

14TH ANNUAL

ESTATE PLANNING, GUARDIANSHIP AND ELDER LAW CONFERENCE



August 9–10, 2012

Moody Gardens Hotel ▪ Galveston, Texas

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Summer Conference Series: Informative and Informal

ESTATE PLANNING, GUARDIANSHIP AND ELDER LAW CONFERENCE

August 9–10, 2012 • Moody Gardens Hotel • Galveston, Texas

Earn up to 14.50 Hours of Credit Including 3.00 Hours of Ethics Credit and 3.75 Hours of Guardianship Credit (indicated by G)

THURSDAY MORNING, AUG. 9, 2012

Presiding Officer:

H. Clyde Farrell, Austin, TX

7:30 a.m. Registration Opens

Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. .75 hr

Case Law Update: Wills and Trusts

This presentation discusses judicial developments relating to the Texas law of intestacy, wills, estate administration, trusts, and other estate planning matters. The discussion of each case concludes with a moral—the important lesson to be learned from the case. By recognizing situations that have led to time-consuming and costly litigation in the past, estate planners can reduce the likelihood of the same situations arising with their clients.

Gerry W. Beyer, Lubbock, TX

9:15 a.m. .75 hr

Current Issues in Marital Property Planning

A look at obstacles and opportunities in marital property planning, including dealing with the non-participant spouse's interest in the employee's retirement benefits. How does it work? What really happens when the non-participant spouse dies with a will leaving that spouse's estate to children or no will with prior children as statutory heirs?

Thomas M. Featherston Jr., Waco, TX

10:00 a.m. Break

10:15 a.m. .75 hr

The Collision of Real Estate Law and Elder Law: Shocks and Sparks

This presentation provides the most up-to-date status of real property law as it affects the practice of elder law. In many instances, elder law attorneys must draft real estate transfer documents. For example, when a spouse is certified eligible for Nursing Home Medicaid, all non-exempt real property must be transferred to the community spouse. Elder law attorneys need to know the effect on future issuance of title insurance when there is a transfer to the spouse signed by the agent-spouse; or the effect of a ladybird deed in the chain of title; or the true law of Medicaid Estate Recovery.

Patricia F. Sitchler, San Antonio, TX

Commentator:

Gerry W. Beyer, Lubbock, TX

11:00 a.m. .75 hr

The Collision of Real Estate Law and Elder Law: Panel Discussion

Moderator:

Patricia F. Sitchler, San Antonio, TX

Panelists:

James L. Gosdin, Houston, TX
Hon. Guy Herman, Austin, TX
Kristen Quinney Porter, New Braunfels, TX
MERP Panelist TBD

11:45 a.m. Pick Up Lunch

Included in conference registration fee.

THURSDAY AFTERNOON

Presiding Officer:

Wesley E. Wright, Bellaire, TX

LUNCHEON PRESENTATION SPONSORED BY



12:00 p.m. .75 hr

FAQ: Common Questions and Hot Topics in Elder Law

Hot topics and issues faced by elder law practitioners, including utilizing annuities in Medicaid planning—what works, what doesn't and pitfalls to avoid; the top 10 mistakes in Medicaid planning; and curing a transfer penalty: "Half-a-Loaf" explained.

Moderator:

Randy Drewett, Beaumont, TX

Panelists:

Marilyn G. Miller, Dripping Springs, TX
Patricia F. Sitchler, San Antonio, TX
Wesley E. Wright, Bellaire, TX

12:45 p.m. Break

1:00 p.m. 1.00 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

2:00 p.m. 1.00 hr G

We Can Work It Out: What Needs to Be Considered in Family Law and Guardianship Cases When a Special Needs Child is Aging Out

An experienced family law and an experienced guardianship attorney look closely at provisions in the Family Code and Guardianship Code that relate to parents' ongoing obligations, rights, and responsibilities toward their special needs children as the children become adults. The session highlights some key cross-over issues in both areas of law that affect an adult child with disabilities and their divorced parents who now need to become their child's legal guardian.

Deborah A. Green, Austin, TX
Keith D. Maples, Austin, TX

3:00 p.m. Break

3:15 p.m. .75 hr

Planning for Wartime Veterans:

New Developments

In 2011, the Veterans Administration created a new Pension & Fiduciary Department, which places much more focus on the pension with aid and attendance benefit. Several agencies have investigated the role lawyers and financial advisors play in assisting clients with eligibility. This presentation covers and discusses the VA's possible next steps.

Victoria L. Collier, Decatur, GA

4:00 p.m. .75 hr

What Every Estate Planner Needs to Know About Medicaid

Why revocable trusts impede Medicaid eligibility; how a simple testamentary trust can protect Medicaid benefits; why there is no real income limit for nursing home Medicaid; how to avoid the Medicaid "transfer traps"; and how Medicaid estate recovery can usually be avoided or minimized.

H. Clyde Farrell, Austin, TX
Bliss Burdett Pak, Austin, TX

4:45 p.m. .75 hr

View from the HHSC

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

Moderator:

H. Clyde Farrell, Austin, TX

Panelists:

Shari L. Nichols, Austin, TX
John Stockton, Austin, TX

5:30 p.m. Adjourn to Networking Reception

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FRIDAY MORNING, AUG. 10, 2012

Presiding Officer:

Hon. Gladys B. Burwell, Friendswood, TX

7:30 a.m. Conference Room Opens

Includes continental breakfast.

