

# 21<sup>st</sup> Annual Estate Planning, Guardianship and Elder Law Conference

## August 1-2, 2019 • Moody Gardens • Galveston, TX

### Thursday Morning, Aug. 1, 2019

**Presiding Officer:**

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

7:30 am	<p><b>Registration Opens</b></p> <p>Includes continental breakfast.</p>
	<p><b>New this Year! Guest Meal Package—\$50</b></p> <p>Have family joining you in Galveston? You can now purchase a guest meal package for them that includes Thursday and Friday's continental breakfasts and lunches.</p>
8:20 am	<p><b>Welcoming Remarks</b></p>
8:30 am 0.75 hr	<p><b>Financial Powers of Attorney: Do You Want Fries With That Will?</b></p> <p>Drafting a statutory durable power of attorney used to be simple: You ask a couple questions, zap out the form, and bring it to the will signing ceremony with all the other documents. But these days we have to discuss compensation, co-agents, and hot powers. Even the location of the signing matters now. Can we design a form that works for all clients?</p> <p>Dianne Reis, Attorney at Law - Plano, TX</p>
9:15 am 0.75 hr	<p><b>Estate Planning 101</b></p> <p>A very practice oriented nuts &amp; bolts overview / how-to / to-do for basic estate planning, from the initial contact, planning conference &amp; terms of engagement, to the signing ceremony, exit letter &amp; beyond, with forms, options and insights for what is and is not appropriate depending on the circumstances.</p> <p>Bernard E. ("Barney") Jones, Attorney at Law - Houston, TX</p>
10:00 am	<p><b>Break</b></p>
10:15 am 0.75 hr	<p><b>Medicaid Update</b></p> <p>Current status of the Texas Medicaid Program's policy of treating some (but not all) tax-deferred retirement accounts as exempt from counting as "resources"; and other recent changes in Medicaid law and policy that Texas attorneys planning estates of older clients need to know about.</p> <p>H. Clyde Farrell, Farrell &amp; Johnson PLLC - Austin, TX</p>
11:00 am 0.75 hr	<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>

11:45 am  
0.75 hr

**From Long Term Care Medicaid Policy to Fair Hearings**

Hear a former Texas Health and Human Services Commission (HHSC) attorney, and current ALJ, give an overview of Medicaid Fair Hearings, including possible changes in the legislature and the implementation of such changes. Also, discuss documentary evidence for the hearings.

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

12:30 pm

**Break for Lunch**

Included in registration.

**Thursday Afternoon, Aug. 1, 2019**

**Presiding Officer:**

**Bryn A. Poland**, Mayo & Poland PLLC - Baytown, TX

**LUNCHEON PRESENTATION**

**Thank You to Our Luncheon Sponsor**

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



12:50 pm  
0.50 hr

**Firearms in the Workplace**

Get the latest legal insight on firearms in the workplace, including rights of employees and visitors vs. rights of employers; open vs. concealed carry; carry in offices/work areas vs. firearms in automobiles on company premises; enforcement issues pertaining to exclusion of firearms; and potential liability issues connected with either “carry” or “don’t carry” rules.

Ross Asher Jr., Roberts Markel Weinberg Butler Hailey PC - Houston, TX

1:20 pm

**Break**

1:35 pm  
0.50 hr

**Sex, Drugs, Guns, Cars and Dementia**

Cover how the unique aspects of sexual consent, firearm possession, drug use, and driving are impacted as cognitive function declines.

John K. Ross IV, Ross & Shoalmire LLP - Texarkana, TX

<p>2:05 pm 0.50 hr</p>	<p><b>Drafting for Incapacity Definition in Trusts and Powers of Attorney</b></p> <p>Examine the commonly-used definitions of incapacity, individually-created definitions of incapacity, and the pros and cons of using common definitions versus creative language.</p> <p>Renée C. Lovelace, The Lovelace Law Firm, P.C. - Austin, TX</p>
<p>2:35 pm 1.00 hr 0.50 hr ethics 1.00 hr guardianship</p>	<p><b>Alternatives to Guardianship Including Supports and Services</b></p> <p>An examination of the twin concepts of the doctrine of 'less restrictive alternatives' to guardianship and the concept of 'supports and services' and how the two interact to limit or obviate the need to create a guardianship.</p> <p>Hon. Steve M. King, Senior Statutory Probate Judge - Fort Worth, TX</p>
<p>3:35 pm</p>	<p><b>Break</b></p>
<p>3:45 pm 0.75 hr 0.75 hr guardianship</p>	<p><b>Guardianship and Divorce</b></p> <p>Learn when divorce is appropriate in a guardianship context, when a guardian is required for a divorce of an incapacitated person, and the appropriate court to hear a divorce action involving a guardianship.</p> <p>Monica Ann Benson, Katten &amp; Benson - Fort Worth, TX</p>
<p>4:30 pm 0.50 hr</p>	<p><b>The Medicaid Estate Recovery Program: What It Is, What It Isn't, and How to Avoid It</b></p> <p>Discuss the Medicaid Estate Recovery Program (MERP), its rules, requirements, and exemptions. The presentation will be geared to practical guidance for practitioners facing MERP claims.</p> <p>Jennifer L. Coulter, Townsend Allala, Coulter, &amp; Kludt, PLLC - El Paso, TX</p>
<p>5:00 pm 0.50 hr</p>	<p><b>The Trouble with Accountings: From Checklists to Traps</b></p> <p>A practical review of issues and pitfalls related to demands for accountings and the response. How to best educate the client and properly respond.</p> <p>Ellen Pearson Stewart, Barnes Lipscomb Stewart &amp; Ott - Austin, TX</p>
<p>5:30 pm</p>	<p><b>Adjourn</b></p>
<p>6:00 pm</p>	<p><b>Aquarium Reception and Dinner</b></p> <p>Bring your family to the aquarium for food and fun from 6:00 p.m. to 7:30 p.m.!</p>
	<p><b>Thank You to Our Aquarium Reception and Dinner Sponsor Frost Wealth Advisors</b></p> 

