### 24TH ANNUAL

# ESTATE PLANNING, GUARDIANSHIP AND ELDER LAW CONFERENCE

August 4–5, 2022
Moody Gardens ■ Galveston, Texas
Live Webcast August 4–5

Earn up to 14.25 Hours of Credit Including 4.75 Hours of Ethics Credit and 4.00 Hours of Guardianship – Approved in TX, CA, LA, OK, and PA (Hours Vary by State)

TX Legal Specialization Credit Expected for Estate Planning and Probate Law, and Tax Law

Earn up to 17.00 Hours of Texas Certified Professional Accounting Credit and National Accounting CPE Credit (in-person only)

Certified Financial Planner (CFP) Professional Accreditation Approved; ICB Certified Trust and Financial Advisor (CTFA) Credit Expected;

TX Guardianship Certification Board (GCB) Expected



### TX NAELA MEMBERS - COME A DAY EARLY!

# **TEXAS NAELA SUMMER CONFERENCE**

Open to TX NAELA Members ONLY

August 3, 2022

Moody Gardens • Galveston, Texas

Live Webcast August 3

Earn Up To 3.50 Hours of Credit Including 0.50 Hour of Ethics Credit

### TEXAS NAELA SUMMER CONFERENCE

### Open to TX NAELA Members ONLY

August 3, 2022 • Moody Gardens • Galveston, Texas

Earn Up To 3.50 Hours of Credit Including 0.50 Hour of Ethics Credit

Times listed are Central Standard

#### WEDNESDAY MORNING, AUG. 3, 2022

10:30 a.m. Registration Opens

11:00 a.m. Board Meeting

## THANK YOU TO OUR LUNCHEON SPONSOR



12:00 p.m.

Meet the Board: New Members' Lunch

New to TX NAELA? Meet current members at this informal luncheon mixer.

#### **WEDNESDAY AFTERNOON**

#### Presiding Officer:

John R. McNair, J. McNair Dallas Law P.C., Dallas, TX

#### 1:05 p.m. Welcoming Remarks

John R. McNair, J. McNair Dallas Law P.C., Dallas, TX

1:15 p.m. .75 hr

#### **Medical Necessity**

Tips and tricks to evaluate clients for medical necessity including issue spotting, formal third-party assessments, and the appeals process.

Meredith Ann Sullivan, Farrell & Johnson PLLC, Austin, TX

Catherine Vergara, CareFor, Austin, TX

2:00 p.m. .75 hr

#### **Child Support and Public Benefits**

Review special needs considerations and planning tools that must be addressed in family law matters. Hear a discussion on specific language for provisions in both the family law orders and special needs trusts to maintain eligibility for government benefits while obtaining indefinite child support for the adult child with disabilities.

Michele Kosoy Goldberg, Attorney at Law, Bellaire, TX

#### Materials By:

Keith D. Maples, Noelke Maples St. Leger Bryant, LLP, Austin, TX

#### 2:45 p.m.

.75 hr

#### **MERP: Post-Death Practical Tips**

Hear practical tips for handling Medicaid Estate Recovery Program claims after the death of a Medicaid recipient, including useful contacts, choice of probate proceedings, and unresolved issues.

Jennifer L. Coulter, Townsend Allala, Coulter & Kludt, PLLC, El Paso, TX

3:30 p.m.

15-Minute Break

3:45 p.m.

.50 hr ethics

### Care Managers and Attorneys: Great Bedfellows and Ethical Issues

Elder Law attorneys and care managers work together to solve client problems. Explore where to locate a care manager, how they can assist the elder law attorney in day-to-day practice, and what ethical issues may arise in working with a care manager.

Christina Lesher, The Law Office of Christina Lesher, PC. Houston. TX

Robert Pierce, The Law Office of Christina Lesher, PC, Houston, TX

4:15 p.m.

.75 hr

# How to Craft the "Perfect" Power of Attorney: The Never-ending Search

This presentation provides a practical guide to the pitfalls of powers of attorney and the possible solutions for various family and financial needs. Also review the best practices in ancillary documents when planning for incapacity.

Jessica Kludt, Townsend Allala, Coulter & Kludt, PLLC, El Paso, TX

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

#### Materials By:

Christopher Towns Hodge, Langley & Banack, San Antonio, TX

## 5:00 p.m. Adjourn to Business Meeting and Election of Officers

Webcast attendees please refer to your email for the Zoom link and meeting information.

#### **WEDNESDAY EVENING**

5:30 p.m.

Pick Up Dinner

#### TEXAS NAELA DINNER,

Annual Meeting, Election of Officers, and Member Recognition

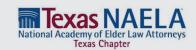
5:50 p.m.

