

17TH ANNUAL

ESTATE PLANNING, GUARDIANSHIP AND ELDER LAW CONFERENCE



Solidarity, René Wiley

August 6–7, 2015
Moody Gardens Hotel ■ Galveston, Texas

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

Informative and Informal—Beach Casual Attire Welcomed

ESTATE PLANNING, GUARDIANSHIP AND ELDER LAW CONFERENCE

August 6–7, 2015 ■ Moody Gardens Hotel ■ Galveston, Texas

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THURSDAY MORNING, AUG. 6, 2015**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****Elder Law Overview**

Trace the development of Elder Law, emerging as the only area of law defined by an age group, and understand its key components.

Wesley E. Wright, Wright Abshire, Attorneys,
Bellaire, TX**9:45 a.m. .50 hr****The "Senior Industrial Complex":
A Guide to Certified Professionals and What
They Can (and Can't) Do for Your Clients**

An examination of the "aging enterprise" and the various certifications used by service providers and case/care managers, including an understanding of the underlying certification criteria to better determine the value of the credentials to a client's situation.

Leah Cohen, arrangeCARE, Austin, TX
Marilyn G. Miller, Attorney at Law,
Dripping Springs, TX**10:15 a.m. Break****10:30 a.m. .50 hr****Powers of Attorney: Recent Developments**A review of new developments affecting Powers of Attorney, including the requirement to sign a power of attorney in a law office if the principal intends to give the agent the authority to sign a home equity loan (*Finance Com'n of Texas v. Norwood*); and the Agent's potential liability for breach of fiduciary duty when the principal acts on his own (*Vogt v. Warnock*; *Jordon v. Lyles*).Patricia F. Sitchler, Schoenbaum, Curphy &
Scanlan, P.C., San Antonio, TX**11:00 a.m. .75 hr | .25 hr ethics****Powers of Attorney:
Best Practices and Provisions**

A discussion of suggested solutions to potential issues when drafting powers of attorney, including avoiding potential exploitation, dealing with financial institutions and title companies, attorney-client privilege when representing the agent named in a power of attorney and other timely issues.

Moderator:
Patricia F. Sitchler, Schoenbaum, Curphy &
Scanlan, P.C., San Antonio, TX**Panelists:**
Glenn M. Karisch, The Karisch Law Firm, PLLC,
Austin, TX
David P. Stanush, Strasburger & Price, LLP,
San Antonio, TX**11:45 a.m. Pick Up Lunch**

Included in registration.

THURSDAY AFTERNOON**Presiding Officer:****Anna María Méndez, Cadence Bank,
Austin, TX****LUNCHEON PRESENTATION****12:05 p.m. .75 hr****Legislative Update**

A 2015 Texas estate and trust legislative update including probate, guardianships, trusts, powers of attorney, and related matters.

Craig Hopper, Hopper Mikeska, PLLC, Austin, TX

12:50 p.m. Break**1:05 p.m. .50 hr****Exempt Property Set Asides, Allowances in Lieu
Thereof, and Family Allowances in Probate**

The use of tools for the protection of a decedent's spouse, minor children, and adult disabled children.

Hon. Guy Herman, Travis County Probate Court #1,
Austin, TX**1:35 p.m. .50 hr****Credit Shelter Trusts, Portability and Basis
Adjustment**

Review the changes in planning considerations since the enactment of portability legislation and learn when it may be appropriate to use a marital trust, outright bequest to the surviving spouse, or modified credit shelter trust in lieu of a traditional credit shelter trust.

Webber Barton Roscher, Osborne, Helman,
Knebel & Scott, LLP, Austin, TX**2:05 p.m. .50 hr****Disclaimers: Old Friend, New Issues**

The how, when, why and why not of disclaimers, with a discussion of new developments and a look at the future.

Glenn M. Karisch, The Karisch Law Firm, PLLC,
Austin, TX**2:35 p.m. Break****2:45 p.m. .75 hr | .25 hr ethics****Trust Protectors (Trust Advocates)**

A look at the additional layers of advice, direction, and advocacy in trust administration by fiduciaries and possibly by non-fiduciaries, taking into consideration different roles, titles, and statutory changes.

