

13TH ANNUAL

ESTATE PLANNING, GUARDIANSHIP AND ELDER LAW CONFERENCE



August 11–12, 2011

Moody Gardens Hotel ▪ Galveston, Texas

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Summer Conference Series: Informal and Informative

ESTATE PLANNING, GUARDIANSHIP AND ELDER LAW CONFERENCE

August 11–12, 2011 • Moody Gardens Hotel • Galveston, Texas

Earn up to 13.75 Hours of Credit including 2.75 Hours of Ethics Credit and 4.00 Hours of Guardianship Credit (indicated by G)

THURSDAY MORNING, AUG. 11, 2011**Presiding Officer:**H. Clyde Farrell, Farrell & Pak PLLC,
Austin, TX**8:00 a.m. Registration Opens**

Includes continental breakfast.

8:50 a.m. Welcoming Remarks**9:00 a.m. .75 hr****Wills and Living Trusts: What's Best for the Client?**

A discussion of the advantages and problems of using a will or a trust as the primary vehicle for transferring wealth at death.

Jerry Frank Jones, Austin, TX

Author:

Thomas M. Featherston Jr., Waco, TX

9:45 a.m. 1.00 hr**What Every Estate Planner Needs to Know about SNTs**

An overview of first-party and third-party special needs trusts and how to integrate SNTs into the client's estate plan, including the "red flags" of self-settled SNT representation.

Randy Drewett, Beaumont, TX

Patricia F. Sitchler, San Antonio, TX

10:45 a.m. Break**11:00 a.m. .75 hr G including .50 hr ethics****The Role of the Guardian**

This session examines 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.

Craig Hopper, Austin, TX

THURSDAY AFTERNOON**Presiding Officer:**

Nancy Sosa, Encore Trust, Austin, TX

LUNCHEON PRESENTATION**11:45 a.m. Pick Up Lunch**

Included in conference registration fee.

12:00 p.m. .75 hr**Estate Planning and Elder Law Case Law Update**

What do you really need to know about recent cases to avoid errors, spot trends, and meet your client's goals?

Rebecca C. Morgan, Gulfport, FL

12:45 p.m. Break**1:00 p.m. .75 hr G including .25 hr ethics****Recent Developments in Multi-Party Accounts and Non-Probate Assets**The hits (and misses) keep on coming, including *Holmes v. Beatty*, 2011 legislative actions, problems with accounts at out-of-state institutions, the effect of divorce on survivorship accounts, and ethical issues facing agents, guardians and their attorneys.

Glenn M. Karisch, Austin, TX

1:45 p.m. .75 hr**Protecting Homes, Farms and Ranches, and Other Businesses under the Medicaid Rules**

Recent changes in the federal Medicaid law and state policies have reduced the protection of homes of Medicaid applicants. Although farms, ranches and other businesses can sometimes be protected as "business property," that depends on the application of Medicaid policies that have never been clearly articulated in rules. The new Medicaid Estate Recovery Program must also be dealt with. This session covers all of these issues.

H. Clyde Farrell, Austin, TX

Bliss Burdett Pak, Austin, TX

2:30 p.m. .50 hr**Medicaid and VA Eligibility and Blended Families**

Estate planning for blended families is challenging and can become even more complex when done in the context of public benefits planning. This presentation highlights the uses of Medicaid and VA benefits, issues that arise when working with blended families, and options the planning attorney will want to consider.

Amanda M. Gyeszly, Houston, TX

Wesley E. Wright, Bellaire, TX

3:00 p.m. Break**3:15 p.m. .75 hr G including .50 hr ethics****The Role of the Attorney Ad Litem**

An overview of the responsibilities of the attorney ad litem and guardian ad litem with an emphasis on practical application of the statutes. The materials include numerous checklists, comprehensive references and forms.

Hon. Steve M. King, Fort Worth, TX

4:00 p.m. .50 hr including .25 hr G**Border Violence and Its Impact on Guardianship and Probate Practice**

Three border county probate judges discuss the growing probate and guardianship administration issues arising from the increased violence on the Mexican border (and practical solutions to such issues). A basic overview of the income, estate and gift tax considerations of nonresident individuals is also provided.

Moderator:

A. M. Nunley III, Midland, TX

Panelists:

Hon. Patricia Chew, El Paso, TX

Hon. Eduardo A. Gamboa, El Paso, TX

Hon. Homero Garza, Edinburg, TX

4:30 p.m. .75 hr**View from the HHSC**

Officials from the Texas Health and Human Services Commission (HHSC) discuss current issues in long-term care Medicaid eligibility.

Moderator:

Patricia F. Sitchler, San Antonio, TX

Panelists:

Kathleen Anderson, Austin, TX

Beverly Luna, Austin, TX

**5:15 p.m. Adjourn to Reception
Sponsored by Encore Trust****FRIDAY MORNING, AUG. 12, 2011****Presiding Officer:**Hon. Gladys B. Burwell, Galveston
County Probate Court, Galveston, TX**7:45 a.m. Conference Room Opens**

Includes continental breakfast.

