

15TH ANNUAL

ESTATE PLANNING, GUARDIANSHIP AND ELDER LAW CONFERENCE



August 8–9, 2013
Moody Gardens Hotel ▪ Galveston, Texas

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AND ELDER LAW CONFERENCE**

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17.00 Hours of CPE Credit; and 16.00 Hours of Certified Financial Planner (CFP) CE Credit

THURSDAY MORNING, AUG. 8, 2013

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

Legislative Update: Out with the Old (Probate Code) and In with the New (Estates Code)

A 2013 Texas estate and trust legislative update including probate, guardianships, trusts, powers of attorney, and related matters.

William D. "Bill" Pargaman, Saunders Norval Pargaman & Atkins, LLP, Austin, TX

9:45 a.m. .75 hr

A Toolkit for New Elder Law Practitioners

An introduction to the practice of elder law including issue spotting, basic planning strategies, referrals to important resources, how tos, and forms.

Christina Leshner, Attorney at Law, Houston, TX
Bliss Burdett Pak, Farrell & Pak PLLC, Austin, TX

10:30 a.m. Break

10:45 a.m. .75 hr

The Unexpected Complexities of Tragedy: Fundraising, Medicaid, Special Needs Trusts and Tax Deductions

This presentation explores the complex issues that arise when tragedy strikes, often causing fundraising efforts to begin by people who are trying to help, but who have no knowledge of the problems that could arise later when the victim needs Medicaid.

Wesley E. Wright, Wright Abshire, Attorneys,
Bellaire, TX

11:30 a.m. 1.00 hr | .50 hr ethics | 1.00 hr G

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

12:30 p.m. Pick Up Lunch

Included in registration.

THURSDAY AFTERNOON

Presiding Officer:

**Wesley E. Wright, Wright Abshire,
Attorneys, Bellaire, TX**

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LUNCHEON PRESENTATION

12:50 p.m. .75 hr

Estate Planning Case Law Update

A look at judicial developments relating to the Texas law of intestacy, wills, estate administration, trusts, and other estate planning matters.

Hon. Polly Jackson Spencer, Bexar County Probate Court No. 1, San Antonio, TX

1:35 p.m. Break

1:45 p.m. .50 hr

Gift and Estate Tax: Where Are We Now?

An update on changes to the transfer tax laws under the American Taxpayer Relief Act of 2012, including portability of the estate tax exemption.

Amanda M. Gyeszly, Fizer Beck Webster Bentley & Scroggins, Houston, TX

2:15 p.m. .75 hr

Estate Planning in Our Current Environment

Practical estate planning strategies following the American Taxpayer Relief Act (ATRA) including the outlook for further legislative changes, the impact of higher tax brackets on trust distribution planning, approaches to estate planning following ATRA, strategies to preserve basis adjustments, wealth transfer strategies including the use of defined value clauses, and significant estate current planning developments.

Stephen R. Akers, Bessemer Trust Company NA,
Dallas, TX

3:00 p.m. .17 hr

Overview: HHSC Policy and Practices vs. Potential Accusations of Fraud—What Is the Proper Balance for the Practicing Attorney?

Wesley E. Wright, Wright Abshire, Attorneys,
Bellaire, TX

3:10 p.m. .67 hr ethics

Medicaid Fraud: The Practitioner's Perspective

A look at what practicing attorneys should know and understand when their clients are faced with potential accusations of Medicaid fraud, including issues around attorney-client privilege, duties to disclose information, and other ethical issues.

James G. Rytting, Hilder & Associates, P.C.,
Houston, TX

Moderator:

Wesley E. Wright, Wright Abshire, Attorneys,
Bellaire, TX

3:50 p.m. Break

4:05 p.m. .67 hr ethics

Medicaid Fraud: OIG's Perspective

A review of ways to get into and ways to stay out of trouble with Title XIX, how to advise your clients through common problem situations and know what OIG looks for.

