THE UNIVERSITY OF TEXAS SCHOOL OF LAW
AND THE WEALTH MANAGEMENT AND TRUST
DIVISION OF THE TEXAS BANKERS ASSOCIATION

WealthManagement & Trust
A DIVISION OF TEXAS BANKERS ASSOCIATION

2007

CHANGES AND TRENDS AFFECTING

SPECIAL NEEDS TRUSTS

A Guide for Attorneys, Financial Advisors and Trust Officers

Earn up to 10.00 Hours of MCLE Credit and 12.00 Hours of CPE Credit for Accountants

10.00 hours of credit have been accepted for credit by the CFP Board.
Specialization Expected for Estate Planning & Probate Law and Tax Law

February 15-16, 2007
Radisson Hotel & Suites
Austin, TX

2007 CHANGES AND TRENDS AFFECTING
SPECIAL NEEDS TRUSTS
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THURSDAY AFTERNOON – FEB. 15, 2007

Presiding Officer: Renee C. Lovelace, Dripping Springs, Austin, Dallas, TX

12:00 p.m. **Registration Opens**

Includes complimentary refreshments.

12:50 p.m. **Welcoming Remarks**

1:00 p.m. .50 hr

Special Needs Trust Overview

Understanding the purposes and uses of SNTs, including how to spot opportunities to use SNTs and analyze the options.

Molly Dear Abshire, Bellaire, TX

1:30 p.m. .75 hr

Protecting and Maximizing Public Benefits

How to be sure a trust's beneficiary qualifies for the most important disability benefits: Supplemental Security Income, Medicaid, Social Security Disability Insurance and Medicare; and how to manage trust distributions to avoid losing benefits while enhancing the beneficiary's quality of life.

H. Clyde Farrell, Austin, TX

2:15 p.m. 1.00 hr

Anatomy of a Special Needs Trust Part I: Third-Party Trusts

This session will discuss the use of third-party special needs trusts in contrast to self-settled trusts, current Medicaid law in Texas with regard to defining the corpus as an unavailable resource as compared to national trends under the UTC and Restatement Third, and a practical discussion of drafting provisions to be included or to be avoided.

Randy Drewett, Beaumont, TX
Wendelyn Wilkes, San Antonio, TX
Commentator: H. Clyde Farrell, Austin, TX

3:15 p.m. **Break**

3:30 p.m. .33 hr

Anatomy of a Special Needs Trust Part II: Sole-Benefit Trusts

This presentation focuses on sole-benefit trusts as provided for in OBRA 1993. Discussions include the uses and advantages of such trusts, the various types of sole-benefit trusts, federal requirements for such trusts, sample case situations, and the relationship of sole-benefit trusts to Medicaid estate recovery. Also included are discussions as to whether and under what conditions a sole-benefit trust for the community spouse may still be considered to be a countable asset to the couple.

Wesley E. Wright, Bellaire, TX

3:50 p.m. 1.25 hr

Anatomy of a Special Needs Trust Part III: Self-Settled Trusts

This session includes an overview of the uses for court-created self-settled trusts, self-settled seed trusts and self-settled pool trusts, including a walk-through on drafting typical language and tricky clauses.

Deborah A. Green, Austin, TX
Glenn M. Karisch, Austin, TX
Shari M. Scholten, Austin, TX

5:05 p.m. **Adjourn**

FRIDAY MORNING – FEB. 16, 2007

Presiding Officer: Patricia F. Sitchler, CELA, San Antonio, TX

8:00 a.m. **Conference Room Opens**

Includes continental breakfast.

8:30 a.m. .75 hr

Administering a Special Needs Trust

This session discusses creating a plan for making distributions from the SNT with a focus on long-term objectives and day-to-day challenges; how to pay vendors and disperse funds; how the beneficiary can pay basic bills; and questions about credit cards and gift cards. A question-and-answer session will follow.

Leah Cohen, Austin, TX
Renee C. Lovelace, Dripping Springs, Austin, Dallas, TX
Nancy Sosa, Austin, TX

9:15 a.m. .75 hr

Planning for Children with Special Needs Trusts

The presentation will highlight Medicaid benefits available to children with disabilities (Title XIX benefits) and to children of needy families (Title XXI benefits), plus trusts and other planning techniques that can be implemented to protect both Title XIX and Title XXI benefits and distributions focused on providing the highest quality of life for these little ones.

Patricia F. Sitchler, CELA, San Antonio, TX
Nancy Sosa, Austin, TX

10:00 a.m. .25 hr

Passing the Baton: Closing Letters and Guidance from Lawyer to Trustee

What to tell the litigation attorney about a trustee's duties, including an outline to address family expectations, a checklist of trustee duties, an annual calendar for trustee's steps, and sources for trustee guides.

Renee C. Lovelace, Dripping Springs, Austin, Dallas, TX
Patricia F. Sitchler, CELA, San Antonio, TX

10:15 a.m. **Break**

10:30 a.m. 1.00 hr

Dancing with the Government: Questions, Answers and Options

Assembled is an unprecedented panel of government experts who will address emerging issues arising in such programs as Supplemental Security Income, Medicare and Medicaid.

