23RD ANNUAL

ESTATE PLANNING, GUARDIANSHIP AND ELDER LAW CONFERENCE

August 5–6, 2021 ■ Live Webcast

Earn up to 13.25 Hours of Credit Including 2.25 Hours of Ethics Credit and 4.00 Hours of Guardianship – Approved in TX, CA, and PA; Expected in LA and OK (Hours Vary by State)

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

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TEXAS NAELA SUMMER CONFERENCE

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Times listed are Central Standard

WEDNESDAY AFTERNOON, AUG. 4, 2021

Presiding Officer:

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

12:20 p.m.

Virtual Exhibit Hall Opens

12:50 p.m.

Welcoming Remarks

1:00 p.m.

1.00 hr

Elder Law Forms

While it is relatively easy to find basic estate planning, probate, guardianship and Medicaid application forms, creating a library of forms for unusual situations takes years to cultivate. Presented here is a collection of forms to assist the elder law attorney and client.

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

2:00 p.m.

15-Minute Break

2:15 p.m.

.50 hr

Dismantling Estate Plans in Probate Litigation

When things go bad in Probate even the perfect iron-clad estate plans are at risk. Focus on case studies and worst case scenarios of contested probate and guardianship matters where estate plans are busted, dismantled and tossed aside. Educate planners on the practical aspects of implementing an estate plan when fiduciaries and beneficiaries go roque and how to issue spot to avoid their plan from being dismantled in litigation.

Erin W. Peirce, Leu & Peirce, PLLC, Plano, TX

2:45 p.m. 15-Minute Break

3:00 p.m.

1.00 hr

Using Medicaid Compliant Annuities In Your **Practice**

Join national Medicaid Compliant Annuity expert Dale Krause, J.D., LL.M. as he breaks down how Medicaid Compliant Annuities can help senior clients in your practice. Discuss how the spenddown tool works for crisis Medicaid planning, the requirements of the annuity, and two detailed case studies showing the annuity in action.

Dale M. Krause, Krause Financial Services, De Pere, WI

4:00 p.m.

15-Minute Break

4:15 p.m.

.50 hr

Diversity, Equity & Inclusion in the Practice

Understanding DEI and bias is integral to every law practice. Join us for an honest, informative presentation on these key topics.

Tissa Hami, Korsi Consulting, Weston, MA

4:45 p.m.

Adjourn to Annual Meeting and Social Hour



Join TX NAELA for their virtual Annual Meeting and Social Hour.

The meeting will be held in Zoom and you will receive more information by email.

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.

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*Planning Committee member

ESTATE PLANNING, GUARDIANSHIP AND ELDER LAW CONFERENCE

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Times listed are Central Standard

THURSDAY MORNING, AUG. 5, 2021

Presiding Officer:

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

8:00 a.m. Virtual Exhibit Hall Opens

8:30 a.m. Welcoming Remarks

8:40 a.m. .75 hr

Estate Planning for Retirement Plans in View of the SECURE Act

Understand the provisions of the SECURE Act that became effective January 1, 2020, and how the SECURE Act is likely to affect estate planning with respect to qualified employee benefit plans and IRAs.

Karen S. Gerstner, Karen S Gerstner & Associates, P.C., Houston, TX

9:25 a.m. 10-Minute Break

9:35 a.m. .75 hr

What Every Estate Planner Needs to Know About Pooled Trusts

Learn how special needs planning differs from elder law planning, the intersection of the two, and why a pooled trust might be an option for special needs beneficiaries. Explore what to consider when investigating pooled trusts and what differs about the remainder policies. Drafting tips will include how to give your clients the option to use a pooled trust even when creating a special needs trust as a part of the estate plan.

Karen Dunivan Konvicka, Commonwealth Community Trust, Richmond, VA Joanne Marcus, Commonwealth Community Trust, Richmond, VA

10:20 a.m. 10-Minute Break

10:30 a.m. .75 hr

Legislative Update

Update on new legislation impacting estate planning, guardianships, trusts and related practice areas

Lauren Davis Hunt, Osborne, Helman, Knebel & Scott, LLP, Austin, TX

11:15 a.m. 10-Minute Break

11:25 a.m.

.75 hr

Medicaid Update

Latest developments affecting planning and applications for Medicaid to pay for nursing home care and home care, including policies exempting certain retirement accounts from countable assets, how to deal with barriers to Medicaid home care, and status of Lady Bird Deeds and Transfer on Death Deeds.

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

12:10 p.m. Break for Lunch

Presentations resume at 12:40 p.m.

