THE UNIVERSITY OF TEXAS SCHOOL OF LAW

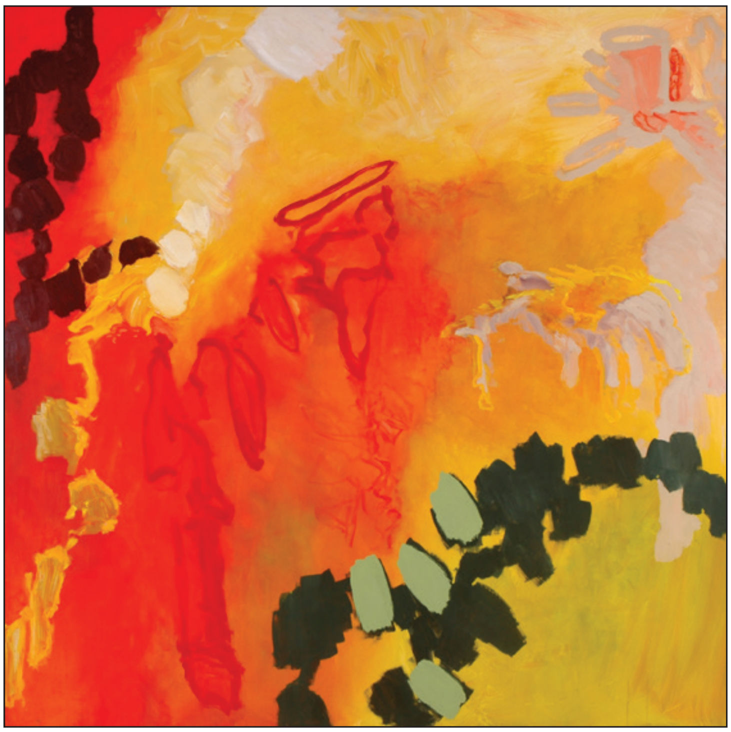
THE WEALTH MANAGEMENT AND TRUST DIVISION

OF THE TEXAS BANKERS ASSOCIATION

11TH ANNUAL CHANGES AND TRENDS AFFECTING

SPECIAL NEEDS TRUSTS

A Guide for Attorneys, Financial Advisors and Trust Officers



February 5–6, 2015

Radisson Hotel and Suites Downtown ▪ Austin, Texas

SPONSORS

Cadence Bank

Frost Wealth Advisors

Earn up to 12.75 Hours of Credit Including 2.25 Hours of Ethics Credit, and 15.00 Hours of CPE Credit (NASBA)

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

Certified Financial Planner (CFP) Credit Expected

www.utcle.org ▪ 512.475.6700

11TH ANNUAL CHANGES AND TRENDS AFFECTING
SPECIAL NEEDS TRUSTS

February 5–6, 2015 ▪ Radisson Hotel and Suites Downtown ▪ Austin, Texas

Earn up to 12.75 Hours of Credit Including 2.25 Hours of Ethics Credit, and 15.00 Hours of CPE Credit (NASBA)

THURSDAY MORNING, FEB. 5, 2015

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

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

10:20 a.m. **Welcoming Remarks**

SPECIAL NEEDS TRUSTS BASICS

10:30 a.m. 1.00 hr | .25 hr ethics

Special Needs Trusts Basics, Part I: Fundamentals of SNTs

An overview of Special Needs Trusts, defining the different types of SNTs and explaining how these trusts are used to benefit individuals with disabilities. Emphasis is given on how Third-Party SNTs are utilized in estate planning, how Self-Settled SNTs can be used to protect personal injury settlements, inheritances, and other assets belonging to a beneficiary who is on Medicaid, and under what circumstances Pooled Trusts should be considered.

Randy Drewett, Attorney at Law, Beaumont, TX
Wesley E. Wright, Wright Abshire, Attorneys, Bellaire, TX

11:30 a.m. .50 hr | .25 hr ethics

Special Needs Trusts Basics, Part II: ABCs of Public Benefits

The fundamental rules and professional responsibilities every special needs attorney and trust officer should understand to protect eligibility of a trust beneficiary for SSI and Medicaid; and an introduction to other important means-tested benefits.