Included for registrants; \$75 for non-registrant guests

THANK YOU TO OUR DINNER SPONSOR



#### WHY JOIN NAELA



The National Academy of Elder Law Attorneys is a nonprofit association that assists lawyers, bar organizations and others who work with older clients and their families. Established in 1987, the Academy provides a resource of information, education, networking and assistance to those who deal with the many specialized issues involved with legal services to the elderly and disabled.

The Texas Chapter of the National Academy of Elder Law Attorneys was formed in 1995. Membership is available only to attorneys who are members of the national organization (NAELA), and are licensed in the state of Texas. Texas NAELA provides continuing legal education and advocacy to promote and protect the needs of seniors and people with disabilities in Texas.

#### Becoming a Member

A membership application and national and chapter dues information is available on our website: www.NAELA.org/join.

Learn more at www.TexasNAELA.com.

#### 24TH ANNUAL

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August 4-5, 2022 • Moody Gardens • Galveston, Texas

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TX Legal Specialization Credit Expected for Estate Planning and Probate Law, and Tax Law

Earn up to 16.00 Hours of Texas Certified Professional Accounting Credit and National Accounting CPE Credit (in-person only)

Certified Financial Planner (CFP) Professional Accreditation Approved; ICB Certified Trust and Financial Advisor (CTFA) Credit Expected;

TX Guardianship Certification Board (GCB) Expected

Times listed are Central Standard

#### THURSDAY MORNING, AUG. 4, 2022

#### **Presiding Officer:**

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

7:30 a.m.

Registration and Exhibit Hall Opens

Includes continental breakfast.

THANK YOU TO OUR BREAKFAST SPONSOR



8:20 a.m.

**Welcoming Remarks** 

8:30 a.m. .50 hr

#### You Never Give Me Your Money, You Only Give Me Your Funny Paper: Adventures in Will Drafting

Practice pitfalls, stupid testator tricks, and everything else that can go wrong before a will gets successfully drafted, executed, and probated. Join the speaker on a tour of cringe. Learn a thing or two about how to stop the damage. But no promises.

Dianne Reis, Attorney at Law, Plano, TX

9:00 a.m. .75 hr

#### **Medicaid Update**

Latest developments affecting planning and applications for Medicaid to pay for nursing home care and home care.

H. Clyde Farrell, Farrell & Johnson PLLC, Austin, TX Meredith Ann Sullivan, Farrell & Johnson PLLC, Austin, TX

#### Co-Author:

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

#### Materials By:

Julie Ann Ezell-Perez, Ezell & Ezell, PLLC, Harlingen, TX

Benecia Flores, Petrosewicz Law Firm, P.C., Richmond, TX

#### 9:45 a.m.

.75 hr

.75 hr

### Paying for Home Care and Arranging Home Care

Most clients want to stay at home for as long as possible as they age or if they become disabled. Funding care at home requires understanding of the different rules for home care using Veterans Benefits, Medicaid, Medicare, reverse mortgages, and long-term care insurance, as well as how the complexity of the interplay between the programs. A discussion of the wait time or interest list of the programs, as well as the approximate hours of benefits will be included.

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

10:30 a.m.

15-Minute Break to Visit Exhibitors

10:45 a.m.

# Utilizing Business Entities to Protect Your Business Assets

Individuals all too often fail to properly separate their personal affairs from their family business, and this can be disastrous when it comes to asset protection and wealth preservation. The proper use of corporate entities can help protect your business related assets and wealth from various types of creditors — from debt collectors to judgment creditors and beyond — and can easily be incorporated into an individual's overall estate plan.

Ben King, Ross & Shoalmire, L.L.P., Texarkana, TX

11:30 a.m.

.75 hr | .75 hr G

#### The Duty of Investment for Guardians of the Estate

Exploring applicable common law duties, statutory duties, and practical applications of how guardian invests and diversifies a ward's estate.

John B. Henry III, Law Office of John B. Henry, III, PLLC, Bellaire, TX

12:15 p.m.

30-Minute Break for Lunch and Visit Exhibitors

Lunch included in registration.

#### THURSDAY AFTERNOON

#### Presiding Officer:

John B. Henry III, Law Office of John B. Henry, III, PLLC, Bellaire, TX

### THANK YOU TO OUR LUNCHEON SPONSOR



#### **LUNCHEON PRESENTATION**

12:45 p.m.

.50 hr

#### Watch Your Step: Special Needs Trust Drafting and Administration Errors and Omissions

Review the most common drafting errors and omissions that hinder the Trustee of a Special Needs Trust from providing the trust beneficiary with their best life experience.

Joy M. Eckelkamp, Rapp and Krock, PC, Houston, TX

1:15 p.m.