Please take time to visit our sponsors and exhibitors in the virtual exhibit hall: www.utcle.org/conferences/ER21/exhibit-hall

THURSDAY AFTERNOON

Presiding Officer:

Paul Premack, The Premack Law Office, San Antonio, TX

LUNCHEON PRESENTATION

12:40 p.m. .50 hr

Remote Execution of Documents: Lessons Learned from the Pandemic

Review minimum execution requirements for common estate planning documents and why most can't be signed electronically. Also, the temporary orders allowing remote notarization of documents and logistics of getting the documents signed.

William D. Pargaman, Saunders Norval Pargaman & Atkins, LLP, Austin, TX

1:10 p.m. 10-Minute Break

1:20 p.m.

.75 hr

The Medicaid Exclusion for Business Property: Protecting Clients' Farms, Ranches and Other Businesses

Analyze how the attorney can become an invaluable guide in helping the client to traverse the often complicated rules regarding business property and the exemption of same in Medicaid cases.

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

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

2:05 p.m. 10-Minute Break

2:15 p.m.

.75 hr | .75 hr G

Temporary Guardianships and Other Emergency Relief in a Guardianship Proceeding

Practice tips and forms for the creation of a temporary guardianship and other emergency reliaf

Kathleen Tanner Beduze, Crain Caton & James PC, Houston, TX

3:00 p.m. 10-Minute Break

3:10 p.m. .75 hr

Paying for Home Care in the Pandemic and Beyond: Medicaid and VA Benefits

A primer on the Medicaid programs that pay for home care (Star+Plus Waiver and Community Attendant Services) and on VA benefits that can help with home care (VA pension, Extended Care, Comprehensive Assistance for Family Caregivers).

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

Lori A. Leu, Leu & Peirce, PLLC, Plano, TX

3:55 p.m. 5-Minute Break

4:00 p.m. 1.00 hr | .50 hr ethics | 1.00 hr G

Alternatives to Guardianship Including Support Services

Exploring the range of supports and services and alternatives to guardianship and a decision tree to determine the necessity of a guardianship in the continuum of care, including an update on capacity assessment tools.

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

5:00 p.m.

Adjourn

FRIDAY MORNING, AUG. 6, 2021

Presiding Officer:

Kelley M. Bentley, The Bentley Law Firm, Sugar Land, TX

7:30 a.m.

Virtual Exhibit Hall Opens

DISCUSSION BREAKOUTS VIA ZOOM (SELECT ONE)

Discussion Breakout Sessions

Join us in Zoom for facilitator led discussion sessions on various Estate Planning, Guardianship and Elder Law topics.

BREAKOUT ROOM A: APS AND GETTING ACTION

8:00 a.m. .50 hr

APS and Getting Action

Attorneys who practice in Estate Planning, Elder Law, and Guardianship Law will invariably encounter situations that will involve or otherwise implicate the involvement of the Texas Department of Family and Protective Services – Adult Protective Services. The presenter and attendees will discuss various options available to facilitate protection of adults who may be at risk of abuse, neglect and/or exploitation.

Terry W. Hammond, Texas Guardianship Association, Bryan, TX

BREAKOUT ROOM B: MEDICARE

8:00 a.m. .50 hr

All things Medicare

Open discussion about any and all Medicare issues from application, coverage, costs, Medigap policies, or appeals of denial of benefits. If you have questions or issues about anything dealing with Medicare come join our discussion of all things Medicare.

Pi-Yi Mayo, Mayo & Poland PLLC, Baytown, TX

BREAKOUT ROOM C: GUN TRUSTS

8:00 a.m.

.50 hr

Getting Started Drafting Gun Trusts, and Avoiding Lethal Pitfalls

Discuss any aspects of drafting gun trusts for clients, from getting started in this area all the way to adding advanced features to your trusts. Talk about trusts formed to own ordinary guns, and those intended to own firearms regulated by the National Firearms Act.

Sean P. Healy, Healy Law Offices, P.C., Tyler, TX

8:30 a.m.

10-Minute Break

MORNING SESSIONS VIA WEBCAST PORTAL

8:40 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.

Craig Hopper, Hopper Mikeska, PLLC, Austin, TX

9:40 a.m.

20-Minute Break to visit Exhibitors

10:00 a.m. $1.00 \text{ hr} \mid .50 \text{ hr ethics} \mid 1.00 \text{ hr G}$

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.

