10th Annual Estate Planning, Guardianship and Elder Law Conference
August 14-15, 2008 • Moody Gardens • Galveston, TX

Thursday Morning, Aug. 14, 2008

Presiding Officer:
H. Clyde Farrell, Attorney at Law - Austin, TX

8:00 am	**Registration Opens** Includes continental breakfast.
8:50 am	**Welcoming Remarks**
9:00 am 0.75 hr	**The Interpretation, Construction and Drafting of Wills and Trusts: The Legislature's Influence** An understanding of how the legislature over the years has changed many of the common law rules of will construction, along with an appreciation of how the revocable trust differs from a will, are essential if the lawyer is to avoid common drafting errors found in estate planning documents. Thomas M. Featherston Jr., Baylor University School of Law - Waco, TX
9:45 am 0.75 hr	**Getting In and Out of Revocable Trusts** A discussion of key planning opportunities and pitfalls involving the use of revocable trusts, including effective use for aged and disabled clients, when and how to terminate, what happens at death, and amendments or revisions by agents. This session also includes sample clauses and forms. Bernard E. Jones, Attorney at Law - Houston, TX
10:30 am	**Break**
10:45 am 0.50 hr	**Avoiding Common Mistakes in Making Lifetime and Testamentary Gifts to Charitable Organizations** The session addresses gifts of non-cash assets; how to designate charitable organizations as beneficiaries of outright gifts and split-interest gifts; strategies to reduce disclaimers by intended charitable recipients; drafting split-interest gifts; tax-planning strategies and use of formula classes. Laura Hansen Dean, The University of Texas at Austin - Austin, TX
11:15 am 0.75 hr	**Irrevocable Life Insurance Trusts and Bypass Trusts: Drafting and Funding** Learn the fundamentals that you need to consider when drafting and funding trusts that benefit a surviving spouse. How much authority can the spouse have, and still keep the trust property from being taxed in his or her estate? Hear practical tips on both drafting and administering these important trusts. Mickey R. Davis, Bracewell & Giuliani LLP - Houston, TX

Thursday Afternoon, Aug. 14, 2008

Presiding Officer:
Renée C. Lovelace, The Lovelace Law Firm, P.C. - Dripping Springs and Austin, TX

	LUNCHEON PRESENTATION Sponsored by The Center for Special Needs Trust Administration
12:00 pm	**Pick up Box Lunch** Included in conference registration fee.
12:15 pm 0.75 hr 0.25 hr ethics	**Ask the Experts: Estate Planning and Trusts** An opportunity for audience members to pose questions, including practice, professional and ethical issues, and hear discussion relating to topics covered during the morning sessions. Moderator: Hon. Polly Jackson Spencer, Bexar County Probate Court No. 1 - San Antonio, TX Panelists: Mickey R. Davis, Bracewell & Giuliani LLP - Houston, TX Panelists: Laura Hansen Dean, The University of Texas at Austin - Austin, TX Panelists: Thomas M. Featherston Jr., Baylor University School of Law - Waco, TX Panelists: Bernard E. Jones, Attorney at Law - Houston, TX
1:00 pm	**Break**
1:15 pm 1.00 hr	**Probate Tool Box** This presentation will provide you with the tools necessary to advise clients on how to handle post mortem issues, including disposition of remains, access to premises, cremation and 128A notices. Hon. Polly Jackson Spencer, Bexar County Probate Court No. 1 - San Antonio, TX
2:15 pm 0.75 hr	**Medicaid for Beginners: Dummies Can't Do It** A primer on the Medicaid application process, including communicating effectively with the client, assessing eligibility, completing and filing the application and random thoughts and tips. Marilyn G. Miller, Attorney at Law - Dripping Springs, TX
3:00 pm	**Break**
3:15 pm 0.75 hr ethics	**Ethics of Medicaid Planning** Is it ethical to establish an estate plan to minimize estate taxes? Failure to discuss tax issues could lead to a malpractice suit. But is it ethical to maximize meager estates through the use of the Medicaid program? Would it be malpractice to fail to discuss Medicaid options? Just what is Medicaid planning? Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, PC - San Antonio, TX