H. Clyde Farrell, Farrell & Pak PLLC, Austin, TX
Christina Lesher, The Law Office of Christina Lesher, PC, Houston, TX

12:00 p.m. Pick Up Lunch
Included in registration.

THURSDAY AFTERNOON

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

LUNCHEON PRESENTATION

12:20 p.m. .75 hr

Case Law Update

A review of significant cases from the past year, including trends represented in those cases and suggestions for attorneys working with special needs clients.

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

1:05 p.m. **Break**

1:20 p.m. .50 hr

Public Benefits Update

Recent changes in law and policy affecting SSI, Medicaid and other benefits often needed by special needs trust beneficiaries, plus strategies for responding to those changes on behalf of beneficiaries.

H. Clyde Farrell, Farrell & Pak PLLC, Austin, TX
Christina Lesher, The Law Office of Christina Lesher, PC, Houston, TX

1:50 p.m. .50 hr

SSI and Deeming: Mystery Solved

Calculating deemed income for an SSI recipient is complicated and confusing. Learn the rules and calculations once and for all.

Bryn Anne Poland, Law Office of Pi-Yi Mayo, Baytown, TX

2:20 p.m. .50 hr

Medicare and Special Needs Trusts: The Interplay

Explore the role of Medicare in special needs trust planning. Many SNT beneficiaries are or will become "dually-eligible"—what does that mean and what do practitioners and Trustees need to know?

Mary Alice Jackson, Mary Alice Jackson, P.C., Austin, TX

2:50 p.m. .75 hr

Update from the Centers for Medicare & Medicaid Services

CMS answers some of their most frequently asked questions and provides an opportunity for attendees to get their questions answered.

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

3:35 p.m. **Break**

3:45 p.m. .75 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

4:30 p.m. .50 hr | .25 hr ethics

Personal Injury Settlements Subrogation and Lien Issues

Medicare, Medicaid, VA, health insurers, disability insurers, hospitals and others all want a share of the personal injury settlement. Find out how much of it the client can keep and how to avoid malpractice in dividing the recovery.

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

5:00 p.m. .50 hr | .25 hr ethics

Planning for Clients with Traumatic Brain Injuries (TBI)

What guardians and attorneys need to know about acquired brain injuries to better understand the needs of their clients.

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

5:30 p.m. **Adjourn to Reception**

THANK YOU TO OUR RECEPTION SPONSOR

Frost BANKING INVESTMENTS INSURANCE

5:30 p.m. – 6:30 p.m.

Join us for drinks and hors d'oeuvres with program faculty and attendees.

FRIDAY MORNING, FEB. 6, 2015

Presiding Officer:
Peyton Taylor, Texas Bankers Association, Austin, TX

7:30 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. 1.00 hr

Update on Social Security Administration Treatment of Special Needs Trusts

In recent years, the Social Security Administration (SSA) has given more attention to the treatment of self-settled special needs trusts established pursuant to 42 U.S.C. §1396p(d)(4). Get an update on the status of the SSA trust centralization project, review changes in SSA policies, and learn the rules regarding establishing and administering trusts, the interpretation of "sole benefit" and on-going advocacy efforts in support of trust beneficiaries.

Mary E. O'Byrne, Frank, Frank & Scherr, LLC, Lutherville, MD

9:30 a.m. .75 hr

"Tax Wise" Planning: Funding SNTs with IRAs

Learn how to work with a client's tax and financial advisors to determine when to direct a qualified plan to a testamentary special needs trust, and how to work with the trustee to offset the income generated by the IRA distribution against the beneficiary's deductible expenses. Through a series of case studies, understand how this strategy can reduce, and in some cases, eliminate the taxable income from the qualified plan.

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

10:15 a.m. Break

10:30 a.m. 1.00 hr | .50 hr ethics

Problems That Didn't Need to Happen: Attorney and Trustee Perspectives of Trust Drafting and Administration

An entertaining and interactive look at different perspectives of drafting to meet unique situations; plus how to handle administration issues, especially when the drafting has gone awry.