8:30 a.m. 1.00 hr including .25 hr ethics G**Ask the Experts**

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:

Marilyn G. Miller, Dripping Springs, TX

Panelists:

Randy Drewett, Beaumont, TX

Deborah A. Green, Austin, TX

Pi-Yi Mayo, Baytown, TX

Wesley E. Wright, Bellaire, TX

9:30 a.m. **1.00 hr**
Medicare Basics
 This session provides an overview of Medicare eligibility, coverage and appeals of denials and terminations of services for Medicare beneficiaries. The presentation begins with a short "Medicare Quiz" and follows up with a discussion of Medicare basics covering general information about Medicare under Parts A, B, C and D.
 Alfred J. Chiplin Jr., Washington, DC

10:30 a.m. **Break**

10:45 a.m. **.50 hr**
Levels of Care
 An overview of where clients can receive care including (but not limited to) the home, assisted living and nursing home care, plus a look at available payment options.
 Christina Leshner, Houston, TX

11:15 a.m. **.50 hr**
Planning for Veterans: What Trusts Can You and Should You Use?
 Planning for veterans is different than estate planning and medical planning. Learn to avoid the landmines by using the right tools for the job.
 Victoria L. Collier, Decatur, GA

11:45 a.m. **.50 hr**
The Gift and Estate Taxes: Where Are We Now?
 2010 brought many challenges in planning and advising clients on gift and estate tax issues. This presentation provides an overview of the Tax Reform Act of 2010 and a look ahead for planning in 2011-2012.
 Tina R. Green, Texarkana, TX

FRIDAY AFTERNOON

LUNCHEON PRESENTATION

12:15 p.m. **Pick Up Lunch**
 Included in conference registration fee.

12:35 p.m. **.75 hr**
2011 Texas Probate and Trust Legislative Update
 An overview of Texas statutory changes affecting probate, guardianships, trusts, powers of attorney and other areas of interest to estate and probate practitioners.
 William D. Pargaman, Austin, TX

1:20 p.m. **Break**

1:35 p.m. **.50 hr G ethics**
To Apply for Guardianship or Not: Where Is the Edge?
 A discussion of the practical and legal advantages, as well as the limitations, of a guardianship proceeding.
 Sarah Patel Pacheco, Houston, TX

2:05 p.m. **.50 hr G**
Alternatives to Guardianship
 A look at some less restrictive (and less expensive) alternatives to guardianships of the person and estate, and the requisite mental capacities for establishing them.
 Hon. Guy Herman, Austin, TX

2:35 p.m. **.50 hr including .25 hr G**
Community Property Administration for an Incapacitated Spouse: Nuts-and-Bolts of Using Section 883
 Section 883 can be a useful tool in carrying out a Medicaid plan. This nuts-and-bolts topic includes a case study and the necessary forms to obtain court appointment of a community property administrator.
 Pi-Yi Mayo, Baytown, TX
 Bryn Anne Poland, Baytown, TX

3:05 p.m. **.75 hr G ethics**
Mental Health and Substance Abuse Issues in Guardianship
 A discussion of mental health and substance abuse commitment processes and their use in lieu of guardianships.
 Hon. Guy Herman, Austin, TX

3:50 p.m. **Adjourn**

REGISTRATION FOR ER11

The University of Texas School of Law, Attn. CLE—ER11
P.O. Box 7759, Austin, TX 78713-7759
 or fax a copy to: **512-475-6876** or register online: **www.utcle.org**
Questions? Call us at 512-475-6700

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STANDARD REGISTRATION—Printed Course Binder (only), Thursday and Friday Luncheon Presentations, and Thursday Evening Sponsored Reception

- Early Registration Fee due by Wednesday, August 3, 2011\$495
- Registration Fee after Wednesday, August 3 2011\$545

GREEN REGISTRATION—Electronic Materials on USB Key (only), Thursday and Friday Luncheon Presentations, and Thursday Evening Sponsored Reception

- Early Registration Fee due by Wednesday, August 3, 2011\$490
- Registration Fee after Wednesday, August 3, 2011\$540

CONFERENCE PUBLICATIONS AND MEDIA *Allow 3-5 weeks from the conference date for delivery.*

- Printed Course Binder WITHOUT Conference Registration\$250
Note: Conference Registration includes Course Binder.
- Audio MP3 Speeches on CD\$130
- Audio CD Set\$210
- eBinder on CD (PDF format)\$250/\$50
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IN-HOUSE CLE: Bring the conference in-house and learn at your convenience.

Allow 3-5 weeks from the conference date for delivery. Approved for Texas MCLE credit.

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GALVESTON

August 11–12, 2011

CONFERENCE LOCATION



Moody Gardens Hotel
7 Hope Blvd.
Galveston, TX 77554
888-388-8484

Special Rate: \$165
good through July 20, 2011
(subject to availability)

Self-Parking: Complimentary
(subject to change)

KEY DATES

August 3, 2011, 5 p.m.
last day for early registration
add \$50 for registrations
received after this time

August 5, 2011, 5 p.m.
last day for full refund

August 8, 2011, 5 p.m.
last day for partial refunds
\$50 processing fee applied

August 11, 2011, 9 a.m.
conference begins

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ABOUT THE COVER

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