Moderator: Patricia F. Sitchler, CELA, San Antonio, TX

Gary Martin, Centers for Medicare & Medicaid Services, Dallas, TX

Shari Nichols, Health and Human Services Commission, Austin, TX

Suzette Seng, Centers for Medicare & Medicaid Services, Dallas, TX

Sally Stalcup, Centers for Medicare & Medicaid Services, Dallas, TX

John Stockton, Health and Human Services Commission, Austin, TX

Rick Williams, Social Security Administration (Retired), Garland, TX

11:30 a.m. .50 hr

Medicare Set-Asides

All things special needs trusts—they're not just for workers' comp cases anymore! Medicare's position is that a set-aside trust is required in any personal injury case where damages include a claim for future medical expenses that may eventually be borne by Medicare. A representative of Medicare will answer all of your questions about the who, what, when, why and where concerning Medicare set-aside trusts.

Pi-Yi Mayo, CELA, Baytown, TX
Sally Stalcup, Dallas, TX

FRIDAY AFTERNOON

Presiding Officer: Renee C. Lovelace, Dripping Springs, Austin, Dallas, TX

LUNCHEON PRESENTATION

12:00 p.m. **Pick Up Box Lunch**

Included in conference registration fee.

12:15 p.m. .75 hr

Case Law Update

This presentation will cover recent cases involving special needs trusts as well as other cases of note.

Rebecca C. Morgan, Gulfport, FL
Mary Alice Jackson, Sarasota, FL

1:15 p.m. .50 hr

Trustee Meets the INS: What to Do When Parents and/or Children are Out-of-Status

Immigration issues are raising concerns for both attorneys and trust officers in advocating for parents and/or children who are out-of-status. This session will present an overview of those issues from a leading immigration attorney and discuss realistic options for dealing with out-of-status obstacles and trust administration.

David B. Thronson, Las Vegas, NV
Commentator: Deborah A. Green, Austin, TX

1:45 p.m. 1.00 hr

Planning Pitfalls Involving Special Needs Trusts and How To Avoid Them

A discussion of SNT potential problems and practical solutions including owning a residence in an SNT, structured settlement annuity issues, etc.

Ronald R. Cresswell, Dallas, TX

2:45 p.m. .75 hr

Trust Modification: Fixing Problems with Special Needs Trusts

An overview of the process for modifying trusts of special attention to SNTs and how to make them work.

Glenn M. Karisch, Austin, TX
Commentator: Deborah A. Green, Austin, TX

3:30 p.m. **Adjourn**

MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 10.00 hours.

REGISTRATION FOR SN07

Mail this registration form to:
The University of Texas School of Law, Attn. SN07
P.O. Box 7759, Austin, TX 78713-7759 ***or fax a copy to: (512) 475-6876***

PLEASE PRINT CLEARLY

Bar Card# ______________ ❑ TX ❑ Other State: ______ ❑ N/A

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Telephone ______________ Fax ______________

Registrant's Email **(required)** ______________

Assistant's Email **(optional)** ______________

Invoices, confirmations and receipts are emailed to these addresses.

REGISTRATION

Includes Course Binder, Friday Lunch, and Parking

❑ Early Registration Fee due by Wed., February 7, 2007 .... $350.00

❑ Registration Fee after Wed., February 7, 2007 .... $400.00

CONFERENCE PUBLICATIONS AND MEDIA

Allow 2–4 weeks from Austin conference date for delivery.

❑ Course Binder WITHOUT Conference Registration $200.00

❑ Audio CD Set $175.00

❑ eBinder on CD (PDF format) .... $200.00/$50.00

($200 purchased alone, $50 with registration or purchase of Course Binder or Audio CD Set)

IN-HOUSE CLE: Bring the conference in-house and learn at your convenience.

Allow 2–4 weeks from Austin conference date for delivery.

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_____ Add participants (includes Course Binders) for $200 each .... $ ______

TOTAL ENCLOSED .... $______

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❑ Check (make checks payable to: **The University of Texas at Austin**)

❑ VISA or ❑ Mastercard (sorry, no AMEX or Discover)

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Authorized Signature Exp. Date (mm/yy)

Online Courses for MCLE and CPE Credit: www.utcle.org

AUSTIN

February 15-16, 2007

CONFERENCE LOCATION

Radisson Hotel & Suites

111 E. Cesar Chavez
Austin, TX 78701
512-478-9611

Special rate $125
(subject to availability)
good through January 15, 2007.
Parking: event parking
complimentary for registrants

KEY DATES

Registration & Cancellation

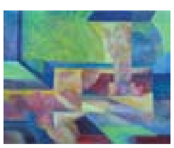
February 7, 2007–5 p.m.
last day for early registration
add $50 for registrations
received after this time

February 9, 2007–5 p.m.
last day for full refund

February 12, 2007–5 p.m.
last day for partial refunds
$50 processing fee applied

February 15, 2007–1 p.m.
(Thursday Afternoon)
conference begins

ABOUT THE COVER



"untitled," acrylic 16" x 20", is by Philip Trussell. For more information, call 512-499-8357

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