Jack Stick, Office of the Inspector General, Texas Health and Human Services Commission, Austin, TX

Moderator:

Wesley E. Wright, Wright Abshire, Attorneys,
Bellaire, 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:

Wesley E. Wright, Wright Abshire, Attorneys, Bellaire, TX

Panelists:

Shari L. Nichols, Texas Health and Human Services Commission, Austin, TX
Additional HHSC Panelist

5:30 p.m. Adourn to Networking Reception

NETWORKING RECEPTION

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6:45 p.m. Reception Ends

FRIDAY MORNING, AUG. 9, 2013

Presiding Officer:

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

7:30 a.m. Conference Room Opens

Includes continental breakfast.

8:00 a.m. 1.00 hr | .25 hr ethics | .25 hr G

Ask the Experts

A panel of seasoned practitioners respond to your 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
Craig Hopper, Hopper Mikeska PLLC, Austin, TX
Marilyn G. Miller, Attorney at Law, Dripping Springs, TX
Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, P.C., San Antonio, TX

9:00 a.m. .75 hr

Attorney's Fees in Probate Court

An inside view on what the court is looking for in your fee applications.

Hon. Dan Prashner, Travis County Probate Court, Austin, TX

9:45 a.m. Break

10:00 a.m. .75 hr ethics

Deadly Sins of Attorney Fee Agreements

Learn how to prepare understandable fee agreements that comply with ethics rules you never thought about!

Mark D. White, Sprouse Shrader Smith PC, Amarillo, TX

10:45 a.m. 1.00 hr | .50 hr ethics | 1.00 hr G

The Role of the 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 No. 1, Fort Worth, TX

11:45 a.m. Pick Up Lunch

Included in registration.

FRIDAY AFTERNOON

Presiding Officer:

Randy Drewett, Attorney at Law, Beaumont, TX

LUNCHEON PRESENTATION

12:05 p.m. .75 hr | .25 hr G

Hot Topics about Cold Bodies: Issues Dealing with Disposition of Remains

Not-so-uncommon issues that come up in probate, including issues about DNA testing, cremation, interment and disinterment.

Hon. Guy Herman, Travis County Probate Court, Austin, TX

12:50 p.m. Break

1:00 p.m. .75 hr | .75 hr G

The Ins and Outs of 867 Management Trusts

This session reviews the requirements and appropriate uses for Probate Code Section 867 Management Trusts, and includes highlights of the 2013 legislative changes made to Section 867. Forms for pleadings to create the trusts and sample 867 trusts are provided.

Deborah A. Green, Attorney at Law, Austin, TX

1:45 p.m. .50 hr

Spousal Protection (Special Needs) Trusts

Properly drafted, a testamentary trust for a surviving spouse will not be a countable asset for Medicaid eligibility purposes. Spousal protection trusts may also outline future care protection for surviving spouses, who may be alone for many years. This session examines the benefits and challenges in working with clients to include spousal protection trusts in their plans.

Renée C. Lovelace, The Lovelace Law Firm, P.C., Austin, TX

2:15 p.m. .50 hr

Solo-Nation: Estate Planning for a New Era of Singletons

The percentage of Americans living alone has doubled since 1960. This may be the greatest social change since the baby boom, and most of these singletons live alone by choice. This group has specific estate planning needs, and, as singletons age, it is important for attorneys to develop a practice that includes services for this growing group. This presentation focuses on the estate planning needs of singletons and why it's important to include them in your estate planning practice.

Bryn Anne Poland, Law Office of Pi-Yi Mayo, Baytown, TX

2:45 p.m. .50 hr ethics

Planning to Avoid Power of Attorney Litigation

A look at preventing litigation arising from the principal/attorney-in-fact relationship. What can planners do to significantly reduce the risk of future litigation?

