2003 Estate Planning, Guardianship and Elder Law Conference
August 14-15, 2003 • Moody Gardens • Galveston, TX

Thursday Morning, Aug. 14, 2003

9:00 am 1.00 hr	**Exhibitor payment**
9:00 am 0.75 hr	**Wills and Living Trusts** The advantages and disadvantages of revocable trusts versus wills for elderly clients; common myths and traps for the unwary. Bernard E. Jones, Attorney At Law - Houston, TX
9:00 am 1.00 hr	**Optional Thursday Luncheon with Speaker**
9:45 am 1.00 hr	**12-Step Program to Avoid Malpractice-Are You Addicted to Tax Planning?** A discussion of the relationship between traditional estate planning and public benefits planning. The authors identify common problem areas and provide suggestions for avoiding them. Deborah A. Green, The Law Offices Of Deborah Green - Austin, TX Stephen Jody Helman, Osborne, Helman, Knebel & Deleery, LLP - Austin, TX
11:00 am 0.50 hr	**Drafting POAs and Directives with Medicaid in Mind** Background on fiduciary obligations of agents under powers of attorney plus additional language that, if present, can facilitate applying for and maintaining Medicaid eligibility in Texas. Kathleen Ford Bay, Blazier Christensen Bigelow & Virr - Austin, TX
11:30 am 1.00 hr	**Medicaid Planning for Estate Planners** Costs and benefits of adding Medicaid planning to a traditional estate planning practice; reference books, form books and sources of law; danger signs on the learning curve; and a summary of the major planning strategies. H. Clyde Farrell, Attorney at Law - Austin, TX Marilyn G. Miller, Attorney at Law - Dripping Springs, TX

Thursday Afternoon, Aug. 14, 2003

12:30 pm 0.50 hr	**Optional Luncheon Presentation: Legislative Update-What's New in September 2003** Jerry Frank Jones, Ikard & Golden - Austin, TX

1:45 pm 0.75 hr	**Yours, Mine and Ours: Characterization of Marital Property** A discussion of marital property and liability characterization, including specific review of unique marital property issues such as characterization of trusts and personal injury recoveries; tracing and commingling issues; review of spousal claims and liabilities for fraud on the community; economic contribution and equitable reimbursement; and discussion of marital property issues on death or incompetence. Michael J. Cenatiempo, Cenatiempo & Ditta LLP - Houston, TX
2:30 pm 0.75 hr	**Ad Litems in Guardianship and Probate** Practical pointers regarding rights and responsibilities of the guardian and attorney ad litem in a guardianship case. Steve Mason King, Fort Worth, TX
3:30 pm 0.75 hr	**Veterans' Benefits: The $10 Question** What estate planners and elder law attorneys should know about veterans' benefits, especially health care, disability, pension benefits, and fees - yes, fees can now exceed $10. Michael Wayne Hatfield, Texas Tech Law School - Lubbock, TX
4:15 pm 0.75 hr	**How to Identify Common Investment Mistakes of Clients and What to Do about Them** Fundamental investment principles and terminology all estate planning attorneys should know; common investment mistakes clients make with annuities, tax-free bonds, life insurance products and other investments; identifying client investment goals and spotting overly "conservative" and "aggressive" investments; understanding advisor compensation as a cause of poor planning; when and how to refer clients for investment advice. John Henry McDonald, Financial Services - Austin, TX
5:00 pm 0.50 hr	**Long Term Care Insurance** Everything you have always wanted or not wanted to know about long term care insurance, including the requirements of the State Insurance Code and the things not covered by the code. Pi-Yi G. Mayo CELA, Law Office of Pi-Yi Mayo - Baytown, TX

Friday Morning, Aug. 15, 2003

8:30 am 1.00 hr	**Special Needs Trust Design with the Beneficiary in Mind** "People First" SNT planning starts with a profile of the beneficiary's life, circumstances, resources, and public benefits. An SNT that fits the beneficiary will maximize dollars and opportunities. Topics include housing, caregivers, employment, funding, advocates, fiduciaries, and definitions of disability. Renee C. Lovelace, The Lovelace Law Firm, P.C. - Dripping Springs, TX

9:30 am 0.75 hr	**The Role and Responsibilities of Guardians** An overview of the powers, duties and responsibilities of a guardian. Linda C. Goehrs, Horrigan & Goehrs, L.L.P. - Houston, TX
10:30 am 0.50 hr	**Maximizing Flexibility through Disclaimer Trusts** Understanding the basics of disclaimers and disclaimer law; exploring the use of disclaimers in light of EGTRRA; common disclaimer uses including post-mortem rescues; specific disclaimer drafting examples; understanding the Clayton QTIP. Michael John Baldwin, Hughes & Luce - Austin, TX
11:00 am 1.00 hr	**A Practical Guide to Drafting Beneficiary Designations for IRAs, Qualified Plans, and Commercial Annuities** Many clients hold assets in qualified plans, including 401(k) plans, as well as IRAs and annuities. Estate planning for such assets can be complex, and attorneys who do not specialize in taxation are increasingly being asked to advise on beneficiary designations. The goal of this presentation is to help those who are not tax experts effectively advise on and implement routine beneficiary designation solutions, and recognize situations where more complex trust-based solutions will be necessary. Commercial annuities (both ownership and beneficiary) will also be considered. David D. Claflin, West Lake Hills, TX

Friday Afternoon, Aug. 15, 2003

1:15 pm 0.50 hr	**Concluding Probate Proceedings** Formal and informal methods to wrap up decedent's estates and guardianships. Craig Hopper, Graves, Dougherty, Hearon & Moody, P.C. - Austin, TX
1:45 pm 0.50 hr	**Practical and Ethical Issues in the Use of Power of Attorney** Analysis of case law and practical issues. Current status of the Durable Power of Attorney Act. Julia E. Merkt, Indianapolis, IN
2:15 pm 1.00 hr	**Mental Health Law** An application for appointment of a guardian may not always be the proper proceeding. Speakers will discuss appropriate use of involuntary commitment from a legal and medical perspective. Colleen Kennedy M.D., San Antonio, TX Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, PC - San Antonio, TX

3:15 pm 0.50 hr	**Termination of Life Support in Guardianship** Analysis of the statutes and case law that authorize a guardian to terminate the life support. Review of impact of the physician's shield statute and medical futility review on a guardian's decision-making authority. James C. Benson, Benson & Anderson - Houston, TX