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

10TH ANNUAL CHANGES AND TRENDS AFFECTING

SPECIAL NEEDS TRUSTS

A Guide for Attorneys, Financial Advisors and Trust Officers

February 6–7, 2014
Marriott Austin North ▪ Round Rock, Texas

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THURSDAY MORNING, FEB. 6, 2014

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

9:30 a.m. Registration Opens
Includes light refreshments.

10:25 a.m. Welcoming Remarks

SPECIAL NEEDS TRUSTS BASICS

10:30 a.m. 1.00 hr

Special Needs Trusts Fundamentals
A walkthrough of the basics—the who, what, where, when and how—of special needs trusts.

Randy Drewett, Attorney at Law, Beaumont, TX
Mary Alice Jackson, Attorney at Law, Austin, TX

11:30 a.m. .75 hr | .50 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; plus 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, The Law Office of Christina Lesher, PC, Houston, TX

12:15 p.m. Pick Up Lunch
Included in registration.

"Professional format featuring advocate groups, good topics, quality speakers, good conference organization, varied content and exhaustive resource materials.

Good breadth of issues and perspectives. I especially enjoyed the focus on administration and trustee issues."

THURSDAY AFTERNOON

Presiding Officer:
Renée C. Lovelace, The Lovelace Law Firm, P.C., Austin, TX

THANK YOU TO OUR LUNCHEON SPONSOR

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LUNCHEON PRESENTATION

12:35 p.m. .50 hr

Case Law Update
With a look at recent regional and national cases involving special needs trusts, as well as other cases of note important to all Texas SNT attorneys, this session not only summarizes the impact of the various opinions but offers you practice tips for dealing with (or avoiding) the issue in your practices.

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

1:05 p.m. Break

1:15 p.m. .75 hr

POMS Update
A look at the latest changes to the Social Security Administration's POMS manual and how these changes may affect your special needs trust cases.

Nancy Sosa, Cadence Trust, Austin, TX
Wesley E. Wright, Wright Abshire, Attorneys, Bellaire, TX

2:00 p.m. .75 hr

Special Needs Trusts and the Social Security Administration
In addition to the recent POMs updates, the SSA has also made changes to its office policies involving special needs trusts and the SSI program. This presentation covers general tactics for effectively dealing with and communicating with the Social Security Administration, the SSA's program to establish agency expertise and reviewing continuity, and the status of ongoing and expected future changes.

Neal Winston, Winston Law Group, LLC, Somerville, MA

2:45 p.m. .50 hr

The View from HHSC
A discussion of current issues in long-term care Medicaid eligibility from the Texas Health and Human Services Commission (HHSC).

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

3:15 p.m. Break

3:30 p.m. 1.00 hr

Planning for Children with Special Needs Trusts
A look at the array of benefits for children provided by Medicaid programs, including the Community Living Assistance and Support Services (CLASS), Home and Community Services (HCS), and Medically Dependent Children's Program (MDCP). The eligibility process, the potential to bypass long waiting lists, and consumer-directed services are also discussed.

Moderator:
Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, P.C., San Antonio, TX

Panelists:
Patrick Koch, Texas Department of Aging and Disability Services, Austin, TX
Vicki Miller, Texas Department of Aging and Disability Services, Mount Vernon, TX
Marcia Shultz, Texas Department of Aging and Disability Services, Austin, TX

4:30 p.m. .75 hr

Housing and Nonprofits as Part of Your SNT
An overview of housing options for people with disabilities, with an emphasis on the role of special needs trusts as used to promote grassroots efforts by nonprofit organizations, advocates, and parents in creating housing with supports.

B. Bailey Liipfert III, Craige Brawley Liipfert & Walker LLP, Winston-Salem, NC

5:15 p.m. Adjourn to Reception

THANK YOU TO OUR RECEPTION SPONSOR

Frost BANKING INVESTMENTS INSURANCE

FRIDAY MORNING, FEB. 7, 2014

Presiding Officer:
Celeste Embrey, Wealth Management and Trust, a Division of the Texas Bankers Association, Austin, TX

7:30 a.m. Conference Room Opens
Includes continental breakfast.

8:30 a.m. .50 hr ethics

Setting Attorney Fees

Although we realize there are also business considerations, setting fees is an ethical issue—the Rules require that a fee be reasonable. Examine the ethics rule regarding what is a reasonable fee, the unique issues that come into play when determining fees in a special needs practice, as well as the different fee models appropriate for a special needs practice.

Rebecca C. Morgan, Stetson University College of Law, Gulfport, FL

9:00 a.m. .50 hr

What to Look for When Choosing a Trustee

This presentation focuses on the factors that should be considered when choosing a trustee of a special needs trust. Which trusts are required to have a corporate fiduciary? Which ones can have either an individual or corporate fiduciary? What questions should be asked when selecting a trustee?

Scott Stebler, Special Needs Trust Group, Wells Fargo Bank, N.A., Austin, TX

9:30 a.m. .75 hr ethics

Trustee Duties and Responsibilities to Beneficiaries of Special Needs Trusts—Texas Style

Take a closer look at the duties and responsibilities expected of Trustees when serving as Trustee of a Texas Special Needs Trust. What does a Trustee need to do to properly use its sole discretion to meet a Beneficiary's special needs while making decisions in the best interest of the Beneficiary? It isn't all about the money!