15-Minute Break

1:30 p.m. 1.00 hr | .50 hr ethics | 1.00 hr G

# Alternatives to Guardianship including Supports and Services

Details about the vast possibilities of available, less restrictive, alternatives to guardianship including supports and services that may alleviate or limit the need for guardianship.

Hon. Jason Cox, Harris County Probate Court #3, Houston, TX

Taft Robinson, Disability Rights Texas, Houston,  $\mathsf{TX}$ 

THANK YOU TO OUR BREAK SPONSOR



#### Estate Tax: Best Strategies for Estates and Gifts Leading Up to 2026

The estate tax and gift tax exemptions are scheduled to roll back to about ½ of their current amounts at the end of 2025. A discussion on the latest strategies and best suggestions for utilizing the current larger exemptions before the roll back, with discussions to focus on planning opportunities for clients of varying net worth and practical issues facing decedent's estates.

Wesley L. Bowers, FizerBeck, Houston, TX Bernard E. ("Barney") Jones, Attorney at Law, Houston, TX

Norma Montalvo Petrosewicz, Attorney at Law, Richmond, TX

3:30 p.m.

10-Minute Break

3:40 p.m.

.50 hr

### Top Things to Consider When Terminating a

Terminating trusts can, and should, be done for a number of reasons in a variety of different circumstances. This presentation is going to help you identify those situations, guide you through important considerations when doing so, and provide you with some of the tools you may need.

Zachary Wiewel, Texas Trust Law, PLLC, Austin, TX

#### Materials By:

Christopher D. Jones, Sprouse Shrader Smith PLLC, Amarillo, TX

4:10 p.m.

.75 hr ethics

#### When Your Client May Have Diminished Capacity

In estate planning and elder law, attorneys often have clients that may be in some stage of diminished capacity. This creates ethical and legal issues for the attorney that can't be ignored. Explore those issues and ways the attorney can navigate these turbulent waters.

Michele Kosoy Goldberg, Attorney at Law, Bellaire, TX

John R. McNair, J. McNair Dallas Law P.C., Dallas, TX

4:55 p.m.

Adjourn to Reception

Μ C

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 4.75 credit hours will apply to legal ethics/ professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

#### **GUEST MEAL PACKAGE—\$50**

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 and

Thursday's evening reception.

#### FRIDAY MORNING, AUG. 5, 2022

#### Presiding Officer:

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

7:30 a.m.

Conference Room and **Exhibit Hall Opens** 

Includes continental breakfast.

8:00 a.m. 1.00 hr | .50 hr ethics | 1.00 hr G

#### Role of the Guardian

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.

Hon. Polly Jackson Spencer, Senior Statutory Probate Judge, Retired, San Antonio, TX

#### Materials By:

Maite Elorduy, Osborne, Helman, Knebel & Scott, LLP, Austin, TX

Jason S. Scott, Osborne, Helman, Knebel & Scott, LLP, Austin, TX

9:00 a.m. 1.00 hr | .50 hr ethics | 1.00 hr G

#### Role of the Ad Litem

A review 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. Guy Herman, Travis County Probate Court #1, Austin, TX

10:00 a.m.

15-Minute Break to Visit Exhibitors

10:15 a.m.

.75 hr

#### Real Estate Issues in Elder Law

Review issues to better protect your clients, including homestead and agricultural exemptions; recent changes; to inspect or not, what could possibly go wrong; easements; and transactions with an affidavit of heirship within four years of date of death

Rayito O. Stephens, Rayito O. Stephens Law Offices, PLLC, Pearland, TX

11:00 a.m.

.75 hr | .25 hr ethics

#### What the Surviving Spouse Needs to Do, and What to Do if They Don't

A practical discussion of the steps a surviving spouse can or should take when their spouse dies and what to do later if those steps are not taken.

Glenn M. Karisch, The Karisch Law Firm, PLLC, Austin, TX

#### Materials By:

Brandy Baxter-Thompson, Calloway, Norris, Burdette & Weber, PLLC, Dallas, TX

Mickey R. Davis, Davis & Willms, PLLC, Houston, TX

11:45 a.m.

30-Minute Break for Lunch and Visit Exhibitors

Included in registration.

#### FRIDAY AFTERNOON

#### Presiding Officer:

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

#### THANK YOU TO OUR **LUNCHEON SPONSOR**



#### LUNCHEON PRESENTATION

12:15 p.m.

.50 hr

### Small Crimes and Misdemeanors Related to Aging, Dementia, and/or Mental Health

A roadmap for attorneys who counsel clients and their families seeking practical resolution of these

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

G. Gaye Thompson, Thompson & Tiemann LLP, Austin, TX

12:45 p.m. 30-Minute Break and **Vendor Announcements** 

#### **Ethics Jeopardy**

1:15 p.m.