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

Panelists:
Robert B. Fleming, Fleming & Curti, PLC, Tucson, AZ
Shawn P. Hughes, Broadway Bank, San Antonio, TX
Nancy Sosa, Cadence Trust, Austin, TX

11:30 a.m. .50 hr | .25 hr ethics

Trustees and Managing Real Property

Buying a home is often one of the most important items for a special needs trustee to consider. How to title the home, whether to allow others to live with the trust beneficiary, and whether to charge rent are all concerns that have to be addressed. After those tough decisions nothing else can go wrong, right?

Robert B. Fleming, Fleming & Curti, PLC, Tucson, AZ

12:00 p.m. Pick Up Lunch

FRIDAY AFTERNOON

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

LUNCHEON PRESENTATION

12:20 p.m. .25 hr

Arc's National Center for Future Planning

An update on the Arc's new online resource designed to give aging family members of adults with intellectual and developmental disabilities the practical assistance they need to plan for the individual's future, including housing, personal care and daily living supports, decision-making and financial planning.

Tresi Moore Weeks, The Weeks Law Firm, Plano, TX

12:35 p.m. .50 hr

Creating Home in Texas: Housing for Adults with Cognitive Disabilities and Social Challenges

A look at the status of safe, affordable housing with supports for adults in Texas with cognitive disabilities and social challenges, as well as plans to address this emerging social issue. An example of an independent living assessment is also provided.

Robin LeoGrande, Community for Permanent Supported Housing, Plano, TX

Commentator:
Tresi Moore Weeks, The Weeks Law Firm, Plano, TX

1:05 p.m. Break

1:20 p.m. .50 hr

1301 Management Trusts

Creating an SNT for an individual with a disability who is otherwise competent, the requirements of SSA on who can petition the Court to create the trust, plus possible solutions.

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

1:50 p.m. .75 hr | .50 hr ethics

Special Needs Trusts and Divorce

The importance of collaboration by divorce attorneys and special needs trust attorneys during the divorce and beyond.

Keith D. Maples, Noelke English Maples St. Leger Blair, LLP, Austin, TX
Marilyn G. Miller, Attorney at Law, Dripping Springs, TX

2:35 p.m. .50 hr

Closing Special Needs Trusts (with Current Medicaid Changes)

A review of the steps, including probate proceedings and Medicaid reimbursement requirements, necessary to close administration of an SNT upon the death of the beneficiary.

Donald F. Carnes, Hill Ducloux Carnes & de la Garza, Austin, TX
Nancy Sosa, Cadence Trust, Austin, TX

Co-Author:
David J. Reber, Johnson Jordan Cresswell Monk, PC, Dallas, TX

3:05 p.m. .75 hr

Disabilities and Degrees

College graduates with disabilities must often tackle many challenges in finding and maintaining employment while also retaining the medical and assistance services they need from public benefits programs. Gain insight into some of the most commonly-used work incentive programs, common problems graduates encounter, and new Texas innovations to help graduates transition from the campus to employment.

Renée C. Lovelace, The Lovelace Law Firm, P.C., Austin, TX
Larry K. Phillippe, Ed.D., Texas Tech University, Lubbock, TX

3:50 p.m. Adjourn

ABOUT THE COVER

Sinner, 60" x 60", oil on wood, is by Jennifer Chenoweth. For more information, visit www.fisterrastudio.com

