

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

## August 11-12, 2011 • Moody Gardens • Galveston, TX

### Thursday Morning, Aug. 11, 2011

**Presiding Officer:**

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

8:00 am	<p><b>Registration Opens</b></p> <p>Includes continental breakfast.</p>
8:50 am	<p><b>Welcoming Remarks</b></p>
9:00 am 0.75 hr	<p><b>Wills and Living Trusts: What's Best for the Client?</b></p> <p>A discussion of the advantages and problems of using a will or a trust as the primary vehicle for transferring wealth at death.</p> <p>Thomas M. Featherston Jr., Baylor University School of Law - Waco, TX Jerry Frank Jones, Attorney at Law - Austin, TX</p>
9:45 am 1.00 hr	<p><b>What Every Estate Planner Needs to Know about SNTs</b></p> <p>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.</p> <p>Randy Drewett, Attorney at Law - Beaumont, TX Patricia F. Sitchler, Schoenbaum, Curphy &amp; Scanlan, P.C. - San Antonio, TX</p>
10:45 am	<p><b>Break</b></p>
11:00 am 0.75 hr 0.50 hr ethics 0.75 hr guardianship	<p><b>The Role of the Guardian</b></p> <p>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.</p> <p>Craig Hopper, Hopper &amp; Associates, P.C. - Austin, TX</p>

### Thursday Afternoon, Aug. 11, 2011

**Presiding Officer:**

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

	<p><b>Luncheon Presentation</b></p>
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11:45 am	<p><b>Pick Up Lunch</b></p> <p>Included in conference registration fee.</p>
12:00 pm 0.75 hr	<p><b>Estate Planning and Elder Law Case Law Update</b></p> <p>What do you really need to know about recent cases to avoid errors and meet your client's estate planning goals?</p> <p>Rebecca C. Morgan, Stetson University College of Law - Gulfport, FL</p>
12:45 pm	<p><b>Break</b></p>
1:00 pm 0.75 hr 0.25 hr ethics	<p><b>Recent Developments in Multi-Party Accounts and Non-Probate Assets</b></p> <p>The hits (and misses) keep on coming, including <i>Holmes v. Beatty</i>, 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.</p> <p>Glenn M. Karisch, The Karisch Law Firm, PLLC - Austin, TX</p>
1:45 pm 0.75 hr	<p><b>Protecting Homes, Farms and Ranches, and Other Businesses under the Medicaid Rules</b></p> <p>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 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.</p> <p>H. Clyde Farrell, Farrell &amp; Pak PLLC - Austin, TX Bliss Burdett Pak, Farrell &amp; Pak PLLC - Austin, TX</p>
2:30 pm 0.50 hr	<p><b>Medicaid and VA Eligibility and Blended Families</b></p> <p>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.</p> <p>Amanda Marguerite Gyeszly, Fizer Beck Webster Bentley &amp; Scroggins - Houston, TX Wesley E. Wright, Wright Abshire, Attorneys - Bellaire, TX</p>
3:00 pm	<p><b>Break</b></p>
3:15 pm 0.75 hr 0.50 hr ethics 0.75 hr guardianship	<p><b>The Role of the Attorney Ad Litem</b></p> <p>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.</p> <p>Hon. Steve M. King, Tarrant County Probate Court #1 - Fort Worth, TX</p>

4:00 pm 0.50 hr 0.25 hr guardianship	<p><b>Border Violence and Its Impact on Guardianship and Probate Practice</b></p> <p>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), including a basic overview of the income, estate and gift tax considerations of nonresident individuals.</p> <p>Moderator: A. M. Nunley III, A. M. NUNLEY III - Midland, TX</p> <p>Panelists: Hon. Patricia Chew, El Paso County Probate Court #1 - El Paso, TX</p> <p>Panelists: Hon. Eduardo A. Gamboa, El Paso County Probate Court #2 - El Paso, TX</p> <p>Panelists: Hon. Homero Garza, Hidalgo County Probate Court - Edinburg, TX</p>
4:30 pm 0.75 hr	<p><b>View from the HHSC</b></p> <p>Officials from the Texas Health and Human Services Commission (HHSC) discuss current issues in long-term care Medicaid eligibility.</p> <p>Moderator: Patricia F. Sitchler, Schoenbaum, Curphy &amp; Scanlan, P.C. - San Antonio, TX</p> <p>Panelists: Janice Kathleen Anderson, Texas Health and Human Services Commission (HHSC) - Austin, TX</p> <p>Panelists: Beverly Luna, Texas Health and Human Services Commission (HHSC) - Austin, TX</p>
5:15 pm	<p><b>Adjourn to Reception</b></p> <p>Sponsored by Encore Trust</p>