Test your knowledge of ethics rules in estate planning and probate by engaging in this interactive series of questions and multiple choice answers as to what you would do in certain situations in your practice. This will precede a panel discussion of experts who will discuss the rules applicable to the scenarios presented during the electronic testing.

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

1:45 p.m.

.75 hr ethics

.50 hr ethics

#### To Blab or Not to Blab - Part 1

A review of the rules that require attorneys to preserve client confidentiality and the oftenoverlooked rules that sometimes authorize and even require attorneys to disclose otherwise, confidential information, including the Rules of Ethics, HIPAA and [other rules]. The panel members will focus on real world dilemmas facing estate planning and probate attorneys every day from their three perspectives of the private practitioner, the judge, and the State Bar Ethics Attorney.

Rita Alister, State Bar of Texas, Austin, TX Bernard E. ("Barney") Jones, Attorney at Law, Houston, TX

Ruth Ann Stiles, Harris County Probate Court One, Houston, TX

2:30 p.m.

10-Minute Break

2:40 p.m.

.75 hr ethics

#### To Blab or Not to Blab - Part 2

A review of the rules that require attorneys to preserve client confidentiality and the often-overlooked rules that sometimes authorize and even require attorneys to disclose otherwise, confidential information, including the Rules of Ethics, HIPAA and [other rules]. The panel members will focus on real world dilemmas facing estate planning and probate attorneys every day from their three perspectives of the private practitioner, the judge, and the State Bar Ethics Attorney.

Rita Alister, State Bar of Texas, Austin, TX Bernard E. ("Barney") Jones, Attorney at Law, Houston, TX

Ruth Ann Stiles, Harris County Probate Court One, Houston, TX

#### 3:25 p.m. 1.00 hr | .25 hr ethics | .25 hr G

#### Ask the Experts

Hear a panel of seasoned experts respond to your frequently—and sometimes infrequently—asked questions, including practice, professional and ethical issues in estate planning, probate, guardianship and elder law. Please submit your questions in advance to ConferenceQA@utcle.org.

#### Moderator:

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

#### Panelists:

Glenn M. Karisch, The Karisch Law Firm, PLLC, Austin, TX

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

Dianne Reis, Attorney at Law, Plano, TX

4:25 p.m.

Adjourn

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UT Law CLE is committed to helping attorneys meet their annual Texas MCLE requirements. Following the event, customers will receive a free, on-demand eSupplement that will bring their total available hours to 15.00, including 3.00 hours of ethics.

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We are here to support our community while we navigate the coronavirus pandemic together. Information and updates regarding our in-person conferences and live webcasts will be posted at <a href="https://www.utcle.org">www.utcle.org</a>.

In addition, we continue to offer multiple educational opportunities online—both live and on-demand—by bringing practitioners together virtually. We are fortunate to serve so many of you who strive for excellence in the practice of law.

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Law Office of John B. Henry, III, PLLC

Bellaire, TX

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Travis County Probate Court #1

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Senior Statutory Probate Judge, Retired

San Antonio, TX

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Rayito O. Stephens Law Offices, PLLC

Pearland, TX

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Harris County Probate Court One

Houston, TX

MEREDITH ANN SULLIVAN\*

Farrell & Johnson PLLC

Austin, TX

G. GAYE THOMPSON

Thompson & Tiemann LLP

Austin, TX

ZACHARY WIEWEL

Texas Trust Law, PLLC

Austin, TX

WESLEY E. WRIGHT\*

Wright Abshire, Attorneys

Bellaire, TX

\*Planning Committee member

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# **TEXAS NAELA SUMMER CONFERENCE**

August 3, 4–5, 2022 ■ Moody Gardens ■ Galveston, Texas

ESTATE PLANNING, GUARDIANSHIP AND ELDER LAW CONFERENCE



See what we're doing differently this year to address the safety concerns of our staff and attendees at in-person events.



FRT22/FR22

#### **GALVESTON**

August 3, 4-5, 2022

#### **CONFERENCE LOCATION**



#### **Moody Gardens Hotel**

Seven Hope Boulevard Galveston, Texas 888.388.8484

#### Special Room Rate: \$212

through July 12 (subject to availability)

#### Parking:

Complimentary self-parking

#### **KEY DATES**

July 27, 2022

Last day for early registration rates

July 29, 2022

Last day for full refund cancellation

#### August 1, 2022

Last day for partial refund cancellation \$50 processing fee applied

#### August 3, 2022

TX NAELA Summer Conference Begins \*Open to Members ONLY

August 4, 2022 8:20 a.m., CT

Conference Begins

August 5, 2022

Last day to order a printed and shipped course binder with in-person or webcast conference registration.

#### THANK YOU TO OUR SPONSORS

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CareFor

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Keever Law PLLC/American Title Company of Houston Legacy Enhancement Trust

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