

18<sup>TH</sup> ANNUAL  
**ESTATE PLANNING, GUARDIANSHIP  
AND ELDER LAW CONFERENCE**



August 11–12, 2016  
Moody Gardens ■ Galveston, Texas

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UNDERWRITER



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Earn up to 14.25 hours of credit including 2.75 hours of Ethics credit and 4.75 of Guardianship, 17.00 hours of CPE credit (NASBA), and 21.50 hours of Certified Financial Planner (CFP) CE credit.

TX NAELA members stay another day and attend the  
**TX NAELA Summer Conference on August 12 and 13!**  
The Summer Conference is open only to TX NAELA Members.

**ESTATE PLANNING, GUARDIANSHIP AND ELDER LAW CONFERENCE**

August 11–12, 2016 ■ Moody Gardens ■ Galveston, Texas

Earn up to 14.25 hours of credit including 2.75 hours of Ethics credit and 4.75 of Guardianship, 17.00 hours of CPE credit (NASBA), and 21.50 hours of Certified Financial Planner (CFP) CE credit.

**THURSDAY MORNING, AUG. 11, 2016****Presiding Officer:**H. Clyde Farrell, Farrell & Pak PLLC,  
Austin, TX**8:00 a.m. Registration Opens**

Includes continental breakfast.

**THANK YOU TO OUR  
BREAKFAST SPONSOR****8:50 a.m. Welcoming Remarks****9:00 a.m. 1.00 hr****Anatomy of a Will**

An ideal refresher on key practice points and drafting strategies as well as discussion of ethical issues faced by estate planners. This presentation includes an updated version of the classic paper, *Anatomy of a Will*.

Bernard E. Jones, Attorney at Law, Houston, TX

**10:00 a.m. .75 hr****Best Practices in Drafting Revocable and Irrevocable Trusts**

Trust drafting practices continue to evolve with changes in the industry. Address the basic framework for trusts, time-honored principles of drafting, situation-specific adjustments, and trends that indicate the need for new approaches.

Renée C. Lovelace, The Lovelace Law Firm, P.C.,  
Austin, TX**10:45 a.m. Break****THANK YOU TO OUR BREAK SPONSOR**

Secured Futures, Inc.

**11:00 a.m. .75 hr****Changing the Probate "Ship" Midstream: Possibilities and Limitations**

Discuss the procedure for when it becomes necessary to change course during the administration of an estate.

Kelley M. Bentley, Roberts Markel Weinberg Butler  
Hailey, Sugar Land, TX**11:45 a.m. .75 hr | .25 hr G****Working with Creditors and Claims in Guardianship, Dependent and Independent Administration**

Keith Morris, Ostrom Morris PLLC, Houston, TX

**12:30 p.m. Pick Up Lunch**

Included in registration.

**THURSDAY AFTERNOON****Presiding Officer:**Christina Leshner, The Law Office of  
Christina Leshner, PC, Houston, TX**LUNCHEON PRESENTATION****12:50 p.m. .50 hr****Disability Rights Texas**

A brief overview of Disability Rights Texas, the federally mandated protection and advocacy agency for the State of Texas for individuals with disabilities. Topics include an understanding of their structure, the applicability to the practice of law, the services they offer clients, and how to contact the organization through their intake process.

Sean Jackson, Disability Rights Texas, Houston, TX

**1:20 p.m. Break****1:35 p.m. .50 hr****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**2:05 p.m. .50 hr****In Quest of the Perfect Medicaid Application**

Although it may not be possible to guarantee that every Medicaid application will be accepted upon the first filing, learn time-tested tips to improve the odds.

Nora Evelyn Alegria-Fuentes, The Law Office of  
Christina Leshner, PC, Houston, TX  
Marilyn G. Miller, Attorney at Law,  
Dripping Springs, TX**2:35 p.m. 1.00 hr | .50 hr ethics | 1.00 hr G****Alternatives to Guardianship**

A discussion of less restricted alternatives to guardianship, as well as supports and services available to proposed wards.

Craig Hopper, Hopper Mikeska, PLLC, Austin, TX  
Richard Lavallo, Disability Rights Texas, Austin, TX**Commentator:**Hon. Guy Herman, Travis County Probate Court #1,  
Austin, TX**3:35 p.m. Break****THANK YOU TO OUR BREAK SPONSOR**

Secured Futures, Inc.

**3:45 p.m. .50 hr****Determining Capacity**

Explore standards and best practices in assessing a client's level of capacity.