**Friday Morning, Aug. 12, 2011**

**Presiding Officer:**  
**Hon. Gladys B. Burwell**, Senior Statutory Probate Judge - Friendswood, TX

7:45 am	<p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p>
8:30 am 1.00 hr 0.25 hr ethics 0.25 hr guardianship	<p><b>Ask the Experts</b></p> <p>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.</p> <p>Moderator: Marilyn G. Miller, Attorney at Law - Dripping Springs, TX</p> <p>Panelists: Randy Drewett, Attorney at Law - Beaumont, TX</p> <p>Panelists: Deborah A. Green, Attorney at Law - Austin, TX</p> <p>Panelists: Pi-Yi Mayo, Law Office of Pi-Yi Mayo - Baytown, TX</p> <p>Panelists: Wesley E. Wright, Wright Abshire, Attorneys - Bellaire, TX</p>

9:30 am 1.00 hr	<p><b>Medicare Basics</b></p> <p>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.</p> <p>Alfred J. Chiplin Jr., Center for Medicare Advocacy, Inc. - Washington, DC</p>
10:30 am	<p><b>Break</b></p>
10:45 am 0.50 hr	<p><b>Levels of Care</b></p> <p>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.</p> <p>Christina Leshner, Attorney at Law - Houston, TX</p>
11:15 am 0.50 hr	<p><b>Planning for Veterans: What Trusts Can You and Should You Use?</b></p> <p>Planning for veterans is different than estate planning and medical planning. Learn to avoid the landmines by using the right tools for the job.</p> <p>Victoria L. Collier, Collier &amp; St. Clair, LLP - Decatur, GA</p>
11:45 am 0.50 hr	<p><b>The Gift and Estate Taxes: Where Are We Now?</b></p> <p>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.</p> <p>Tina R. Green, Capshaw Green, PLLC - Texarkana, TX</p>

## Friday Afternoon, Aug. 12, 2011

### Presiding Officer:

**Hon. Gladys B. Burwell**, Senior Statutory Probate Judge - Friendswood, TX

	<p><b>Luncheon Presentation</b></p>
12:15 pm	<p><b>Pick Up Lunch</b></p> <p>Included in conference registration fee.</p>
12:35 pm 0.75 hr	<p><b>2011 Texas Probate and Trust Legislative Update</b></p> <p>An overview of Texas statutory changes affecting probate, guardianships, trusts, powers of attorney and other areas of interest to estate and probate practitioners.</p> <p>William D. Pargaman, Brown McCarroll, L.L.P. - Austin, TX</p>
1:20 pm	<p><b>Break</b></p>

<p>1:35 pm 0.50 hr ethics 0.50 hr guardianship</p>	<p><b>To Apply for Guardianship or Not: Where Is the Edge?</b></p> <p>A discussion of the practical and legal advantages, as well as the limitations, of a guardianship proceeding.</p> <p>Sarah Patel Pacheco, Crain, Caton &amp; James, P.C. - Houston, TX</p>
<p>2:05 pm 0.50 hr 0.50 hr guardianship</p>	<p><b>Alternatives to Guardianship</b></p> <p>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.</p> <p>Hon. Guy Herman, Travis County Probate Court #1 - Austin, TX</p>
<p>2:35 pm 0.50 hr 0.25 hr guardianship</p>	<p><b>Community Property Administration for an Incapacitated Spouse: Nuts-and-Bolts of Using Section 883</b></p> <p>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.</p> <p>Pi-Yi Mayo, Law Office of Pi-Yi Mayo - Baytown, TX Bryn Anne Poland, Law Office of Pi-Yi Mayo - Baytown, TX</p>
<p>3:05 pm 0.75 hr ethics 0.75 hr guardianship</p>	<p><b>Mental Health and Substance Abuse Issues in Guardianship</b></p> <p>A discussion of mental health and substance abuse commitment processes and their use in lieu of guardianships.</p> <p>Hon. Guy Herman, Travis County Probate Court #1 - Austin, TX</p>
<p>3:05 pm 0.00 hr ethics</p>	<p><b>Online Course Guardianship Affidavit</b></p>
<p>3:50 pm</p>	<p><b>Adjourn</b></p>