Elliott E. Burdette, Burdette & Rice, PLLC, Dallas, TX

3:15 p.m. Adourn

ABOUT THE COVER



Summer Retreat, 36" x 36", oil on canvas is by René Wiley and on display at René Wiley Studio Gallery, 2128 Postoffice Street, Galveston Island. For more information, visit www.renewiley.com.

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www.utcle.org

Or mail your registration to:
The University of Texas
School of Law
Attn. Registration
PO Box 7759
Austin, TX 78713-7759

Or fax to:
512.475.6876

Questions? Call us at 512.475.6700

CLE AND CPE CREDIT

CLE CREDIT

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 14.00 hours, of which 3.75 credit hours will apply to legal ethics/professional responsibility credit and 3.25 hours will apply to Guardianship credit.

Legal Specialization Credit Approved for Estate Planning and Probate Law, and Tax Law

The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively approved provider (#169).

CPE CREDIT

The University of Texas School of Law is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be submitted to the National Registry of CPE Sponsors through its website: www.learningmarket.org.

Earn up to 12.00 credits in Specialized Knowledge and Applications, 3.50 credits in Regulatory Ethics, and 1.50 credits in Taxes.

Delivery Method: Group-Live
Program Level: Overview
Advance Preparation: None

CFP CREDIT

Approved for 16.00 Hours of Certified Financial Planner (CFP) CE Credit.

REGISTRATION FORM

Mail this registration form to:
The University of Texas School of Law, Attn. Registration
PO Box 7759, Austin, TX 78713-7759 or fax a copy to: 512.475.6876

ER13

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City _____ State _____ Zip _____

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Invoices, confirmations and receipts are emailed to these addresses.

REGISTRATION—Includes Course Materials, Thursday and Friday Luncheon Presentations and Thursday Networking Reception

1. Select Type:

- Registration by Wednesday, July 31, 2013..... \$555
 Registration after Wednesday, July 31, 2013..... \$605

2. Select Course Materials Format:

- Electronic Course Binder on USB Key ONLY
 Printed Course Binder ONLY

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ConferenceComplete package includes Audio CD Set plus a Printed Binder and MCLE Reporting Form for each participant. Available for delivery 3-5 weeks after conference date. Shipping included.

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August 8–9, 2013

CONFERENCE LOCATION**Moody Gardens Hotel**
Seven Hope Boulevard
Galveston, TX 77554
888.388.8484**Special Room Rate: \$168**
good through July 17, 2013
(subject to availability)**Parking:**
Complimentary self-parking.
Overnight valet for \$18.**KEY DATES****July 31, 2013***last day for early registration*
add \$50 for registrations
received after this time**August 2, 2013***last day for full refund***August 5, 2013***last day for partial refund*
\$50 processing fee applied**August 8, 2013, 8:50 a.m.***Conference begins***REASONS TO ATTEND
ESTATE PLANNING, GUARDIANSHIP AND ELDER LAW CONFERENCE**

The Estate Planning, Guardianship and Elder Law Conference presents current developments and practical tips for estate planners and elder law attorneys, offers essential information for guardian ad litem, and provides a must-have set of materials and resources.

- Review the latest developments during ‘Case Law Update’ and ‘Legislative Update’
- Gain insight into the practice of elder law during ‘A Toolkit for New Elder Law Practitioners’
- Hear perspectives from practitioners and from representatives of HHSC and the OIG in the one-of-a-kind series of presentations on ‘HHSC Policy and Practices, and Potential Accusations of Fraud’
- Learn practical estate planning strategies following the American Taxpayer Relief Act, including changes to the gift and estate tax laws
- Answer your questions at the popular “Ask the Experts” panel
- Analyze select topics including the unexpected complexities of fundraising, attorney’s fees in probate court, disposition of remains issues, spousal protection trusts, and estate planning for singletons
- Examine guardianship essentials and hot topics—earn up to 3.25 hours of Guardianship credit
- Earn up to 3.75 hours of legal ethics credit
- Network during Thursday evening’s Reception— all attendees are invited