14th Annual Estate Planning, Guardianship and Elder Law Conference
August 9-10, 2012 • Moody Gardens • Galveston, TX

Thursday Morning, Aug. 9, 2012

Presiding Officer:
H. Clyde Farrell, Farrell & Pak PLLC - Austin, TX

7:30 am	**Registration Opens** Includes continental breakfast.
8:20 am	**Welcoming Remarks**
8:30 am 0.75 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, i.e., 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, Texas Tech University School of Law - Lubbock, TX
9:15 am 0.75 hr	**Current Issues in Marital Property Planning** A look at some of the 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., Baylor University School of Law - Waco, TX
10:00 am	**Break**
10:15 am 0.75 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. Commentator: Gerry W. Beyer, Texas Tech University School of Law - Lubbock, TX Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, P.C. - San Antonio, TX

11:00 am 0.75 hr	**The Collision of Real Estate Law and Elder Law: Panel Discussion** Moderator: Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, P.C. - San Antonio, TX Panelists: James L. Gosdin, Stewart Title Guaranty Company - Houston, TX Panelists: Hon. Guy Herman, Travis County Probate Court - Austin, TX Panelists: Kristen Quinney Porter, Kiesling, Porter, Kiesling & Free, P.C. - New Braunfels, TX
11:45 am	**Break to Pick Up Lunch** Included in conference registration fee.

Thursday Afternoon, Aug. 9, 2012

Presiding Officer:
Wesley E. Wright, Wright Abshire, Attorneys - Bellaire, TX

	LUNCHEON PRESENTATION Sponsored by Bank of Texas
12:00 pm 0.75 hr	**FAQ: Common Questions and Hot Topics in Elder Law** A discussion of some hot topics and issues faced by elder law practitioners, including: (1) Utilizing annuities in Medicaid planning—what works, what doesn't and pitfalls to avoid (2) The top 10 mistakes in Medicaid planning (3) Curing a transfer penalty: “Half-a-Loaf” explained Moderator: Randy Drewett, Attorney at Law - Beaumont, TX Panelists: Marilyn G. Miller, Attorney at Law - Dripping Springs, TX Panelists: Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, P.C. - San Antonio, TX Panelists: Wesley E. Wright, Wright Abshire, Attorneys - Bellaire, TX
12:45 pm	**Break**
1:00 pm 1.00 hr 0.50 hr ethics 1.00 hr guardianship	**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, Tarrant County Probate Court #1 - Fort Worth, TX

2:00 pm 1.00 hr 1.00 hr guardianship	**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, Attorney at Law - Austin, TX Keith D. Maples, Noelke English Maples St. Leger Blair, LLP - Austin, TX
3:00 pm	**Break**
3:15 pm 0.75 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, The Elder & Disability Law Firm of Victoria L. Collier, PC - Decatur, GA
4:00 pm 0.75 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, Farrell & Pak PLLC - Austin, TX Bliss Burdett Pak, Farrell & Pak PLLC - Austin, TX
4:45 pm 0.75 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, Farrell & Pak PLLC - Austin, TX Panelists: Shari L. Nichols, Texas Health and Human Services Commission - Austin, TX Panelists: John Stockton, Texas Health and Human Services Commission - Austin, TX
5:30 pm	**Adjourn to Networking Reception** Sponsored by Frost Wealth Advisors

Friday Morning, Aug. 10, 2012

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

7:30 am	**Conference Room Opens** Includes continental breakfast.
8:15 am 1.00 hr 0.25 hr ethics 0.25 hr guardianship	**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, Farrell & Pak PLLC - Austin, TX Panelists: Randy Drewett, Attorney at Law - Beaumont, TX Panelists: Craig Hopper, Hopper Mikeska PLLC - Austin, TX Panelists: Pi-Yi Mayo, Law Office of Pi-Yi Mayo - Baytown, TX Panelists: Marilyn G. Miller, Attorney at Law - Dripping Springs, TX Panelists: Wesley E. Wright, Wright Abshire, Attorneys - Bellaire, TX
9:15 am 0.75 hr 0.25 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, Baylor College of Medicine - Houston, TX Sarah Patel Pacheco, Crain, Caton & James, P.C. - Houston, TX
10:00 am	**Break**
10:15 am 0.75 hr 0.50 hr ethics 0.75 hr guardianship	**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, Osborne, Helman, Knebel & Deleery, LLP - Austin, TX
11:00 am 0.50 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, Hopper Mikeska PLLC - Austin, TX
11:30 am 0.75 hr 0.75 hr guardianship	**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, Law Office of Pi-Yi Mayo - Baytown, TX K. T. Whitehead, Attorney at Law - San Antonio, TX

12:15 pm	**Break to Pick Up Lunch** Included in conference registration fee.

Friday Afternoon, Aug. 10, 2012

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

	LUNCHEON PRESENTATION
12:30 pm 0.75 hr	**FAQ: Common Questions and Hot Topics in Estate Planning** A discussion of some hot topics and issues faced by estate planning practitioners, including: (1) Estate planning for digital assets (2) Estate planning for firearms (3) Re-thinking “simple”—why “simple” planning may be disastrous for your client Moderator: Randy Drewett, Attorney at Law - Beaumont, TX Panelists: Christina Lesher, Attorney at Law - Houston, TX Panelists: Bryn Anne Poland, Law Office of Pi-Yi Mayo - Baytown, TX
1:15 pm	**Break**
1:30 pm 0.50 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, Calloway, Norris, Burdette & Weber, PLLC - Dallas, TX
2:00 pm 0.75 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, The Lovelace Law Firm, P.C. - Austin, TX
2:45 pm 0.75 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, The Office of Inspector General - Austin, TX
3:05 pm 0.00 hr ethics	**Online Course Guardianship Affidavit**
3:30 pm	**Adjourn**