Mark E. Kunik, M.D., M.P.H., Baylor College of  
Medicine and Michael E. DeBakey VA Hospital,  
Houston, TX**4:15 p.m. .75 hr | .25 hr ethics | .50 hr G****Supported Decision-Making:  
A New Alternative to Guardianship**

A look at recently-enacted Texas Estates Code Chapter 1357, the Supported Decision-Making Agreement Act, with a discussion of the potential benefits as well as the possible concerns, risks and ethical considerations that the law introduces.

**Moderator:**

Craig Hopper, Hopper Mikeska, PLLC, Austin, TX

**Panelists:**Laura Upchurch, Moorman Tate Haley Upchurch &  
Yates, LLP, Brenham, TX  
Richard Lavallo, Disability Rights Texas, Austin, TX**5:00 p.m. .50 hr****Provisions in Powers of Attorney for  
Different Levels of Gifting**

Review the common gifting authorizations used in durable powers of attorney.

Wendy Yates, Moorman Tate Haley Upchurch &  
Yates, LLP, Brenham, TX**5:30 p.m. Adjourn to Reception****THANK YOU TO OUR  
RECEPTION SPONSOR**

**Presiding Officer:**

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

**7:30 a.m. Conference Room Opens**

Includes continental breakfast.

**THANK YOU TO OUR BREAKFAST SPONSOR**



**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.

Hon. Guy Herman, Travis County Probate Court #1, 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. The 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**

**THANK YOU TO OUR BREAK SPONSOR**

Evan S. Howell, Professional Engineer, Real Estate and Property Management

**10:20 a.m. .75 hr**

**Case Law Update**

Examine important cases impacting the practice of estate planning, guardianship, and elder law in Texas.

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

**Materials By:**

Gerry W. Beyer, Texas Tech University School of Law, Lubbock, TX

**11:05 a.m. .75 hr**

**Understanding Public Benefits Affecting the Elderly**

Paying for care, medications, and deductibles is a challenge for many older adults. Find out how Long-Term Care Medicaid (nursing home and home care), Medicare, Medicare Savings Programs (QMB, SLMB, QI-1) and Supplemental Security Income (SSI) can increase the quality of life for your clients. Learn about these benefits and their eligibility requirements, and gain useful practice tips.

H. Clyde Farrell, Farrell & Pak PLLC, Austin, TX  
Christina Leshner, The Law Office of Christina Leshner, PC, Houston, TX

**11:50 a.m. Pick Up Lunch**

Included in registration.

**FRIDAY AFTERNOON**

**Presiding Officer:**

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

**LUNCHEON PRESENTATION**

**12:15 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

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

Marilyn G. Miller, Attorney at Law, Dripping Springs, TX

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

**1:15 p.m. Break**

**THANK YOU TO OUR BREAK SPONSOR**

Evan S. Howell, Professional Engineer, Real Estate and Property Management

**1:35 p.m. .75 hr**

**The Collision Between Real Estate and Elder Law**

Elder law and real estate attorneys prepare documents from different points of view and for different purposes. Explore the different perspectives and learn to solve issues that can arise when dealing with these differences.

Kristen Quinney Porter, Kristen Quinney Porter, LLC, New Braunfels, TX

**2:20 p.m. .75 hr | .75 hr G**

**Resolving Guardianship Disputes**

Utilizing and implementing least restrictive alternatives and other options in settling guardianship disputes.

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

**3:05 p.m. .75 hr ethics**

**Defensive Case Management for Elder Law Attorneys**

Learn a systematic approach to capturing data and using the system to defend against attempts by your clients' family members who want to involve you in disputes they have with other family members.

Pi-Yi Mayo, Law Office of Pi-Yi Mayo, Baytown, TX

**3:50 p.m. Adjourn**

**ARE YOU A TX NAELA MEMBER?**

Stay another day and attend the 2016 TX NAELA Summer Conference on Saturday morning, August 13 with an Opening Dinner on Friday evening, August 12.

*The Summer Conference and Dinner are only open to TX NAELA Members.*

**ABOUT THE COVER**



*Backlit Palms at Dawn*, 48" x 24", diptych, oil on canvas, is by René Wiley. For more information, visit [www.renewileygallery.com](http://www.renewileygallery.com).

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Baylor College of Medicine and  
Michael E. DeBakey VA Hospital  
Houston, TX

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Houston, TX

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Yates, LLP  
Brenham, TX

HON. GUY HERMAN  
Travis County Probate Court #1  
Austin, TX

RICHARD LAVALLO  
Disability Rights Texas  
Austin, TX

SHARI L. NICHOLS  
Texas Health and Human  
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Bellaire, TX

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The Law Office of Christina Leshar, PC  
Houston, TX

## 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 14.25 hours, of which 2.75 credit hours will apply to legal ethics/professional responsibility credit and 4.75 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](http://www.learningmarket.org).

