

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

## August 3-4, 2017 • Moody Gardens • Galveston, TX

### Thursday Morning, Aug. 3, 2017

**Presiding Officer:**

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

7:30 am	<p><b>Registration Opens</b></p> <p>Includes continental breakfast.</p>
8:20 am	<p><b>Welcoming Remarks</b></p>
8:30 am 0.75 hr	<p><b>She Updated Her Forms, and You Won't BELIEVE What Happens Next</b></p> <p>The legislature meets, a judge writes an opinion, and — OMG! We have new laws to deal with! Find out the SEVEN things you NEED to add to your forms RIGHT NOW!</p> <p>Dianne Reis, Attorney at Law - Plano, TX</p>
9:15 am 0.75 hr	<p><b>Medicaid Update</b></p> <p>Learn the latest developments in Medicaid law, including how "block grants" and other proposed changes may affect their practices. Estate planners who are not Medicaid specialists will acquire essential Medicaid-related forms including Qualified Income Trusts, Lady Bird Deeds, Transfer on Death Deeds, LBD/TOD Grantee Trusts and Third-Party Supplemental Needs Trusts.</p> <p>H. Clyde Farrell, Farrell &amp; Pak PLLC - Austin, TX</p>
10:00 am 0.50 hr	<p><b>10 Pesky Probate Problems</b></p> <p>Hear 10 tips for new (and not so new) practitioners addressing various problems which arise during the probate process, such as dealing with collection agencies, taking control of estate property from those without authority, properly allocating rights and liabilities associated with jointly owned property, dealing with the IRS, and other "pesky" problems.</p> <p>Gus G. Tamborello, Gus G. Tamborello, P.C. - Houston, TX</p>
10:30 am	<p><b>Break</b></p>
10:45 am 0.75 hr	<p><b>Probate Procedures &amp; Alternatives</b></p> <p>A discussion of whom you represent, fee considerations, options and alternatives to probating a will, what to consider when there is no will, what to look for when reviewing a will, the mechanics of getting to the probate hearing, default and lost will issues, and issues in administering a simple estate. Comprehensive forms will also be provided.</p> <p>Claire D. East, Hopper Mikeska, PLLC - Austin, TX          Gregory Thomas Kimmel, Allen-Lottmann-Kimmel PC - Tyler, TX          Hon. Steve M. King, Tarrant County Probate Court One - Fort Worth, TX</p>

<p>11:30 am 0.75 hr</p>	<p><b>Drafting Wills and Trusts for Efficient Administration</b></p> <p>Hear a panel of corporate trustee's discuss how they administer the wills and trusts we draft and what they would like to see in our documents. Learn what to do if a beneficiary is pushing too much.</p> <p>Moderator: Daniel C. Bitting, Scott Douglass &amp; McConnico LLP - Austin, TX</p> <p>Panelists: Rita Bishop, Cadence Bank - Houston, TX Thomas A. Horton, Bank of Texas - Houston, TX Margaret Svoboda, American National Bank of Texas - Rockwall, TX</p>
<p>12:15 pm</p>	<p><b>Pick Up Lunch</b></p> <p>Included in registration.</p>

## Thursday Afternoon, Aug. 3, 2017

### Presiding Officer:

**Patricia F. Sitchler**, The Law Office of Patricia Flora Sitchler - La Vernia, TX

### LUNCHEON PRESENTATION

	<p><b>Thank You to Our Luncheon Sponsor</b></p> <p>Rosen &amp; Spears</p>
<p>12:35 pm 0.75 hr</p>	<p><b>Legislative Update</b></p> <p>Hear an update on Texas estate and trust legislation, including probate, guardianships, trusts, powers of attorney, and other related matters.</p> <p>Craig Hopper, Hopper Mikeska, PLLC - Austin, TX</p>
<p>1:20 pm</p>	<p><b>Break</b></p>
<p>1:35 pm 1.00 hr 0.50 hr ethics 1.00 hr guardianship</p>	<p><b>The Role of the Guardian</b></p> <p>Examine 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. Polly Jackson Spencer, Ret., Senior Statutory Probate Judge - San Antonio, TX</p>
<p>2:35 pm 0.50 hr</p>	<p><b>Medicaid: The View from the HHSC</b></p> <p>Hear the Texas Health and Human Services Commission (HHSC) address current issues in long-term care Medicaid eligibility.</p> <p>Allyson Boney Evans, Texas Health &amp; Human Services Commission - Austin, TX Shari L. Nichols, Texas Health and Human Services Commission - Austin, TX</p>