4:00 pm 0.50 hr	**Keeping the Money or Giving it Away: Does Impoverishment Really "Protect" the Client?** Guiding every client to self-impoverishment is dangerous and unethical. How can we help clients decide whether they will really benefit from transferring assets to qualify for Medicaid? This presentation shows how to conduct a quick overview of the client's ability to pay, and demonstrates how computer-assisted cash-flow projections can help answer the question in three colors. H. Clyde Farrell, Attorney at Law - Austin, TX
4:30 pm 1.00 hr	**Agency Perspective** A panel of representatives from DADS and HHSC will discuss the current positions each agency is taking on a sundry of issues affecting Medicaid planners and their clients. Questions will be solicited in advance and also during the presentation. Moderator: Wesley E. Wright, Wright Abshire Attorneys - Bellaire, TX Panelists: Audrey Deckinga, Health and Human Services Commission - Austin, TX Panelists: Flora A. Fearon, Texas Department of Aging and Disability Services - Austin, TX Panelists: Shari L. Nichols, Health and Human Services Commission - Austin, TX Panelists: Stephanie Ryan, Texas Department of Aging and Disability Services - Austin, TX Panelists: John Stockton, Health and Human Services Commission - Austin, TX
5:30 pm 0.50 hr	**The New Texas Long Term Care Partnership Program** This presentation summarizes important issues for attorneys regarding the insurance policy requirements of the Texas Long Term Care Partnership Plan. The presentation will include answers to questions such as when the Partnership starts, should your clients wait to buy a long term care policy until after the Partnership starts, will existing policies be grandfathered, what kind of policies can be partnership policies, what is different about partnership insurance policy from a regular long term care insurance, etc.? Audrey Deckinga, Health and Human Services Commission - Austin, TX Bruce Lawrence Gardner, Bruce Gardner Insurance & Investments - Austin, TX
6:00 pm	**Adjourn**

Friday Morning, Aug. 15, 2008

Presiding Officer:
Hon. Gladys B. Burwell, Galveston County Probate Court - Galveston, TX

8:30 am 0.75 hr 0.25 hr ethics	**Breakfast Presentation** **Ask the Experts: Long Term Care Planning and Medicaid** An opportunity for audience members to pose questions, including practice, professional and ethical issues, and hear discussion relating to topics covered during Thursday's sessions. Moderator: H. Clyde Farrell, Attorney at Law - Austin, TX Panelists: Randy Drewett, Attorney at Law - Beaumont, TX Panelists: Pi-Yi Mayo, Attorney at Law - Baytown, TX Panelists: Marilyn G. Miller, Attorney at Law - Dripping Springs, TX Panelists: Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, PC - San Antonio, TX
9:15 am 0.75 hr	**The Alphabet for Retirement: OASDI, SSD or SSI** A primer for the general practitioner regarding the top questions clients will expect you to answer about Social Security Retirement Benefits. Rebecca C. Morgan, Stetson University College of Law - Gulfport, FL Mary Alice Jackson, Boyer & Jackson, P.A. - Austin, TX
10:00 am	**Break**
10:15 am 0.75 hr	**Practical Asset Protection Planning in the Real World** An incremental approach that allows you to effectively inoculate your client's wealth against creditors without risking your client's freedom or your own license and reputation. Jay Adkisson, Attorney at Law - Laguna Niguel, CA
11:00 am 0.75 hr	**Veterans Benefits Basics for Estate Planning and Elder Law Attorneys** This session will discuss the various types of benefits available to Veterans, with an emphasis upon Medicaid and disability planning. Randy Drewett, Attorney at Law - Beaumont, TX Pi-Yi Mayo, Attorney at Law - Baytown, TX

Friday Afternoon, Aug. 15, 2008

Presiding Officer:
Hon. Gladys B. Burwell, Galveston County Probate Court - Galveston, TX

	LUNCHEON PRESENTATION Sponsored by Encore Trust
11:45 am	**Pick up Box Lunch** Included in conference registration fee.

12:00 pm 0.75 hr 0.25 hr ethics 0.75 hr guardianship	**Ask the Experts: Guardianship Topics including Medical Issues in Guardianships** An opportunity for audience members to pose questions, including practice, professional and ethical issues, and hear discussion relating to guardianship topics, including a discussion of medical evidence and its use in guardianship cases. Moderator: Hon. Guy Herman, Travis County Probate Court No. 1 - Austin, TX Panelists: Hon. Gladys B. Burwell, Galveston County Probate Court - Galveston, TX Panelists: Stephen Jody Helman, Osborne, Helman, Knebel & Deleery, LLP - Austin, TX
12:45 pm	**Break**
1:00 pm 0.75 hr 0.25 hr ethics 0.75 hr guardianship	**Roles and Responsibilities of Ad Litems** An overview of attorney ad litem responsibilities with an emphasis on everyday practicalities, tips and ethical issues. Barrie Allen, Tarrant County Probate Court No. 1 - Fort Worth, TX
1:45 pm 1.00 hr 0.25 hr ethics 1.00 hr guardianship	**The Role of the Guardian** This session discusses the duties and responsibilities of a guardian under Texas law, including ethical issues. All aspects of guardian administration from initiation to closing will be covered, including the code requirements for selling and leasing property. Stephen Jody Helman, Osborne, Helman, Knebel & Deleery, LLP - Austin, TX
2:45 pm 0.50 hr 0.50 hr guardianship	**The Post-Death Annulment of a Marriage Based on Incapacity under New Texas Probate Code § 47A** This session provides an overview of TPC § 47A, and provides an analysis of its impact on the jurisdiction of the family, guardianship, and probate courts. James C. Benson, University of Houston Clear Lake - Houston, TX
3:15 pm	**Adjourn**