Deborah A. Green, The Law Offices of Deborah Green, Austin, TX

10:15 a.m. Break

10:30 a.m. .50 hr

Structured Settlement Annuities

A basic understanding of structured settlement annuities, including income tax advantages and other benefits for the Trustee; a description of the internal rate of return, plus evaluating guarantee periods and compound annual payment increases; considerations when changing the beneficiary designation on the structure; and potential pitfalls such as overfunding the structure or purchasing a life-only annuity are identified.

Carola Davis, Settlement Partners, New Braunfels, TX

11:00 a.m. .50 hr

Decanting under the New Texas Statutes

In 2013, the Texas legislature enacted new decanting statutes which, in some situations, allow a Trustee the power to transfer the trust assets to a new trust that contains different provisions. This presentation provides an overview and introduction to the new Texas decanting statutes and discussion on the utilization of these statues in modifying the terms and conditions of irrevocable trusts, including special needs trusts. Tax issues that arise from decanting and trust modifications are also covered.

David J. Reber, Locke Lord LLP, Dallas, TX

11:30 a.m. .75 hr

SNT Transition Mechanics

Changes to a beneficiary's circumstances change how a trustee administers a special needs trust. This session addresses key transitions due to the retirement, disability, or death of a parent; the beneficiary's age, such as ages 18 and 22; and marital status or household status.

Renée C. Lovelace, The Lovelace Law Firm, P.C., Austin, TX

12:15 p.m. Pick Up Lunch
Included in registration.

FRIDAY AFTERNOON

Presiding Officer:
Tanya T. Castro, Prosperity Bank, Katy, TX

LUNCHEON PRESENTATION

12:35 p.m. .75 hr

Case Studies: Working with the MS Society for Your Clients

Planning for persons with neuromuscular disorders including Muscular Sclerosis—an underserved population that often combines typical estate planning, elder law and special needs trust issues—is rife with case studies for practitioners in these areas of law. This presentation explores the support provided by the MS Society for persons with MS and their families, as well as opportunities for practitioners to partner with the MS Society. A series of typical case studies follows to illustrate the kinds of issues the practitioner is likely to encounter.

Stephen W. Dale, The Dale Law Firm, PC, Pacheco, CA

1:20 p.m. Break

1:30 p.m. .50 hr

Workers' Compensation and SNTs

Medicare is expanding set-asides to third-party liability claims in addition to set-asides in workers' compensation claims. There are common law developments in ERISA, Medicaid, and other subrogation interests, as well as a new statute restricting the amount subrogated plans may claim when the tort recovery is insufficient to compensate everyone who wants a share.

Judy Kostura, Judge, Kostura & Putman, P.C., Austin, TX

2:00 p.m. .50 hr

The Affordable Care Act

A history of the attempts to achieve health care reform in the U.S. and an outline of the basic tenets of the law.

Mary Alice Jackson, Attorney at Law, Austin, TX

2:30 p.m. .75 hr

Do You Need an SNT after the Affordable Care Act?

Will the Affordable Care Act replace the need for special needs trusts? And how might it impact your practice in the years ahead? This presentation covers opportunities to use the ACA to expand choices for clients and also takes into consideration scenarios in which the ACA may not offer any benefit in special needs planning.

Pi-Yi Mayo, Law Office of Pi-Yi Mayo, Baytown, TX

3:15 p.m. Adjourn

ABOUT THE COVER

Now and Then .048 (2005), 26" x 19 ½", ink jet print, gouache and collage, is by Kenneth Hale. Courtesy of William Campbell Contemporary Art, **www.williamcampbellcontemporaryart.com**.

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REASONS TO ATTEND SPECIAL NEEDS TRUSTS

- **Learn or get a refresher** on the basics of special needs trusts: fundamentals plus protecting and maximizing public benefits
- **Hear the latest updates:** Recent changes to the POMs manual, office policies, and the status of ongoing efforts at the Social Security Administration; case law update; and new decanting statutes
- **Gain insight** into trustee duties and responsibilities to beneficiaries of SNTs and considerations in choosing a trustee
- **Examine the impact** of the Affordable Care Act on SNTs
- **Hear from key agencies** including the Texas Health and Human Services Commission (HHSC) and the Texas Department of Aging and Disability Services (DADS)
- **Analyze select topics** in SNTs including mechanics of SNT transitions, housing options and nonprofits, workers' compensation, structured settlement annuities, case studies, attorney fees, and more
- **Earn up to** 1.75 hours of ethics credit
- **Network** during Thursday's reception—all attendees are invited.

HOW TO REGISTER

Register online:
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SPECIAL NEEDS TRUSTS

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February 6–7, 2014

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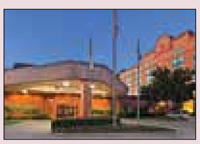

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January 31, 2014
last day for cancellation (full refund)

February 3, 2014
last day for cancellation (partial refund)
$50 processing fee applied

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conference begins

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