot's father's stockbroker who simply liquidated all of his client's stock holdings (no matter the capital gains tax consequences) without regard to what this meant for the elder Mr. Carnot.

Liaison with Accountants

Accountants have contact with their clients at least once a year when they prepare their tax returns. This can be an ideal opportunity for them to be on the lookout for changes in their clients' financial behavior, which may be as simple as a client not returning the annual questionnaire the accountant sends out, often because the questions on it are now too onerous. The accountant can then reach out to the client to try to find out why. The client may have gone elsewhere for tax return assistance, but the failure to respond may be a clue to the onset of dementia or the wrong person stepping in to "help" the client. We recommend to accountants that they add to their form a question about whom they should contact in the event the client does not respond, coupled with permission to reach out to that person. Without this, the accountant may have no recourse in the event of no response or a troubling response from the client. Elder law attorneys would do well to reach out to accountants to discuss ways they can work together to avoid financial abuse of their shared clients.

Client Maintenance Plan

Many estate planning attorneys in recent years have instituted client maintenance plans for both business and client service reasons. After clients have executed their estate documents, they can join the plan for an annual fee that covers a number of services, including an annual review. Typically, this includes a meeting with the client and family members, as well as other advisors to the client such as his accountant and financial planner, if any. While the main purpose of this annual review is to make sure that the client's plan is up-to-date and that all of its elements are coordinated, it also serves as a check-in to make sure the client is doing well. Any family members of clients who might be tempted cross lines that may be seen as abuse should have second thoughts knowing that a number of professionals will be looking over their shoulders.

While many clients object to paying an annual fee after they have completed their estate plan after paying a substantial fee to have it prepared in the first place, they may reconsider if they see it as insurance against much more costly financial victimization in the future. Unfortunately, most of us who are competent today find it hard to imagine a future loss of capacity. This inability to foresee our potential future lack of capacity acts as a barrier to implementation of all of the protective measures discussed above, so in many instances they must be sold and accepted based on their other estate and financial planning benefits.

Technology

The Internet can both make its users more susceptible to fraud and be used for their protection. We all are aware of identity theft and the ability of hackers to breach our accounts and we are constantly admonished to strengthen and change our passwords, making them impossible to remember. Seniors can be more susceptible to scams on the Web as well as off of it. While the Nigerian prince who just needs a bit of our cash to share his great untapped wealth seems to have fallen by the wayside, we now receive emails from our friends who are stranded in Bangkok with their wallet and passport stolen, needing us to wire them some funds. When such an email appears to come from a loved grandchild, a grandparent is likely to respond.

Steve Weisman, Of Counsel to our firm, has a wonderful book on steps consumers of all ages can take to protect themselves from identity theft, *Identity Theft Alert: 10 Rules You Must Follow to Protect Yourself from America's*

#1 Crime, and a continually updated website on developments in the field, www.scamicide.com.

Fortunately, what modern technology takes away, it also giveth. Here is a promising product that can help protect seniors and others with limited capacity followed by a discussion of how the Internet may be used to monitor accounts without intervening.

1. True Link Card

The True Link card (www.truelinkfinancial.com) is a debit card that the owner can control online, while giving the user some independence and autonomy. Through online settings, which the owner can change at any time, the card may be programmed for use at some stores and not others. For instance, it may permit use at supermarkets and grocery stores, but not at liquor stores. It may block ATM withdrawals and cash at purchase, while authorizing specific merchants, such as the plumber or auto repair shop. The owner can add money to the card online as needed or on a regular schedule. Using the True Link card instead of a normal credit or debit card, the beneficiary can have some independence and feel like he's in control, while a family member or professional trustee actually manages the bulk of his finances. It may be possible to exchange the credit cards of a senior with early dementia with a True Link card with a so-called white lie about the old card being replaced.

2. On-line monitoring

A senior who may be reluctant to give up control of her finances, may be willing to give family members on-line access to accounts, which will permit them to monitor activity while only intervening if they see unusual transactions. For those seniors with early dementia, which is sometimes accompanied by paranoia, this may have to be accomplished through subterfuge with the family member helping the senior set up an on-line account, while at the same time recording the username and password.

Conclusion

It's often said in the context of government corruption that sunshine serves as the best disinfectant, the transparency of financial transactions rooting out and discouraging theft, bribery, and influence peddling. This is also true in the effort to protect seniors from financial abuse. To the extent a senior's financial transactions can be seen by others, abuse will be discouraged and if it occurs, it will be caught quickly before too much damage has taken place. Along with transparency, regular human contact acts as a prophylactic, as well as providing many other benefits. Seniors who are part of a social web with frequent interaction with family members and others are unlikely to fall prey to financial predators. Those who are more isolated are also more vulnerable, in part, because of the human contact provided by some sham artists.

