2012 Changes and Trends Affecting Special Needs Trusts
February 9-10, 2012 • AT&T Conference Center • Austin, TX

Thursday Morning, Feb. 9, 2012

Presiding Officer:
Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, P.C. - San Antonio, TX

10:00 am	**Registration Opens** Includes light refreshments.
10:50 am	**Welcoming Remarks**
11:00 am 0.50 hr 0.25 hr ethics	**The "Dirty Dozen" Blatant Mistakes in SNTs** At least twelve actual examples of mistakes made by other attorneys that you won't want to make when drafting a SNTs for your clients. Wesley E. Wright, Wright Abshire, Attorneys - Bellaire, TX
11:30 am 1.00 hr	**Drafting SNTs: A Look at the Anatomy of Special Needs Trusts and How to Get Them Right** This presentation highlights the various building blocks needed when drafting an SNT while discussing the ins and outs of the key things to keep in mind for self-settled, third-party settled, Court-created or Statutory (Section 867, 142, or 1396) Special Needs Trusts. Deborah A. Green, Attorney at Law - Austin, TX
12:30 pm	**Lunch On Your Own**

Thursday Afternoon, Feb. 9, 2012

Presiding Officer:
Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, P.C. - San Antonio, TX

1:45 pm 0.50 hr	**Family Law SNT Challenges: Drafting for Divorce, Child Support and More** The strain of raising a special needs child frequently leads to divorce of the parents. This presentation delves into the impact of child support payments, alimony payments and other issues affecting both the administration of an SNT as well as qualification for need-based public benefits. Ronald R. Cresswell, Locke Lord Bissell & Liddell LLP - Dallas, TX

2:15 pm 0.75 hr 0.25 hr ethics	**Protecting and Maximizing Public Benefits** Planning options - and related ethical issues - to ensure 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, Farrell & Pak PLLC - Austin, TX Christina Lesher, Attorney at Law - Houston, TX
3:00 pm 0.75 hr	**Distributions in Light of SSI Eligibility: To Give or Not to Give, That Is the Question!** The presentation includes written answers from the Social Security Administration Dallas Regional Office to posed questions about SSA's consideration of specific distributions from an SNT and related issues. The questions and answers are the basis of a discussion of potential funding and distribution requests in light of potential or continued SSI eligibility. Moderator: Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, P.C. - San Antonio, TX Panelists: H. Chuck Bauman III, Brown Bauman & Smith - Tyler, TX Panelists: Susan Wiesner, Jefferson Bank Trust - San Antonio, TX
3:45 pm	**Break**
4:00 pm 0.75 hr	**Medicare Set-Asides and More** A brief teleconference presentation followed by structured a question and answer session on Medicare liability set-asides – the law vs. the rumors. Sally Stalcup, Centers for Medicare & Medicaid Services - Dallas, TX
4:45 pm 0.75 hr	**The View from HHSC** Officials from the Texas Health and Human Services Commission (HHSC) discuss current issues in long-term care Medicaid eligibility. Janice Kathleen Anderson, Texas Health and Human Services Commission (HHSC) - Austin, TX Beverly Luna, Texas Health and Human Services Commission (HHSC) - Austin, TX
5:30 pm	**Adjourn to Sponsored Reception** THANK YOU TO OUR RECEPTION SPONSOR Comerica Bank & Trust, N.A.

Friday Morning, Feb. 10, 2012

Presiding Officer:
Wesley E. Wright, Wright Abshire, Attorneys - Bellaire, TX

8:00 am	**Conference Room Opens** Includes continental breakfast.