Renée C. Lovelace, The Lovelace Law Firm, P.C.,
Austin, TX
Glenn M. Karisch, The Karisch Law Firm, PLLC,
Austin, TX**ABOUT THE COVER***Solidarity*, 40" x 30", oil on canvas, is
by René Wiley. For more information,
visit www.renewileygallery.com

3:30 p.m. .75 hr | .25 hr ethics

The Move to Medicaid Managed Care

An overview of Medicaid managed care initiatives in Texas; plus practical advice on what you need to know and what to expect.

Emma Hemness, Law Office of Emma Hemness PA, Brandon, FL
Texas HHSC Speaker

4:15 p.m. .75 hr

Hot Topics in Estate Planning and Elder Law

What's in, what's out and what's unknown—a look at the issues which most affect our practices due to rules, regulations, drafting and public policy.

Mary Alice Jackson, Mary Alice Jackson, P.C., Austin, TX

5:00 p.m. Adjourn to Reception

THANK YOU TO OUR RECEPTION SPONSOR



FRIDAY MORNING, AUG. 7, 2015

Presiding Officer:

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

7:30 a.m. Conference Room Opens

Includes continental breakfast.

GUARDIANSHIP ESSENTIALS

8:00 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 guardianship administration from initiation to closing, including the code requirements of selling and leasing property, ethical issues and more.

Clinton Wayne Alexander, Barnes Lipscomb Stewart, Austin, TX

9:00 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 in guardianship proceedings with an emphasis on practical application of the statutes, conduct in uncontested and contested proceedings and pointers on applications for fees. Materials include numerous checklists, comprehensive references and forms.

Hon. Steve M. King, Tarrant County Probate Court #1, Fort Worth, TX

10:00 a.m. Break

10:15 a.m. .75 hr

Classic Issues and Unexpected Twists: Texas Case Law in Review

A review of recent Texas cases impacting estate planning, estate administration and elder law practices.

Elisa Dillard Rainey, Rainey & Rainey, Attorneys at Law LP, Waco, TX

11:00 a.m. .75 hr | .25 hr ethics

VA Look-Back:

What Do the Proposed Law Changes Mean to You and Your Clients?

In January 2015, the VA issued proposed changes to the Improved Pension (with Aid and Attendance) laws that would implement a 3-year look-back, penalties up to 10 years, a bright-line net worth limit and other changes that would harm the ability of Wartime Veterans from qualifying. Learn how to capitalize on opportunities before the rules become final!

Victoria L. Collier, The Elder & Disability Law Firm of Victoria L. Collier, PC, Decatur, GA

11:45 a.m. Pick Up Lunch

Included in registration.

FRIDAY AFTERNOON

Presiding Officer:

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

LUNCHEON PRESENTATION

12:05 p.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:

Craig Hopper, Hopper Mikeska, PLLC, Austin, TX
Elisa Dillard Rainey, Rainey & Rainey, Attorneys at Law LP, Waco, TX

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

Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, P.C., San Antonio, TX

1:05 p.m. Break

1:20 p.m. .50 hr

The Ins and Outs of Long-Term Care Insurance

Fighting over long term care insurance—the basics, common issues and practice tips.

Jennifer Tatum Lee, Taylor Dunham and Rodriguez LLP, Austin, TX

1:50 p.m. .50 hr

The View from HHSC

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

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

2:20 p.m. .75 hr | .25 hr ethics | .75 hr G

Guardianship Issues for the Impaired Divorce Client

Sarah Patel Pacheco, Crain, Caton & James, P.C., Houston, TX

3:05 p.m. .50 hr | .50 hr G

Guardianship for the Medicaid Recipient

A discussion on guardian compensation, Medicaid spend-down considerations, and transfers and gifts of the ward's assets in relation to Medicaid qualification.

Kelley M. Bentley, Wright Abshire, Attorneys, Bellaire, TX
Joy Marie Eckelkamp, Wright Abshire, Attorneys, Bellaire, TX

3:35 p.m. Adjourn

“The topics are very relevant to my day-to-day caseload. Excellent materials, use of technology and knowledge of speakers. This is such a high-quality conference. I like that the program is fast-paced. Speakers are well prepared and engaging with attendees. This course is always excellent and worth attending. I've enjoyed it for many years.”

