

10th Annual Changes and Trends Affecting Special Needs Trusts

February 6-7, 2014 • Marriott Austin North - Round Rock, TX • Austin, TX

Thursday Morning, Feb. 6, 2014

Presiding Officer:

Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, P.C. - San Antonio, TX

9:30 am	Registration Opens Includes light refreshments.
10:25 am	Welcoming Remarks
SPECIAL NEEDS TRUSTS BASICS	
10:30 am 1.00 hr	Special Needs Trusts Fundamentals A walkthrough of the basics—the who, what, where, when and how—of special needs trusts. Randy Drewett, Attorney at Law - Beaumont, TX Mary Alice Jackson, Attorney at Law - Austin, TX
11:30 am 0.75 hr 0.50 hr ethics	Protecting and Maximizing Public Benefits Planning options—and related ethical issues—to ensure a trust's beneficiary qualifies for the most important disability benefits: Supplemental Security Income, Medicaid, Social Security Disability Insurance and Medicare; plus how to manage trust distributions to avoid losing benefits while enhancing the beneficiary's quality of life. H. Clyde Farrell, Farrell & Pak PLLC - Austin, TX Christina Leshner, The Law Office of Christina Leshner, PC - Houston, TX
12:15 pm	Pick Up Lunch Included in registration.

Thursday Afternoon, Feb. 6, 2014

Presiding Officer:

Renée C. Lovelace, The Lovelace Law Firm, P.C. - Austin, TX

LUNCHEON PRESENTATION

	Thank You to Our Luncheon Sponsor Prosperity Bank
--	---

12:35 pm 0.50 hr	<p>Case Law Update</p> <p>With a look at recent regional and national cases involving special needs trusts, as well as other cases of note important to all Texas SNT attorneys, this session not only summarizes the impact of the various opinions but offers you practice tips for dealing with (or avoiding) the issue in your practices.</p> <p>Mary Alice Jackson, Attorney at Law - Austin, TX Rebecca C. Morgan, Stetson University College of Law - Gulfport, FL</p>
1:05 pm	<p>Break</p>
1:15 pm 0.75 hr	<p>POMS Update</p> <p>A look at the latest changes to the Social Security Administration's POMS manual and how these changes may affect your special needs trust cases.</p> <p>Nancy Sosa, Cadence Trust - Austin, TX Wesley E. Wright, Wright Abshire, Attorneys - Bellaire, TX</p>
2:00 pm 0.75 hr	<p>Special Needs Trusts and the Social Security Administration</p> <p>In addition to the recent POMs updates, the SSA has also made changes to its office policies involving special needs trusts and the SSI program. This presentation covers general tactics for effectively dealing with and communicating with the Social Security Administration, the SSA's program to establish agency expertise and reviewing continuity, and the status of ongoing and expected future changes.</p> <p>Neal Winston, Winston Law Group, LLC - Somerville, MA</p>
2:45 pm 0.50 hr	<p>The View from HHSC</p> <p>A discussion of current issues in long-term care Medicaid eligibility from the Texas Health and Human Services Commission (HHSC).</p> <p>Shari L. Nichols, Texas Health and Human Services Commission (HHSC) - Austin, TX</p>
3:15 pm	<p>Break</p>
3:30 pm 1.00 hr	<p>Planning for Children with Special Needs Trusts</p> <p>A look at the array of benefits for children provided by Medicaid programs, including the Community Living Assistance and Support Services (CLASS), Home and Community Services (HCS), and Medically Dependent Children's Program (MDCP). The eligibility process, the potential to bypass long waiting lists, and consumer-directed services are also discussed.</p> <p>Moderator: Patricia F. Stichler, Schoenbaum, Curphy & Scanlan, P.C. - San Antonio, TX Panelists: Patrick Koch, Texas Department of Aging and Disability Services - Austin, TX Marcia Shultz, Texas Department of Aging and Disability Services - Austin, TX B. Quincy Thompson, Texas Department of Aging and Disability Services - Austin, TX</p>

4:30 pm 0.75 hr	<p>Housing and Nonprofits as Part of Your SNT</p> <p>An overview of housing options for people with disabilities, with an emphasis on the role of special needs trusts as used to promote grassroots efforts by nonprofit organizations, advocates, and parents in creating housing with supports.</p> <p>B. Bailey Liipfert III, Craig Brawley Liipfert & Walker LLP - Winston-Salem, NC</p>
5:15 pm	<p>Adjourn to Reception Thank You to Our Reception Sponsor</p> <p>Frost Wealth Advisors</p>

Friday Morning, Feb. 7, 2014

Presiding Officer:

Celeste Embrey, Wealth Management and Trust, a Division of the Texas Bankers Association - Austin, TX