 $\label{eq:Hon.Steve M. King, Senior Statutory Probate Judge,} Fort Worth, TX$

11:00 a.m.

5-Minute Break

11:05 a.m.

.50 hr | .25 hr ethics

Avoiding Fraud in Public Benefit Eligibility

Learn the ethical and legal obligations of the attorney to avoid assisting fraud in public benefits eligibility. Consider ethical standards governing this area and criminal sanctions that could apply both to the client and the attorney involved in public benefits fraud. Also, explore different planning scenarios where fraud may be an issue and hear a practical discussion of practices intended to prevent assisting fraud.

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

11:35 a.m. Break for Lunch

Presentations resume at 12:15 p.m.

Last chance to visit with our exhibitors before prize drawings! Visit the virtual exhibit hall at www.utcle.org/conferences/ER21/exhibit-hall

FRIDAY AFTERNOON

Presiding Officer:

Nancy Sosa, Cadence Bank, Austin, TX

LUNCHEON PRESENTATION

12:15 p.m.

.50 hr

Granny Had A Gun: Firearms in Estate Planning and Administration

Explore legal issues, executor liability, transferring Title I and II weapons and discuss penalties.

Craig S. Adams, Adams & Coker PC, Tyler, TX

12:45 p.m.

5-Minute Break

12:50 p.m.

.50 hr

What the Estate Planner Needs to Know About Trusts as Beneficiaries

How does a practitioner draft for persons with disabilities when so much of the future is unknown? This presentation will provide suggestions for building in flexibility for a beneficiary who may improve, decompensate, or do both. Sample drafting provisions will be provided, including the use of stad-alone trusts; the authority to create contingent trusts, trust modification and reformation, and decanting provisions.

Mary Alice Jackson, Boyer & Boyer P.A., Sarasota, FL

1:20 a.m.

20-Minute Break

<u>Exhibitor Announcements</u>

1:40 p.m.

.50 hr

I'm Responsible for What?! Counseling Your Clients About Utilizing a Corporate Fiduciary as a Trustee or Executor

Selecting a fiduciary to administer a trust or estate is a decision that can have a lasting impact for your clients and their loved ones or intended beneficiaries. In many instances, utilizing a corporate fiduciary can provide several benefits and resources that a private fiduciary simply may not have at their disposal. Review common considerations for clients in deciding whether to appoint a corporate fiduciary or reserve the option to appoint a corporate fiduciary in the future.

Anna María Méndez, Cadence Bank, Austin, TX Eric W. Nelson, Warren & Lewis, Austin, TX

2:10 p.m.

10-Minute Break

.75 hr

Customizing Ancillary Planning Documents for Death and Incapacity + The Use and Misuse of Revocable Trusts

A practical guide to drafting the "ancillary" documents usually provided by Texas estate planning attorneys: Statutory Durable Power of Attorney, Medical Power of Attorney, Directive to Physicians, Declaration of Guardian, Appointment for Disposition of Remains, and HIPAA Release. Know the many options that should be offered and how to explain them to clients. Also, learn how to present the great debate on "will-based" vs. "trust-based" planning.

Tanya Eileen Feinleib, Langley and Banack, Inc., San Antonio, TX

Kimberly N. Loveland, Loveland Grace Hurley, P.L.L.C., Frisco, TX

3:05 p.m.

5-Minute Break

3:10 p.m.

.75 hr | .25 hr ethics

Representing Miss Daisy: Ethical Considerations When A Client Has Diminished Capacity, and Estate Planning for Incapacitated Individuals With Plenty of Actual Marbles (And Other Assets Too!)

Clients sometimes wait until it might be (or is) a little too late to take certain actions in estate planning; however, all is not lost. Know how to successfully navigate new Disciplinary Rule 1.16 in representing clients with diminished capacity. Also learn how create flexibility in planning to protect for the potential of incapacity and how to convert prior planning to fit the present needs of an incapacitated individual.

R. Shaun Rainey, Cotton, Bledsoe, Tighe & Dawson, PC, Midland, TX

3:55 p.m.

10-Minute Break

4:05 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

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

5:05 p.m. Adjourn

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August 4, 5–6, 2021 ■ Live Webcast

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LIVE WEBCAST

August 4, 5-6, 2021

KEY DATES

July 30, 2021

Last day for full refund cancellation

August 2, 2021

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

August 4, 2021, 1:00 p.m. CST

TX NAELA Summer Webinar Begins
*Open to Members ONLY

August 5, 2021, 8:30 a.m. CST

UT Elder Law Webinar Begins

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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.