Earn up to 17.00 credits in Specialized Knowledge and Applications.

Delivery Method: Group-Live

Program Level: Overview

Advance Preparation: None

To comply with NASBA Standards, 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

21.50 hours of Certified Financial Planner credit (CFP) expected.

TX NAELA Members can also attend:

# 2016 TX NAELA SUMMER CONFERENCE

August 12\* and 13, 2016  
Moody Gardens Hotel | Galveston, TX

\*Opening Dinner – additional registration

5.50 hr | .75 hr ethics  
\$150 (\$175 after Aug. 3)

## THIS CONFERENCE IS OPEN TO TX NAELA MEMBERS ONLY

SAVE BIG when you jointly register for the 2-day UT Law Estate Planning, Guardianship and Elder Law Conference.

\$445 (\$520 after Aug. 3) for **BOTH** conferences (TX NAELA members only)

The Texas Chapter of NAELA is holding its annual meeting and conference in conjunction with the UT Law's Estate Planning, Guardianship and Elder Law Conference at Moody Gardens in Galveston.

The TX NAELA event is scheduled for Friday evening, August 12 and Saturday morning, August 13. In addition to the annual meeting and awards presentations, the conference will address important topics and issues in Elder Law:

- Medicaid Waiver Programs
- Mental Capacity Issues for Guardianships and Executing Legal Instruments
- Know About our Neighboring States
- Technology Tips, Applications and their Ethical Use
- Ask the Experts and Other Hot Topics

For more information, full agenda, and to register visit [www.utcle.org/conferences/ERT16](http://www.utcle.org/conferences/ERT16) or call 512.475.6700.

### OPENING DINNER SPONSORED BY



## REGISTRATION FORM

**Online:**  
utcle.org/conferences/ER16  
**Fax:**  
512.475.6876

**Mail:**  
The University of Texas School of Law  
Attn. CLE  
PO Box 7759  
Austin, TX 78713-7759

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Assistant's Email (optional) \_\_\_\_\_  
*Invoices, confirmations and receipts are emailed to these addresses.*

**UT LAW CLE ESTATE PLANNING AND ELDER LAW CONFERENCE REGISTRATION—Includes Course Materials, Thursday and Friday Luncheon Presentation, and Thursday Evening Reception**  
Special group registration rates available. Call 512.475.6700.

### 1. Select Registration Type

- Individual registration by Wednesday, August 3 . . . . . \$575
- Individual registration after Wednesday, August 3 . . . . . \$625

### 2. Select Course Materials Format

- Electronic Course Binder Download (PDF) ONLY
- Printed Course Binder ONLY (available through August 3)

**I am a TX NAELA member and would ALSO like to attend our annual Summer Conference.**  
To register, please call 512.475.6700 or visit [www.utcle.org/conferences/ERT16](http://www.utcle.org/conferences/ERT16).

### IN-HOUSE—For Texas MCLE Credit

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.

- In-House for 2 . . . . . \$850
- \_\_\_\_\_ Additional participant(s) for \$275 each . . . . . \$ \_\_\_\_\_

### CONFERENCECOMPLETE MATERIALS<sup>†</sup>—For Research and Self-Study

Comprehensive Binder and Audio products from the live conference. Available for delivery 3–5 weeks after conference date. Shipping included.

- eBinder Download (PDF) . . . . . \$225
- Printed Binder . . . . . \$275
- Audio Download (MP3) . . . . . \$175
- Audio CD Set . . . . . \$225

<sup>†</sup>Texas customers—add 8.25% sales tax or include an Exemption Certificate . . . . . \$ \_\_\_\_\_  
*Sales tax will be invoiced separately on taxable orders for which payment does not include tax.*

TOTAL \$ \_\_\_\_\_

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- Check (make check payable to The University of Texas at Austin)
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**#UTLawElderLaw****GALVESTON****August 11–12, 2016****CONFERENCE LOCATION****Moody Gardens Hotel**Seven Hope Boulevard  
Galveston, Texas  
888.388.8484**Special Room Rate: \$189**good through July 18  
(subject to availability)**Parking:**

Complimentary self-parking

**KEY DATES****August 3, 2016***last day for early registration*  
add \$50 for registrations  
received after this time**August 5, 2016***last day for cancellation (full refund)***August 8, 2016***last day for cancellation (partial refund)*  
\$50 processing fee applied**August 11, 2016, 8:50 a.m.***Conference begins***THANK YOU TO OUR SPONSORS****UNDERWRITER**

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