7:30 am	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
8:30 am 0.50 hr ethics	<p>Setting Attorney Fees</p> <p>Although we realize there are also business considerations, setting fees is an ethical issue—the Rules require that a fee be reasonable. Examine the ethics rule regarding what is a reasonable fee, the unique issues that come into play when determining fees in a special needs practice, as well as the different fee models appropriate for a special needs practice.</p> <p>Rebecca C. Morgan, Stetson University College of Law - Gulfport, FL</p>
9:00 am 0.50 hr	<p>What to Look for When Choosing a Trustee</p> <p>This presentation focuses on the factors that should be considered when choosing a trustee of a special needs trust. Which trusts are required to have a corporate fiduciary? Which ones can have either an individual or corporate fiduciary? What questions should be asked when selecting a trustee?</p> <p>Scott Stebler, Special Needs Trust Group, Wells Fargo Bank, N.A. - Austin, TX</p>
9:30 am 0.75 hr ethics	<p>Trustee Duties and Responsibilities to Beneficiaries of Special Needs Trusts—Texas Style</p> <p>Take a closer look at the duties and responsibilities expected of Trustees when serving as Trustee of a Texas Special Needs Trust. What does a Trustee need to do to properly use its sole discretion to meet a Beneficiary's special needs while making decisions in the best interest of the Beneficiary? It isn't all about the money!</p> <p>Deborah A. Green, The Law Offices of Deborah Green - Austin, TX</p>
10:15 am	<p>Break</p>

10:30 am 0.50 hr	<p>Structured Settlement Annuities</p> <p>A basic understanding of structured settlement annuities, including income tax advantages and other benefits for the Trustee; a description of the internal rate of return, plus evaluating guarantee periods and compound annual payment increases; considerations when changing the beneficiary designation on the structure; and potential pitfalls such as overfunding the structure or purchasing a life-only annuity are identified.</p> <p>Carola Davis, Settlement Partners - New Braunfels, TX</p>
11:00 am 0.50 hr	<p>Decanting under the New Texas Statutes</p> <p>In 2013, the Texas legislature enacted new decanting statutes which, in some situations, allow a Trustee the power to transfer the trust assets to a new trust that contains different provisions. This presentation provides an overview and introduction to the new Texas decanting statutes and discussion on the utilization of these statutes in modifying the terms and conditions of irrevocable trusts, including special needs trusts. Tax issues that arise from decanting and trust modifications are also covered.</p> <p>David J. Reber, Locke Lord LLP - Dallas, TX</p>
11:30 am 0.75 hr	<p>SNT Transition Mechanics</p> <p>Changes to a beneficiary's circumstances change how a trustee administers a special needs trust. This session addresses key transitions due to the retirement, disability, or death of a parent; the beneficiary's age, such as ages 18 and 22; and marital status or household status.</p> <p>Renée C. Lovelace, The Lovelace Law Firm, P.C. - Austin, TX</p>
12:15 pm	<p>Pick Up Lunch</p> <p>Included in registration.</p>

Friday Afternoon, Feb. 7, 2014

Presiding Officer:

Tanya T. Castro, Cadence Bank - Houston, TX

LUNCHEON PRESENTATION

12:35 pm 0.75 hr	<p>Case Studies: Working with the MS Society for Your Clients</p> <p>Planning for persons with neuromuscular disorders including Multiple Sclerosis—an underserved population that often combines typical estate planning, elder law and special needs trust issues—is rife with case studies for practitioners in these areas of law. This presentation explores the support provided by the MS Society for persons with MS and their families, as well as opportunities for practitioners to partner with the MS Society. A series of typical case studies follows to illustrate the kinds of issues the practitioner is likely to encounter.</p> <p>Stephen W. Dale, The Dale Law Firm, PC - Pacheco, CA Commentator: Audrey Metcalf, National Multiple Sclerosis Society - Austin, TX</p>
1:20 pm	<p>Break</p>

1:30 pm 0.50 hr	<p>Workers' Compensation and SNTs</p> <p>Medicare is expanding set-asides to third-party liability claims in addition to set-asides in workers' compensation claims. There are common law developments in ERISA, Medicaid, and other subrogation interests, as well as a new statute restricting the amount subrogated plans may claim when the tort recovery is insufficient to compensate everyone who wants a share.</p> <p>Judy Kostura, Judge, Kostura & Putman, P.C. - Austin, TX</p>
2:00 pm 0.50 hr	<p>The Affordable Care Act</p> <p>A history of the attempts to achieve health care reform in the U.S. and an outline of the basic tenets of the law.</p> <p>Mary Alice Jackson, Attorney at Law - Austin, TX</p>
2:30 pm 0.75 hr	<p>Do You Still Need an SNT after the Affordable Care Act?</p> <p>Will the Affordable Care Act replace the need for special needs trusts? And how might it impact your practice in the years ahead? This presentation covers opportunities to use the ACA to expand choices for clients and also takes into consideration scenarios in which the ACA may not offer any benefit in special needs planning.</p> <p>Pi-Yi Mayo, Law Office of Pi-Yi Mayo - Baytown, TX</p>
3:15 pm	<p>Adjourn</p>