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Attorney at Law
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ACCREDITATION

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 13.75 hours, of which 2.50 credit hours will apply to legal ethics/professional responsibility credit and 3.50 hours will apply to Guardianship credit.

Texas 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 a MCLE presumptively-approved provider by the Supreme Court of the State of Louisiana (#0553) and the Oklahoma Bar Association (#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.

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

To comply with NASBA Standards that the Registry sponsor is required to maintain records of participation, dates and locations of programs and number of CPE credits earned by participants, attendance sign-in sheets will be available at the registration desk and attendees claiming CPE credit must sign in to verify attendance for each segment. You will need your CPA license number to sign in. A CPE Certificate of Completion will be issued at the conclusion of the conference.

CFP CREDIT

Approved for 21.50 hours of Certified Financial Planner Credit (CFP).

HOW TO REGISTER

Online:
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512.475.6876

Questions? 512.475.6700

*Dietary requirements or Accessibility needs?
Call 512.475.6700 or email service@utcle.org*

REGISTRATION BENEFITS

Before the Conference: Access course materials—downloadable PDFs of papers and slides—and speaker and attendee roster in *Your Briefcase* 48 hours before the conference.

After the Conference: Unlimited access to final, complete course materials—downloadable PDFs of papers and slides—in *Your Briefcase*.

Bonus eCourses: Complimentary 180-day access to Bonus eCourses—with papers, slides, and audio—for CLE credit (TX, CA) you may have missed at the conference. Available in *Your Briefcase* 6–8 weeks after the conference.

TX MCLE Credit Reporting: UT Law CLE can report credit on your behalf directly to the State Bar of Texas. Track your Texas MCLE credit claimed and reported through UT Law CLE in *Your Account*.

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IN-HOUSE AND CONFERENCECOMPLETE MATERIALS

In-House

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ConferenceComplete Materials

Comprehensive Binder and Audio products from the live conference—for research and self-study. Available for download and shipping.

REGISTRATION FORM

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ER15
(w)

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

Special group registration rates available. Call 512.475.6700.

1. Select Registration Type

- Individual registration by Wednesday, July 29 \$575
 Individual registration after Wednesday, July 29 \$625

2. Select Course Materials Format

- Electronic Course Binder Download (PDF) ONLY
 Printed Course Binder ONLY (available through July 29)

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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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- eBinder Download (PDF) \$225
 Printed Binder \$275
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GALVESTON

August 6–7, 2015

CONFERENCE LOCATION



Moody Gardens Hotel
 Seven Hope Boulevard
 Galveston, Texas
 888.388.8484

Special Room Rate: \$174
 good through July 13
 (subject to availability)

Parking:
 Complimentary self-parking

KEY DATES

July 29, 2015

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

July 31, 2015

last day for cancellation (full refund)

August 3, 2015

last day for cancellation (partial refund)
 \$50 processing fee applied

August 6, 2015, 8:50 a.m.

Conference begins

**REASONS TO ATTEND
 THE 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 guardians ad litem, and provides a must-have set of materials and resources.

- Hear the latest on the VA’s proposed changes to the Improved Pension laws and hear strategies for capitalizing on opportunities before the rules become final
- Explore the development and key components of Elder Law and gain a better understanding of the certifications (and criteria) used by various service and care providers
- Review the latest case law and legislative developments, including an in-depth look at recent decisions affecting Powers of Attorney
- Analyze select estate planning and probate topics including exempt property set-asides and family allowances in probate, credit shelter trusts, portability and basis adjustment, and much more
- Get answers to your questions at the popular *Ask the Experts* panel
- Hear from the HHSC on current issues in Medicaid eligibility, as well as the move to Medicaid managed care
- Review guardianship essentials and hot topics—earn up to 3.50 hours of Guardianship credit
- Earn up to 2.50 hours of legal ethics credit
- Network with conference faculty and fellow colleagues at the Thursday Evening Reception

This conference is informative and informal—attendees and faculty are encouraged to dress “beach casual” and bring the family to enjoy Moody Gardens on Galveston Island!