8:30 am 0.50 hr	**Trust Administration: The Good, the Bad and the Ugly** A discussion of some "more common than you think" scenarios that trustees face when administering SNTs, and a look at the language and regulations that can help guide trustees in making challenging decisions. Shari M. Scholten, Wells Fargo-The Private Bank - Austin, TX Nancy Sosa, Encore Trust - Austin, TX
9:00 am 0.50 hr	**Managing Expectations and Personal Responsibility** Legal concepts so basic to an attorney or trust officer can be as incomprehensible as a foreign language to a trust beneficiary and their family. The SNT attorney and trustee need to be aware of and prepare for the variety of family catastrophes, misunderstandings and unforeseen circumstances that may occur in the life of an SNT beneficiary, including a parent losing a job, a parent falling ill, the threat of foreclosure, the misunderstanding that the trust is not a debit account, and more. This session offers various case studies of family catastrophes, the impact on the beneficiary and trustee, trust administration and possible solutions. Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, P.C. - San Antonio, TX
9:30 am 0.75 hr 0.50 hr ethics	**Staying Out of Trouble: Discretion and Trust Distributions** The panel addresses examples of beneficiary requests, factors that a trustee may consider in deciding whether or not to make a distribution, legal restrictions on trustees' discretion, and options for grantors to guide a trustee's distributions using different trust terms. The panel discusses how grantors may interview a trustee to determine if the trustee is likely to be a helpful problem solver or a blockade to distributions, the panel members' different views on when trustees should be conservative or flexible, and how beneficiaries can establish cooperative and cost-effective relationships with trustees. Moderator: Theresa ("Terrie") M. Varnet, Spain, Spain & Varnet P.C. - Chicago, IL Panelists: Robert B. Fleming, Fleming & Curti, PLC - Tucson, AZ Panelists: Renee C. Lovelace, The Lovelace Law Firm, P.C. - Austin, TX Panelists: Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, P.C. - San Antonio, TX Panelists: Rick Ybarra, MEMBERS Trust Company at University FCU and A+ FCU - Austin, TX
10:15 am	**Break**
10:30 am 1.00 hr 0.25 hr ethics	**The Role of the Trustee** Acting as trustee can be a complicated, confusing, even dangerous undertaking. Representing trustees is not much easier. This session provides both an individual and corporate perspective with pros and cons of each. Robert B. Fleming, Fleming & Curti, PLC - Tucson, AZ
11:30 am	**Break to Pick up Lunch** Included in conference registration fee.

Friday Afternoon, Feb. 10, 2012

Presiding Officer:
H. Clyde Farrell, Farrell & Pak PLLC - Austin, TX

	THANK YOU TO OUR LUNCHEON SPONSOR Wells Fargo-The Private Bank
	Luncheon Presentation
11:45 am 0.75 hr	**Case Law Update** A look at recent regional and national cases involving special needs trusts, as well as other cases of note. Robert B. Fleming, Fleming & Curti, PLC - Tucson, AZ Rebecca C. Morgan, Stetson University College of Law - Gulfport, FL
12:30 pm	**Break**
12:45 pm 0.50 hr	**SNTs and Fundraisers: Complexities and Pitfalls** Tragedy, whether seen on the news or learned from friends, often prompts individuals to shower those in trouble with financial gifts. This session covers the legal requirements for both solicitation of funds and creation of trusts when the source of the funds is primarily through public donations and fundraisers. Mary Alice Icardi Jackson, Boyer & Jackson, P.A. - Austin, TX
1:15 pm 0.75 hr	**Starting and Administering Pooled Trusts** This presentation discusses the issues and challenges involved in starting and administering a pooled special needs trust. In addition, the presentation covers issues that the special needs trust practitioner might consider when recommending a pooled special needs trust. Stephen W. Dale, The Dale Law Firm, PC - Pacheco, CA
2:00 pm 0.75 hr 0.25 hr ethics	**Managing "Predators": Duties of the Attorney and Trustee** Behavioral health issues, such as mental illness and/or substance use, can greatly increase the vulnerabilities of individuals with special needs. This panel addresses situations when referrals to behavioral health professionals are recommended, and other ways to protect against malfeasance. In addition, from a trustee’s perspective, the panel discusses how and when to get a court, attorney, or other professional involved to deal with suspected abuse or undue influence. Leah Cohen, arrangeCARE - Austin, TX Scott Stebler, Wells Fargo Wealth Management - Austin, TX Susan A. Stone, Susan Stone And Associates - Rosanky, TX

2:45 pm 0.75 hr	**Futures Planning Basics: Building a Special Needs Planning Notebook** Special needs trusts are vital to protecting future options for an individual with disabilities. But trusts alone will be insufficient when transition costs are high, administration costs are high, resources are insufficient, and other opportunities are lost. This presentation addresses futures planning that builds upon key resources, timelines, people, documents, and funding when the objective is to maximize lifetime quality of choice options for the beneficiary. Organizing critical information and planning steps may present an overwhelming challenge, depending on a beneficiary's advocates and the skills of the trustee, and this presentation proposes building an organizational structure for the component parts by building a special needs planning notebook. Renee C. Lovelace, The Lovelace Law Firm, P.C. - Austin, TX
3:30 pm	**Adjourn**