

# 18<sup>th</sup> Annual Estate Planning, Guardianship and Elder Law Conference

## August 11-12, 2016 • Moody Gardens • Galveston, TX

### Thursday Morning, Aug. 11, 2016

**Presiding Officer:**

**H. Clyde Farrell**, Farrell & Pak PLLC - Austin, TX

8:00 am	<p><b>Registration Opens</b></p> <p>Includes continental breakfast.</p> <p><b>Thank You to Our Breakfast Sponsor</b> Rosen &amp; Spears</p>
8:50 am	<p><b>Welcoming Remarks</b></p>
9:00 am 1.00 hr	<p><b>Anatomy of a Will</b></p> <p>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, <i>Anatomy of a Will</i>.</p> <p>Bernard E. Jones, Attorney at Law - Houston, TX</p>
10:00 am 0.75 hr	<p><b>Best Practices in Drafting Revocable and Irrevocable Trusts</b></p> <p>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.</p> <p>Renée C. Lovelace, The Lovelace Law Firm, P.C. - Austin, TX</p>
10:45 am	<p><b>Break</b></p> <p><i>Sponsored by Secured Futures, Inc.</i></p>
11:00 am 0.75 hr	<p><b>Changing the Probate “Ship” Midstream: Possibilities and Limitations</b></p> <p>Discuss the procedure for when it becomes necessary to change course during the administration of an estate.</p> <p>Kelley M. Bentley, Roberts Markel Weinberg Butler Hailey - Sugar Land, TX</p>
11:45 am 0.75 hr 0.25 hr guardianship	<p><b>Working with Creditors and Claims in Guardianship, Dependent and Independent Administration</b></p> <p>Keith Morris, Ostrom Morris PLLC - Houston, TX</p>
12:30 pm	<p><b>Pick Up Lunch</b></p> <p>Included in registration.</p>

## Thursday Afternoon, Aug. 11, 2016

### Presiding Officer:

**Christina Lesher**, The Law Office of Christina Lesher, PC - Houston, TX

### LUNCHEON PRESENTATION

12:50 pm 0.50 hr	<b>Disability Rights Texas</b>  A brief overview of Disability Rights Texas, the federally mandated protection and advocacy agency for the State of Texas for individuals with disabilities, including an understanding of their structure, the applicability to the practice of law, what services they offer clients, and how to contact the organization through their intake process.  Sean Jackson, Disability Rights Texas - Houston, TX
1:20 pm	<b>Break</b>
1:35 pm 0.50 hr	<b>View from HHSC</b>  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 pm 0.50 hr	<b>In Quest of the Perfect Medicaid Application</b>  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 Lesher, PC - Houston, TX Marilyn G. Miller, Attorney at Law - Dripping Springs, TX
2:35 pm 1.00 hr 0.50 hr ethics 1.00 hr guardianship	<b>Alternatives to Guardianship</b>  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 pm	<b>Break</b>  <i>Sponsored by Secured Futures, Inc.</i>
3:45 pm 0.50 hr	<b>Determining Capacity</b>  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. DeBaakey VA Hospital - Houston, TX

<p>4:15 pm 0.75 hr 0.25 hr ethics 0.50 hr guardianship</p>	<p><b>Supported Decision-Making: A New Alternative to Guardianship</b></p> <p>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.</p> <p>Moderator: Craig Hopper, Hopper Mikeska, PLLC - Austin, TX</p> <p>Panelists: Laura Upchurch, Moorman Tate Haley Upchurch &amp; Yates, LLP - Brenham, TX Richard Lavallo, Disability Rights Texas - Austin, TX</p>
<p>5:00 pm 0.50 hr</p>	<p><b>Provisions in Powers of Attorney for Different Levels of Gifting</b></p> <p>Review the common gifting authorizations used in durable powers of attorney.</p> <p>Wendy Yates, Moorman Tate Haley Upchurch &amp; Yates, LLP - Brenham, TX</p>
<p>5:30 pm</p>	<p><b>Adjourn to Networking Reception</b></p> <p><b>Thank You to Our Reception Sponsor</b> Frost Wealth Advisors</p>

## Friday Morning, Aug. 12, 2016

### Presiding Officer:

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

<p>7:30 am</p>	<p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p> <p><b>Thank You to Our Breakfast Sponsor</b> American National Bank of Texas</p>
<p>8:00 am 1.00 hr 0.50 hr ethics 1.00 hr guardianship</p>	<p><b>The Role of the Guardian</b></p> <p>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.</p> <p>Hon. Guy Herman, Travis County Probate Court #1 - Austin, TX</p>
<p>9:00 am 1.00 hr 0.50 hr ethics 1.00 hr guardianship</p>	<p><b>The Role of the Ad Litem</b></p> <p>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.</p> <p>Hon. Steve M. King, Tarrant County Probate Court #1 - Fort Worth, TX</p>

10:00 am	<p><b>Break</b></p> <p><i>Sponsored by Evan S. Howell, Professional Engineer, Real Estate and Property Management</i></p>
10:20 am 0.75 hr	<p><b>Case Law Update</b></p> <p>Examine important cases impacting the practice of estate planning, guardianship and elder law in Texas.</p> <p>Elisa Dillard Rainey, Rainey &amp; Rainey, Attorneys at Law LP - Waco, TX Materials By: Gerry W. Beyer, Texas Tech University School of Law - Lubbock, TX</p>
11:05 am 0.75 hr	<p><b>Understanding Public Benefits Affecting the Elderly</b></p> <p>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.</p> <p>H. Clyde Farrell, Farrell &amp; Pak PLLC - Austin, TX Christina Leshner, The Law Office of Christina Leshner, PC - Houston, TX</p>
11:50 am	<p><b>Pick Up Lunch</b></p> <p>Included in registration.</p>

## Friday Afternoon, Aug. 12, 2016

### Presiding Officer:

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

### LUNCHEON PRESENTATION

12:15 pm 1.00 hr 0.25 hr ethics 0.25 hr guardianship	<p><b>Ask the Experts</b></p> <p>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.</p> <p>Moderator: H. Clyde Farrell, Farrell &amp; 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 &amp; Rainey, Attorneys at Law LP - Waco, TX</p>
1:15 pm	<p><b>Break</b></p> <p><i>Sponsored by Evan S. Howell, Professional Engineer, Real Estate and Property Management</i></p>

1:35 pm  
0.75 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 pm  
0.75 hr  
0.75 hr  
guardianship

**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 pm  
0.75 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 pm

**Adjourn**