The challenge for estate planners is that when clients execute their plans they are, by definition, competent. They may not at that time see the need for the protective steps described above, feeling totally able to handle their financial and legal matters as they have throughout their adult lives. We can only do our best to nudge them along and urge them to create a web of helpers, including family members and other professionals, who will provide valuable assistance and act as a bulwark against financial abuse.

A version of this article appeared in the August 24, 2015 issue of Massachusetts Lawyers Weekly.

KEEPING CURRENT

Caregiver Exemption Does Not Apply When Recipient Receives Home Care

Estate of G.B. ex rel. M.B.-M. v. Division of Medical Assistance and Health Services (N.J. Super. Ct., A.D., No. A-5086-12T1, Sept. 15, 2015). A New Jersey appeals court rules that an in-home Medicaid waiver recipient's gift of her house to her daughter does not fall under the caregiver exemption because the reason the mother was not in a nursing home was because of the in-home Medicaid benefits she received, not her daughter's care.

G.B. received 30 hours a week of in-home care through a Medicaid waiver program. G.B.'s daughter, M.B.-M. also lived with G.B. and helped to care for her. G.B. sold her house to M.B.-M. and received a profit of $27,320.29. G.B. reduced the net proceeds of the sale by giving M.B.-M. $42,000 in equity as a gift. When Medicaid discovered the transfer, it determined G.B. was not eligible for benefits for a period of time.

G.B. appealed, arguing that the transfer of the home equity to M.B.-M should be exempt because it was a transfer to a caregiver child. After a hearing, the administrative law judge (ALJ) agreed but the state rejected the ALJ's conclusion, ruling that M.B.-M was not a caregiver child because in receiving 30 hours of care per week, G.B. was legally an institutionalized individual.

Following G.B.'s death, M.B.-M, her executor, appealed *pro se*.

The New Jersey Superior Court, Appellate Division, affirms the state's decision, holding that the caregiver exemption does not apply. According to the court, the 30 hours of care a week that G.B. received was the functional equivalent of being an institutionalized individual. The court rules that "although [M.B.-M] cared for her mother during the relevant time period, the key factor that permitted G.B. to remain in her home until 2009 was the Medicaid assistance she received through the services provided by the [state]."

For the full text of this decision, go to: http://tinyurl.com/elr-GB2

ALF Medicaid Waiver Recipients Entitled to Retroactive Benefits

Price v. Medicaid Director, Office of Medical Assistance (U.S. Dist. Ct., S.D. Ohio, W. Div., No. 1:13-cv-74, Sept. 1, 2015). A federal district court rules that applicants for an assisted living Medicaid waiver program in Ohio are entitled to retroactive benefits.

Assisted living residents Betty Hilleger and Geraldine A. Saunders applied for a Medicaid assisted living waiver from the state of Ohio to pay for home health care. The state found them eligible for benefits, but it denied them retroactive benefits because the state provides only prospective coverage from the date the applicant is enrolled in the waiver program.

Ms. Hilleger and Ms. Saunders filed a class action lawsuit against the state, arguing that Ohio is violating federal law by providing only prospective assisted living waiver benefits. Federal law requires that retroactive benefits be provided during the three months before the application if the applicant was eligible for benefits during that time. The state argued that eligibility for assisted living waiver benefits is prospective only because it requires, among other things, a face-to-face assessment of the applicant and that because an individual cannot be eligible for benefits prior to the face-to-face assessment, individuals cannot be enrolled retroactively in the waiver program.

The United States District Court, Southern District of Ohio, grants summary judgment to Ms. Hilleger and Ms. Saunders and certifies the class action, holding that the clear language of federal Medicaid law requires the state to provide retroactive benefits. According to the court, "there is nothing about a face-to-face assessment or the use of the assessment tool that prevents a retrospective determination of eligibility."

For the full text of this decision, go to: http://tinyurl.com/elr-Price

In Bid for Medicaid Help, Medicare Recipient's 'Family' Includes Spouse

Wheaton v. McCarthy (6th Cir., No. 14-4023, Sept. 1, 2015). The Sixth Circuit Court of Appeals holds that a state's definition of family when determining whether a Medicare recipient is eligible for Medicaid benefits to assist with premiums must include the Medicare recipient's spouse.

Joe Turner is a married Medicare beneficiary whose monthly income is around $1,300. Mr. Turner applied for extra assistance from Medicaid to help pay his Medicare premiums. Under federal law, the state compares the beneficiary's income to the federal poverty line for a family of the size involved to determine whether a beneficiary is eligible for assistance. The larger the size of the "family involved," the greater the income a beneficiary can earn and still be eligible for assistance. The Ohio Department of Medicaid did not count Mr. Turner's spouse as part of his family and denied him benefits.