## Thursday Evening, Aug. 1, 2019

	<b>Aquarium Reception (Included in registration)</b>
	<b>Aquarium Reception Additional Non-Registrant Guest—\$30</b>

## Friday Morning, Aug. 2, 2019

### Presiding Officer:

**Kelley M. Bentley**, The Bentley Law Firm - Houston, TX

7:30 am	<b>Conference Room Opens</b>  Includes continental breakfast.
8:00 am 1.00 hr 0.50 hr ethics 1.00 hr guardianship	<b>Role of the Guardian</b>  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.  Craig Hopper, Hopper Mikeska, PLLC - Austin, TX
9:00 am 1.00 hr 0.50 hr ethics 1.00 hr guardianship	<b>Role of the Ad Litem</b>  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, Senior Statutory Probate Judge - Fort Worth, TX
10:00 am	<b>Break</b>
10:15 am 0.50 hr	<b>Real Estate Owned with Others</b>  An overview of the newly passed Uniform Partition of Heirs Property Act (UPHPA) and how it can impact the severance of jointly owned property.  Rishi Batra, Texas Tech University School of Law - Lubbock, TX
10:45 am 0.50 hr 0.25 hr ethics	<b>Trustee/Guardian Resignation: How to Jump Ship</b>  Get an overview of the resignation process generally including how to “jump ship” when no successor is named or available. Also, hear a discussion of discharge and to what extent resignation and/or discharge affects liability.  Christopher D. Jones, Sprouse Shrader Smith PLLC - Amarillo, TX

11:15 am 0.50 hr	<p><b>Evolution of Trusts in Elder Law</b></p> <p>An overview of how this traditional estate planning tool has been tailored to meet the distinctive needs of the Elder Law and Special Needs practitioner.</p> <p>Marilyn G. Miller, Marilyn G. Miller, Attorney at Law - Dripping Springs, TX</p>
11:45 am	<p><b>Pick Up Lunch</b></p> <p>Included in registration.</p>

## Friday Afternoon, Aug. 2, 2019

### Presiding Officer:

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

### LUNCHEON PRESENTATION

12:05 pm 1.00 hr 0.25 hr ethics 0.25 hr guardianship	<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; Johnson PLLC - Austin, TX</p> <p>Panelists:  Craig Hopper, Hopper Mikeska, PLLC - Austin, TX  Renée C. Lovelace, The Lovelace Law Firm, P.C. - Austin, TX  Marilyn G. Miller, Marilyn G. Miller, Attorney at Law - Dripping Springs, TX</p>
1:05 pm	<p><b>Exhibitor Announcements and Break</b></p>
1:35 pm 0.50 hr	<p><b>A Window into a Financial Institution's World of Elder Financial Exploitation</b></p> <p>There is not one industry worldwide that is prepared for the "Tsunami" coming down the pike when it comes to the millions of people who have already or are getting ready to roll into the senior category. Many services, including geriatric doctors, senior living and dementia/Alzheimer's' facilities, and education resources to prepare seniors for changes coming in their life, are in short supply. Financial institutions are considered "first responders"—they have eyes and ears on senior customers most times long before anyone else. Learn about the red flags, the many variations of fraudsters that financial institutions see, the avenues that can be taken to help mitigate the exploitation, and the various ways of reporting exploitation to local, state, or federal agencies. Being PROACTIVE is everything in slowing down the tide!</p> <p>Sandy Sullivan, Frost Bank - San Antonio, TX</p>

2:05 pm  
1.00 hr

**When Exploitation Allegations Make Their Way to Adult Protective Services**

The Texas Department of Family and Protective Services – Adult Protective Services (APS) is responsible for investigating allegations of abuse, neglect, and exploitation in Texas. In 2018, APS received 16,490 allegations of exploitation of the elderly and disabled in Texas. APS validated a small percentage of these allegations. Identify and explore the reasons for APS exploitation investigations, the investigation process, and ultimate resolution of and ramifications resulting from exploitation allegations.

Terry W. Hammond, Attorney at Law - Bryan, TX  
Penelope T. Leuchtag, Texas Department of Family & Protective Services - Houston, TX  
Mary McFaden, Harris County District Attorney Office - Houston, TX

3:05 pm  
1.00 hr ethics

**Elder Law Ethics Jeopardy**

Cover various categories of ethical issues facing elder law attorneys, using the Texas Disciplinary Rules of Professional Conduct, where the answers are in the form of questions. Get ready to volunteer to play Elder Law Ethics Jeopardy!

Mary Alice Jackson, Mary Alice Jackson, P.C. - Austin, TX  
Rebecca C. Morgan, Stetson University College of Law - Gulfport, FL

4:05 pm

**Adjourn**