8:15 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:

H. Clyde Farrell, Austin, TX

Panelists:

Randy Drewett, Beaumont, TX
Craig Hopper, Austin, TX
Pi-Yi Mayo, Baytown, TX
Marilyn G. Miller, Dripping Springs, TX
Wesley E. Wright, Bellaire, TX

9:15 a.m. .75 hr including .25 hr ethics

Determination of Incapacity: What Every Estate Planner Needs to Know

This discussion focuses on the medical and legal standards applicable to an estate planning client's level of capacity. It includes the perspectives, processes and information relevant to a geriatric psychiatrist and a litigator when capacity may be an issue.

Mark E. Kunik, M.D., Houston, TX
Sarah Patel Pacheco, Houston, TX

10:00 a.m. Break

10:15 a.m. .75 hr G including .50 hr ethics

The Role of the Guardian

An examination of 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.

Stephen Jody Helman, Austin, TX

11:00 a.m. .50 hr

Alternatives to Guardianship

A look at some less restrictive (and less expensive) alternatives to guardianships of the person and estate, and when to use them.

Craig Hopper, Austin, TX

11:30 a.m. .75 hr G

Medicaid and Guardianship: Petitioning the Courts

Medicaid and guardianship law often collides. Each has its own set of rules, statutes and regulations. The intersection requires the practitioner to be aware of both areas and the unique rules, codes and statutes which apply when trying to qualify a ward for Medicaid. The presentation covers the various treatments of resources, attorney fees, spousal allowances, gifting, trusts and real estate by Probate Courts and Medicaid.

Pi-Yi Mayo, Baytown, TX
K. T. Whitehead, San Antonio, TX

12:15 p.m. Pick Up Lunch

Included in conference registration fee.

FRIDAY AFTERNOON

LUNCHEON PRESENTATION

12:30 p.m. .75 hr

FAQ: Common Questions and Hot Topics in Estate Planning

Hot topics and issues faced by estate planning practitioners, including estate planning for digital assets; estate planning for firearms; and re-thinking "simple"—why "simple" planning may be disastrous for your client.

Moderator:
Randy Drewett, TX

Panelists:
Christina Leshner, Houston, TX
Bryn Anne Poland, Baytown, TX

1:15 p.m. Break

1:30 p.m. .50 hr

Representing Trustees of Modest-Sized Trusts

A tool kit for advising nonprofessional trustees how to do their jobs and stay out of trouble. Materials include THE TRUSTEE'S HANDBOOK and form letters, checklists and handouts for getting individual trustees up and running.

Mary C. Burdette, Dallas, TX

2:00 p.m. .75 hr ethics

Representing Clients Who Depend Upon Others: Conflict and Confidentiality Issues

It may take a village to provide care, but one attorney cannot coordinate all the efforts. A look at

the goal of cost-effective legal representation while meeting the attorney's duty of confidentiality and avoiding conflicts when representing clients who depend upon a network of support

Renée C. Lovelace, Austin, TX

2:45 p.m. .75 hr ethics

Advising Clients on Medicare Eligibility Fraud

How to motivate Medicaid clients to follow the law by advising of penalties for fraud, including failure to disclose known facts, and what to advise clients who admit to fraudulent acts or omissions to you.

Jack Stick, Austin, TX

3:30 p.m. Adjourn

REGISTRATION FORM

Mail this registration form to:

ER12

The University of Texas School of Law, Attn. Registration
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

PLEASE PRINT CLEARLY

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Telephone _____ Fax _____

Registrant's Email (required) _____

Assistant's Email (optional) _____

Invoices, confirmations and receipts are emailed to these addresses.

GREEN REGISTRATION—Includes Electronic Materials on USB Key (only) and Thursday and Friday Luncheon Presentations

- Early Registration Fee due by Wednesday, August 1, 2012\$525
- Registration Fee after Wednesday, August 1, 2012.....\$575

STANDARD REGISTRATION— Includes Printed Course Binder (only), and Thursday and Friday Luncheon Presentations

- Early Registration Fee due by Wednesday, August 1, 2012\$555
- Registration Fee after Wednesday, August 1, 2012.....\$605

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
(\$250 purchased alone, \$50 with Registration or purchase of Course Binder or Audio MP3 Speeches on CD or Audio CD Set)

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.

- In-House CLE for 2—Includes Audio CD Set and Course Binders\$850
- _____ Add participants (includes Course Binder) for \$250 each\$ _____

TOTAL ENCLOSED\$ _____

METHOD OF PAYMENT

- Check (make checks payable to: The University of Texas at Austin)
- VISA or MasterCard (sorry, no AMEX or Discover)

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U.S. Postage
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August 9–10, 2012

CONFERENCE LOCATION



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

Special Rate: \$167
good through July 18, 2012
(subject to availability)

Parking: Complimentary self-parking
Overnight valet parking \$18

KEY DATES

August 1, 2012

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

August 3, 2012

last day for full refund

August 6, 2012

last day for partial refunds
\$50 processing fee applied

August 9, 2012, 8:20 a.m.

conference begins

CONFERENCE FACULTY AND PLANNING COMMITTEE

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