Mr. Turner sued the state, arguing the state should have included his spouse in the definition of family and that, if it had, he would have been eligible to receive Medicaid benefits. The district court rejected Mr. Turner's claim, holding that because federal Medicaid law did not define "family," the state was free to define the term as it wanted. Mr. Turner appealed.

The United States Court of Appeals for the Sixth Circuit reverses, holding that the state's definition of family should include the beneficiary's spouse. The court looked at the ordinary definition of family and noted that "to ask whether the ordinary meaning of 'family' includes a person's resident spouse, one might say, is like asking whether our solar system includes the planet Venus." The court concludes that federal law requires the state to use a family-need standard, not an individual-need standard, when considering the Mr. Turner's application for Medicaid benefits.

For the full text of this decision, go to: http://tinyurl.com/elr-Wheaton

Conservator's SNT Must Name Ward's Heirs as Remaindermen

In Re The Conservatorship of Cody Lee Wade (Tenn. Ct. App, No. W2014-01769-COA-R3-CV, Aug. 5, 2015). A Tennessee appeals court agrees with a lower court that a proposed special needs trust must name the beneficiary's heirs as the trust's remaindermen, instead of several charities, as proposed by his conservators.

To read the full text of the court's opinion, go to: http://tinyurl.com/elr-Wade

PRACTICE TIPS

Stump Speech Dos and Don'ts

By Harry S. Margolis

Lawyers give a lot of talks involving a variety of audiences, venues, durations, subject matter, and number of listeners. Audiences can include consumers, attorneys, or other professionals; venues might be bar meetings, public groups in town libraries, hotels, or rooms we reserve in restaurants; we may have 15 minutes on a panel or an hour and a half to go deep into a topic; and we may speak to six people in our conference room or 600 at a major meeting.

Some of us are comfortable addressing crowds and others have insurmountable stage fright. Others may be comfortable speaking to consumers but not to a group of their peers, yet they may not be able to turn their consumer talks into paying business.

And some of us are natural storytellers and others need to work hard on their speaking skills. But whatever our experience and skills, we can all improve. We can do better at tailoring our talks to the venue and audience, connecting with the audience, maintaining their attention, conveying our message, and converting audience members into clients or referral sources.

Sometime ago, I joined a group of professionals who meet once a month to improve our speaking skills. As part of the first meeting I attended (the second for the group), we were each given two minutes to get up and address a topic we know well. Then the group commented on how we did, with the goal of providing constructive criticism on our delivery rather than the content: volume, cadence, eye contact, what we did with our hands, how we stood, speed of speaking, and connection with our audience.

It was difficult to think about all of these issues as well as the topic and in the available time. We all felt vulnerable up in front of the others, opening ourselves to comments in a way that's rare for adults. But most of us were there with a sincere desire to improve our speaking ability.

I had not known ahead of time that these practice talks would be part of the meeting, so my only preparation was to think about my talk while waiting my turn to speak (fortunately, I wasn't first – or last). Some of the comments I received reflected my lack of preparation. The group thought I started well but soon lost my connection with them as in effect I went into myself trying to think through what I would say as I said it. They also said that while I started by talking about clients in a way that drew them in, I then got too heavily into the law and more abstract considerations and their minds started wandering.

The leader of our group, a very experienced speaker who still sees room for improvement, suggested the following guidelines for preparation:

Worst:	No preparation.
Bad:	Reading from a script.
Best:	Writing a script, practicing it, discarding it.

Fortunately, the script doesn't have to be long for a two-minute talk. Neither do the practice sessions. After we honed our two-minute presentations, we worked on five-minute and then 15-minute talks.

At my second meeting, when I did have the opportunity to prepare, I did better, but still had trouble integrating a story about a typical client situation with the message about long-term care planning I hoped to convey. This will clearly take considerably more work both on scripting the message and practicing my delivery.

Over the years, I've attended a number of workshops on speaking and especially remember significant "take aways" from two presenters. The first showed tapes of successful speeches from the early and the late 20th century. The speakers from almost 100 years ago declaimed weighty pronouncements in stentorian tones. The more modern speakers spoke in a more conversational style, directly to members of the audience.

The other presenter made the case that audience size shouldn't be the sole metric. While you will make an impression on more people if you are speaking to 60 or 600 listeners, if you only have six in the room you will be able to make a stronger connection with them.

The bottom line is that like anything else we do, the more we work on it and the more we practice, the better we will perform as speakers. And let's all speak with conviction.