

# 12<sup>th</sup> Annual Estate Planning, Guardianship and Elder Law Conference

## August 12-13, 2010 • Moody Gardens • Galveston, TX

### Thursday Morning, Aug. 12, 2010

**Presiding Officer:**

**H. Clyde Farrell**, Farrell & Pak, PLLC - Austin, TX

8:00 am	<b>Registration Opens</b>  Includes continental breakfast.
8:50 am	<b>Welcoming Remarks</b>
9:00 am 0.75 hr	<b>The Substantive Estate Plan: How Hard Can It Be to Give Our Clients What They Want?</b>  Sometimes goals that seem simple require extraordinary effort to achieve. And occasionally the testator's intent just doesn't get carried out despite the attorney's best efforts. This presentation examines selected cases, some from the appellate record and some from practical experience.  Dianne Reis, Attorney at Law - Plano, TX
9:45 am 1.00 hr	<b>Bypass Trusts: From Planning to Implementation</b>  Basic bypass trust planning for non-tax specialists, including drafting issues, types of funding methods, special problems if death occurs in 2010, estate administration issues and special needs trusts issues.  Glenn M. Karisch, The Karisch Law Firm, PLLC - Austin, TX
10:45 am	<b>Break</b>
11:00 am 1.00 hr 0.50 hr ethics 1.00 hr guardianship	<b>The Role of the Guardian</b>  The duties and responsibilities of a guardian under Texas law and guardian administration from initiation to closing, including the code requirements of selling and leasing property, as well as ethical issues.  Donald F. Carnes, Hill, Ducloux, Carnes & de la Garza - Austin, TX

### Thursday Afternoon, Aug. 12, 2010

**Presiding Officer:**

**Nancy Sosa**, Encore Trust - Austin, TX

12:00 pm	<b>Lunch on your Own</b>
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1:30 pm 1.00 hr 0.25 hr ethics 1.00 hr guardianship	<p><b>Contested Guardianships: Realistic Solutions to Complex Problems</b></p> <p>Handling guardianships in which problems arise—and problems do seem to arise in most cases—can present challenges to the probate practitioner, but is also an opportunity to use creative and workable solutions in order to reach an outcome with which the ward, judge, attorneys, and family members are (mostly) in agreement. This session addresses common and uncommon guardianship problems, and presents solutions and form documents to address same.</p> <p>Catherine H. Goodman, Shannon, Gracey, Ratliff &amp; Miller, L.L.P - Fort Worth, TX R. Dyann McCully, Bakutis, McCully &amp; Sawyer, P.C. - Fort Worth, TX</p>
2:30 pm 0.75 hr	<p><b>Medicaid Estate Recovery Program (MERP) Claims in Probate</b></p> <p>A look at conflicts between MERP rules and probate/guardianship claim statutes, and their potential impact on how claims are established and paid after a Medicaid recipient's death.</p> <p>C. Boone Schwartzel, Attorney at Law - Houston, TX</p>
3:15 pm 0.50 hr	<p><b>Mama Left Me What?: What to do When an Estate Beneficiary is on Government Benefits</b></p> <p>This session outlines what to do when your client, who is on government benefits, inherits property through an estate. It includes discussion of contingent, self-settled and court-created trusts, and the 2009 legislative changes affecting them in the probate process.</p> <p>Deborah A. Green, Attorney at Law - Austin, TX</p>
3:45 pm	<p><b>Break</b></p>
4:00 pm 0.75 hr	<p><b>Disabled Adult Children</b></p> <p>What happens when your SSI/Medicaid-eligible child reaches the age of 18? This session provides an overview of the eligibility rules and benefits of the Social Security Administration's Disabled Adult Child (DAC) program.</p> <p>Pi-Yi Mayo, Attorney at Law - Baytown, TX</p>
4:45 pm 0.75 hr	<p><b>HHSC Policy Perspective</b></p> <p>Representatives from the Health and Human Services Commission (HHSC) discuss existing policy and how it is enforced.</p> <p>Panelist: John Stockton, Texas Health and Human Services Commission - Austin, TX</p>
5:30 pm	<p><b>Adjourn to Reception</b></p> <p><i>Sponsored by Encore Trust</i></p>

