

6th Annual

INTERMEDIATE ESTATE PLANNING, GUARDIANSHIP AND ELDER LAW CONFERENCE

Earn up to 12.00 Hours of Credit Including 3.00 Hours Guardianship and 2.25 Hours of Ethics

Specialization credit expected for: Estate Planning & Probate Law, Civil Trial Law, Tax Law, and Family Law



August 12-13, 2004

Moody Gardens Hotel
Galveston, Texas



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THURSDAY MORNING, AUGUST 12

Presiding Officer:
H. Clyde Farrell
Austin

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. (1.00 hour guardianship, including 0.25 hour ethics/PR credit - from 9:45 to 10:00)

Practical Aspects of Guardianships

An overview of guardianship law with an emphasis on everyday practicalities and ethical issues.

Hon. Guy Herman, Austin

10:00 a.m. (0.75 hour)

Wills and Living Trusts (Video)

The advantages and disadvantages of wills and revocable trusts; common myths and traps for the unwary.

Stanley M. Johanson, Austin

10:45 a.m. Break

11:00 a.m. (0.75 hour)

UPIA, Smoopia: What Every Practitioner Needs to Know About Recently Enacted UPIA Statutes

Texas now has its own version of the Uniform Prudent Investor Act and the Uniform Principal and Income Act. How do they affect your estate planning and elder law practice?

Glenn M. Karlsch, Austin

11:45 a.m. (0.75 hour)

The Benefits and Pitfalls of Living Trusts From Creation to Maturity

The life cycle of living trusts: from creation, during the settlor's lifetime, to maturity and distribution. Special focus on risks and duties of becoming a trustee.

Bernard E. Jones, Houston

12:30 p.m. (0.50 hour)

Optional Luncheon Presentation: Medicaid - The HHS Perspective

Update on Medicaid administration in Texas under HB 2292, 78th Texas Legislature, including recent changes and considerations relating to Medicaid eligibility.

Michael H. Garbarino, Austin

THURSDAY AFTERNOON, AUGUST 12

Presiding Officer:
Deborah A. Green
Austin

1:45 p.m. (0.75 hour ethics/PR credit)

Using Independent Facilitators to Resolve Probate Disputes

The advantages of bringing neutral third parties into probate disputes, and the methods available to have temporary administrators, temporary guardians, guardians ad litem, and mediators appointed.

Craig Hopper, Austin

2:30 p.m. (0.50 hour)

Hot Topics: How to Pass on Non-Probate Assets Without a Snag

Dealing with common problems associated with planning and administering non-probate assets.

Don Walden, Austin

3:00 p.m. Break

3:15 p.m. (1.00 hour ethics/PR credit)

What Do You Do When You Get a Call and the Question Is ...

A panel of seasoned practitioners responds to frequently — and sometimes infrequently — asked questions, including practice, professional, and ethical issues.

Marilyn G. Miller, Dripping Springs, Moderator
Donald F. Carnes, Austin
Holly J. Gilman, Austin
Paul Premack, San Antonio

4:15 p.m. (0.75 hour)

New Medicare Prescription Drug Benefits: Trying to Make Sense of the Programs and Provisions

Included in this presentation will be the who, what, where and the when to the new prescription drug card and a primer on the soon to be Medicare Part D.

Pi-Yi Mayo, Baytown

5:00 p.m. Adjourn to Reception

FRIDAY MORNING, AUGUST 13

Presiding Officer:
Patricia F. Sticherl
San Antonio

8:00 a.m. Conference Room Opens

Continental breakfast provided.

8:30 a.m. (0.50 hour)

Affordable Housing

How to determine whether elder clients and those with disabilities may be able to qualify for low-cost housing, including "public housing" and "section 8," including income & asset restrictions, trust rules and transfer rules.

Molly Dear Abshire, Bellaire

9:00 a.m. (0.75 hour guardianship)

The Ad Litem's Toolkit

A review of the duties and responsibilities of guardians ad litem and attorneys ad litem in guardianships, heirships and other areas in which ad litem are appointed in the Probate and Elder Law area, with numerous suggestions and forms.

Hon. Steve M. King, Fort Worth

9:45 a.m. (0.67 hour)

The Big Four: SSI, SSD, Medicare and Medicaid

A review of the basic law and regulations concerning the four government programs and what you should know about them.

Deborah A. Green, Austin
Paper by H. Clyde Farrell

10:25 a.m. Break

10:40 a.m. (0.75 hour)

Protecting the "Community Spouse"

This session will summarize the current law to prevent "spousal impoverishment" when one spouse applies for Medicaid. It will also cover proposed changes likely to limit this protection.

H. Clyde Farrell, Austin

11:25 a.m. (0.50 hour)

Medicaid Estate Recovery

What happens to the family farm and the family heirlooms after estate recovery? What is the rationale for maintaining mama's homestead after she goes into the nursing home? Will estate recovery result in an increase in exploitation of older citizens? The presentation will address these concerns and include a review of the proposed rules that are to be effective September 1, 2004.