3:05 pm 0.75 hr ethics	<p><b>Individual Fiduciaries Gone Wild</b></p> <p>Executors, trustees, and other fiduciaries own the highest duties known to law and are held to strict standards of conduct. Explore the inherent risks of serving as an executor or trustee and hear suggestions for fiduciary risk management, defending breach of fiduciary duty claims, and related causes of action. Hear tips for advising clients on the appointment fiduciaries in an attempt to avoid future fiduciary litigation.</p> <p>Trevor Aaron Dobbs, Roberts Markel Weinberg Butler Hailey PC - Sugar Land, TX</p>
3:50 pm	<p><b>Break</b></p> <p><i>Sponsored by Kever &amp; Wiesenthal</i></p>
4:05 pm 1.00 hr 1.00 hr guardianship	<p><b>Bonds, Inventories, and Accountings</b></p> <p>Hear a thorough review of the Texas Estate Code requirements for qualification of personal representatives, the inventory and accounting process (including accountings required of independent executors and agents under powers of attorney,) and numerous practical tips not found in the statutes. Comprehensive forms will also be provided.</p> <p>Hon. Steve M. King, Tarrant County Probate Court One - Fort Worth, TX</p>
5:05 pm 0.50 hr	<p><b>Hot Topics</b></p> <p>Congress is a sizzling moving target in 2017, and the federal Department of Health and Human Services has a new Secretary, Dr. Tom Price. Discuss the winds of change, including a fundamental shift in the Medicaid funding process, potential cuts in state services, and Medicaid eligibility criteria changes. Also, hear an update on ABLE, the Special Needs Trusts Fairness Act, and the ACA Reform and its impact on Elder Law—don't miss it!</p> <p>Mary Alice Jackson, Mary Alice Jackson, P.C. - Austin, TX</p>
5:35 pm	<p><b>Adjourn to Reception</b></p> <p>Join us for drinks and hors d'oeuvres with program faculty and attendees from 5:35 p.m. to 6:35 p.m.</p> <p><b>Thank You to Our Reception Sponsor</b> Frost Wealth Advisors</p>
7:00 pm	<p><b>Patio Dinner — \$20 Per Ticket</b></p> <p>Bring your family to the patio for food and fun in the sun from 7:00 p.m. to 8:30 p.m!</p> <p><b>Thank You to Our Patio Dinner Sponsor</b> Evan S. Howell, Professional Engineer, Real Estate and Property Management</p>

## Friday Morning, Aug. 4, 2017

**Presiding Officer:**

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

7:30 am	<p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p> <p><b>Thank You to Our Breakfast Sponsor</b> Center for Optimal Brain Health</p>
8:00 am 1.00 hr 0.50 hr ethics 1.00 hr guardianship	<p><b>The Fourth Hour—Supports and Services: Underpinning the Less Restrictive Alternatives</b></p> <p>An examination identifying the need for a guardianship and the consideration of appropriate less restrictive alternatives, as often supplemented by supports and services applicable and available to the proposed ward.</p> <p>Leonard W. Woods Jr., Duggins Wren Mann &amp; Romero, LLP - Austin, TX Materials By: Hon. Steve M. King, Tarrant County Probate Court One - Fort Worth, TX</p>
9:00 am 1.00 hr 0.50 hr ethics 1.00 hr guardianship	<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. Mike Wood, Harris County Probate Court No. 2 - Houston, TX</p>
10:00 am	<p><b>Break</b></p>
10:20 am 0.75 hr	<p><b>Morals From the Courthouse: A Study of Recent Texas Cases Impacting the Wills, Probate, and Trust Practice</b></p> <p>Discuss recent judicial developments relating to the Texas law of intestacy, wills, estate administration, trusts, and other estate planning matters.</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>Deed Drafting in Estate Planning and Probate Contexts</b></p> <p>Using the correct deed for a client is essential to prevent future problems. Distinguish the various deeds and which deed is correct in the estate planning or probate context.</p> <p>Kristen Quinney Porter, Kristen Quinney Porter, LLC - New Braunfels, TX</p>
11:50 am 0.75 hr ethics	<p><b>Ethical Considerations for Fee Applications in Probate Court</b></p> <p>A review of the ethical considerations governing lawyers when seeking fees in Probate Court and practical aspects of fee applications.</p> <p>Hon. Guy Herman, Travis County Probate Court #1 - Austin, TX</p>
12:35 pm	<p><b>Pick Up Lunch</b></p> <p>Included in registration.</p>

## Friday Afternoon, Aug. 4, 2017

### Presiding Officer:

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

### LUNCHEON PRESENTATION

	<p><b>Thank You to Our Luncheon Sponsor</b></p> <p>Ostrom Morris</p>
<p>1:00 pm 1.00 hr 0.25 hr ethics 0.25 hr guardianship</p>	<p><b>Ask the Experts</b></p> <p>Hear 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</p> <p>Panelists: Craig Hopper, Hopper Mikeska, PLLC - Austin, TX Mary Alice Jackson, Mary Alice Jackson, P.C. - Austin, TX Elisa Dillard Rainey, Rainey &amp; Rainey, Attorneys at Law LP - Waco, TX Dianne Reis, Attorney at Law - Plano, TX</p>
<p>2:00 pm</p>	<p><b>Break</b></p> <p><i>Sponsored by American National Bank of Texas</i></p>
<p>2:20 pm 0.75 hr</p>	<p><b>Dealing with Mineral Rights: A Practitioners Guide to Oil and Gas</b></p> <p>Learn the basics of oil and gas, including mineral rights, royalties, and executive rights, while dealing with Texas issues and problems in probate, trust, elder care, and other areas.</p> <p>Theodore R. Borrego, Houston, TX</p>
<p>3:05 pm 0.75 hr</p>	<p><b>Trust Modifications: Balancing Competing Interests</b></p> <p>Get practical advice for trustees and beneficiaries on common issues that arise in the context of trust modifications.</p> <p>Michael B. Knisely, Osborne, Helman, Knebel &amp; Scott, LLP - Austin, TX Jason S. Scott, Osborne, Helman, Knebel &amp; Scott, LLP - Austin, TX</p> <p>Materials By: Glenn M. Karisch, The Karisch Law Firm, PLLC - Austin, TX</p>
<p>3:50 pm</p>	<p><b>Adjourn</b></p>