## Friday Morning, Aug. 13, 2010

### Presiding Officer:

**Hon. Gladys B. Burwell**, Galveston County Probate Court - Galveston, TX

7:45 am	<b>Conference Room Opens</b>  Includes continental breakfast.
8:30 am 1.00 hr 0.50 hr ethics 0.25 hr guardianship	<b>Ask the Experts: What to Do When You Get a Call and the Question Is...</b>  A panel of seasoned practitioners respond to frequently—and sometimes infrequently—asked questions, including practice, professional and ethical issues in estate planning, probate, guardianship and elder law.  Moderator: H. Clyde Farrell, Farrell & Pak, PLLC - 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: Wesley E. Wright, Wright Abshire Attorneys - Bellaire, TX
9:30 am 1.00 hr	<b>Medicare Facts and Questions including Expedited Appeals</b>  This workshop provides an overview of Medicare coverage and appeals of denials and terminations of services for Medicare beneficiaries. The presentation begins with a short "Medicare Quiz," follows up with a discussion of Medicare basics, covers general information about Medicare eligibility under Parts A, B, C and D, and concludes with a discussion of expedited appeals.  Bruce P. Bower, Texas Legal Services Center - Austin, TX
10:30 am	<b>Break</b>
10:45 am 1.00 hr 0.50 hr ethics 1.00 hr guardianship	<b>Roles and Responsibilities for Ad Litem</b>  An overview of attorney ad litem responsibilities with an emphasis on everyday practicalities, tips and ethical issues.  Hon. Steve M. King, Tarrant County Probate Court One - Fort Worth, TX
11:45 am 0.50 hr 0.25 hr guardianship	<b>Representing Clients in Situations Involving Adult Protective Services (APS) Investigations</b>  Advising clients and family members about APS, situations where APS is involved, including in the guardianship process.  Holly J. Gilman, Gilman & Associates, P.C. - Austin, TX

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**Hon. Gladys B. Burwell**, Galveston County Probate Court - Galveston, TX

	<b>LUNCHEON PRESENTATION</b>
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12:15 pm	<b>Pick up Box Lunch</b>  Included in conference registration fee.
12:30 pm 0.75 hr	<b>Estate Planning Case Law Update</b>  What do you really need to know about recent cases to avoid errors and meet your clients' estate planning goals?  Hon. Sandee Bryan Marion, 4th Court of Appeals - San Antonio, TX
1:15 pm	<b>Break</b>
1:30 pm 0.50 hr	<b>TRICARE for Life and At-Home Care</b>  This presentation focuses attention on two little-known programs that may offer eligible clients significant monetary assistance and extended home care.  Wesley E. Wright, Wright Abshire Attorneys - Bellaire, TX
2:00 pm 0.75 hr ethics	<b>Helping Clients with Emotional Legal Decisions</b>  An attorney and a case manager addresses the elder law attorney's ethical and practical challenges in helping clients who are facing myriad choices with both legal and emotional components. The presentation includes resources to help clients address driving, moving to assisted living, home modifications, funerals, end-of-life planning, care of a spouse, grief, loss of physical well-being and capabilities, and facing capacity declines, all while maintaining and protecting their quality of life. The case manager discusses where attorneys may stumble outside of legal choices into emotional decisions, how attorneys can help and not interfere with a case manager's work, and how to steer clear of areas where an attorney's involvement does not help but where a case manager may be the ideal professional to help clients make good choices.  Renee C. Lovelace, The Lovelace Law Firm, P.C. - Dripping Springs, TX Debbie Pearson, Nurses Case Management - Austin, TX
2:05 pm 0.00 hr ethics	<b>Online course Guardianship affidavit</b>
2:45 pm	<b>Adjourn</b>