Patricia F. Sitchler, San Antonio

11:55 a.m. Lunch on your own

FRIDAY AFTERNOON, AUGUST 13

Presiding Officer: Hon. Gladys B. Burwell Galveston

1:00 p.m. (0.75 hour)

The Aftermath of Catastrophic Medical Events: Legal Tools and Strategies to Help Navigate

All of our clients (and each of us) are at risk of having an accident or unwelcome medical event occur. Wealth quickly collides with poverty as private insurance "caps out," leaving one's assets available to medical creditors. A discussion of disability trusts, types of disabilities, definitions of "disabled," and access to medical care.

Renee C. Lovelace Austin and Dripping Springs

1:45 p.m. (1.25 hour guardianship, including 0.25 hour ethics/PR credit - from 2:45 to 3:00)

Roles and Responsibilities of Guardianship

Discussion of the powers and duties of guardians of the person and estate including medical decisions, selecting placement, collecting and preserving assets, investment plans, buying and selling assets, enforcing claims, third party obligations, and ethical issues.

Sarah Patel Pacheco, Houston

3:00 p.m. (0.50 hour)

Termination of Life Support

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, Ph.D., J.D., Houston

3:30 p.m. Adjourn

PRESIDING OFFICERS

HON. GLADYS B. BURWELL Galveston County Probate Court Galveston

H. CLYDE FARRELL Attorney at Law Austin

DEBORAH A. GREEN The Law Offices of Deborah Green, L.L.P. Austin

PATRICIA F. SITCHLER Schoenbaum, Curphy & Scanlan, PC San Antonio



The Moody Gardens Hotel is located on Historic Galveston Island on the Texas Gulf Coast. The Moody Gardens Hotel, Spa and Convention Center is nestled among the lush tropical surroundings and majestic pyramids of Moody Gardens. Highlights include a new aquarium, the Discovery Pyramid and the Rainforest Pyramid. For more information, visit www.moodygardens.com.

Mail this registration form or fax a copy to: (512) 475-6876

REGISTRATION FOR ER04
The University of Texas School of Law • Office of Continuing Legal Education
Attn: ER04 • Post Office Box 7759 • Austin TX 78713-7759

PLEASE PRINT CLEARLY

Registration form fields: Bar Card#, Name, Firm, Address, City, State, Zip, E-mail Address, Telephone, Fax. Includes checkboxes for TX, Other State, and N/A.

REGISTRATION - Includes printed materials in course binder.

- Registration fee options: Early Registration Fee due by Wed., August 4, 2004 (\$375.00), Registration Fee after Wed., August 4, 2004 (\$425.00), Optional Thursday Luncheon with Michael H. Garbarino (\$25.00).

ALSO AVAILABLE - Allow 2-3 weeks from conference date for delivery.

- Additional registration options: Printed materials in course binder (\$200.00), Audio CD Set (\$175.00), In-House CLE for 2 - Includes audio CD + printed materials (\$750.00), Add participants with/without printed materials, Add E-materials CD (\$50.00).

METHOD OF PAYMENT

TOTAL ENCLOSED \$

Payment method options: Check (payable to The University of Texas at Austin), VISA, Mastercard. Includes a card number field with boxes.

Authorized Signature (with X) and Exp. Date (mm/yy) field.

About the Hotel



Moody Gardens Hotel
One Hope Boulevard
Galveston, Texas 77554
800-582-4673

\$130 single or double special group rate good through **July 21, 2004**

Parking: Free self-parking; valet \$5 - \$7

Key Dates:

Cancellations & Last Minute Registrations

August 4, 2004, 5 p.m.

- last day for early registration add \$50 for registrations received after this time

August 6, 2004, 5 p.m.

- last day for full refund

August 9, 2004, 5 p.m.

- (Monday before conference)
- last day for partial refunds (\$50 processing fee applied)

August 12, 2004, 9 a.m.

- conference begins



Hawaiian Shirt Series

Intermediate Estate Planning, Guardianship and Elder Law

is part of our Hawaiian Shirt Series of Galveston conferences, both informal and informative—speakers and registrants are all invited to dress “beach casual.” Bring shorts, a Hawaiian shirt, and come join us this August at Moody Gardens Hotel—don't miss out!

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M
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E

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 12.00 hours, of which 2.25 credit hours will apply to legal ethics/professional responsibility credit.

www.utcle.org
Online Courses

ABOUT THE COVER

Midsummer, oil on canvas, by Lionel Kalish.
Mr. Kalish's work may be viewed at Gremillion & Co. For more information call the gallery at (512) 419-9524 or visit www.gremillion.com.



THE UNIVERSITY OF TEXAS AT AUSTIN
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This program is not printed or mailed at state expense.

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