CONFERENCE FACULTY

DONALD F. CARNES
Hill Ducloux Carnes & de la Garza
Austin, TX

STEPHEN W. DALE
The Dale Law Firm, PC
Pacheco, CA

RANDY DREWETT
Attorney at Law
Beaumont, TX

H. CLYDE FARRELL
Farrell & Pak PLLC
Austin, TX

ROBERT B. FLEMING
Fleming & Curti, PLC
Tucson, AZ

SHAWN P. HUGHES
Broadway Bank
San Antonio, TX

MARY ALICE JACKSON
Mary Alice Jackson, P.C.
Austin, TX

JUDY KOSTURA
Judge, Kostura & Putman, P.C.
Austin, TX

ROBIN LEOGRANDE
Community for Permanent Supported Housing
Plano, TX

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

RENÉE C. LOVELACE
The Lovelace Law Firm, P.C.
Austin, TX

KEITH D. MAPLES
Noelke English Maples St. Leger Blair, LLP
Austin, TX

PI-YI MAYO
Law Office of Pi-Yi Mayo
Baytown, TX

MARILYN G. MILLER
Attorney at Law
Dripping Springs, TX

REBECCA C. MORGAN
Stetson University College of Law
Gulfport, FL

SHARI L. NICHOLS
Texas Health and Human Services Commission
Austin, TX

MARY E. O'BYRNE
Frank, Frank & Scherr, LLC
Lutherville, MD

LARRY K. PHILLIPPE, ED.D.
Texas Tech University
Lubbock, TX

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

BRYN ANNE POLAND
Law Office of Pi-Yi Mayo
Baytown, TX

DAVID J. REBER
Johnson Jordan Cresswell Monk, PC
Dallas, TX

NANCY SOSA
Cadence Trust
Austin, TX

SALLY STALCUP
Centers for Medicare & Medicaid Services
Dallas, TX

TRESI MOORE WEEKS
The Weeks Law Firm
Plano, TX

WESLEY E. WRIGHT
Wright Abshire, Attorneys
Bellaire, TX

PLANNING COMMITTEE

RENÉE C. LOVELACE—CO-CHAIR
The Lovelace Law Firm, P.C.
Austin, TX

PATRICIA F. SITCHLER—CO-CHAIR
Schoenbaum, Curphy & Scanlan, P.C.
San Antonio, TX

ASHLEE BENNETT
Texas Bankers Association
Austin, TX

LEAH COHEN
arrangeCARE
Austin, TX

STEPHEN W. DALE
The Dale Law Firm, PC
Pacheco, CA

RANDY DREWETT
Attorney at Law
Beaumont, TX

H. CLYDE FARRELL
Farrell & Pak PLLC
Austin, TX

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

MARY ALICE JACKSON
Mary Alice Jackson, P.C.
Austin, TX

JOANNA JEFFERSON
The University of Texas School of Law
Austin, TX

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

PI-YI MAYO
Law Office of Pi-Yi Mayo
Baytown, TX

NANCY SOSA
Cadence Trust
Austin, TX

PEYTON TAYLOR
Texas Bankers Association
Austin, TX

TRESI MOORE WEEKS
The Weeks Law Firm
Plano, TX

WESLEY E. WRIGHT
Wright Abshire, Attorneys
Bellaire, TX

REASONS TO ATTEND SPECIAL NEEDS TRUSTS

- **Get your Special Needs Trusts Basics** on Thursday morning—the perfect foundation (and refresher!) for both new and experienced practitioners
- **Gain unique insight** into drafting and administering SNTs from a panel of experienced attorney-trustees
- **Understand the options and opportunities** in funding SNTs with IRAs
- **Explore the role of Medicare** in special needs trust planning and what it means to practitioners in Texas
- **Learn the rules for calculating** deemed income for SSI recipients
- **Review the steps** necessary to close administration of an SNT, including probate proceedings and Medicaid reimbursement requirements
- **Hear updates and current issues from key agencies,** including the Texas Health and Human Services Commission (HHSC) and the Centers for Medicare & Medicaid Services (CMMS)
- **Learn more about available resources** for your clients, including the Arc's new online resource as well as options for affordable housing in Texas for adults with cognitive disabilities
- **Earn up to** 2.25 hours of ethics

HOW TO REGISTER

Online:
www.utcle.org/conferences/SN15

Mail:
The University of Texas
School of Law
Attn. Registration
PO Box 7759
Austin, TX 78713-7759

Fax:
512.475.6876

Questions? 512.475.6700

Dietary requirements or Accessibility needs? Call 512.475.6700 or email service@utcle.org

CLE AND CPE CREDIT

CLE CREDIT

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 12.75 hours, of which 2.25 credit hours will apply to legal ethics/professional responsibility credit.

Legal Specialization Credit Approved for Estate Planning and Probate Law, and Tax Law

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).

CPE CREDIT

The University of Texas School of Law is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be submitted to the National Registry of CPE Sponsors through its website: www.learningmarket.org.

Earn up to 15.00 credits in Specialized Knowledge and Applications.

Delivery Method: Group-Live
Program Level: Overview
Advance Preparation: None

CFP CREDIT

Certified Financial Planner (CFP) CE Credit approval expected.

REGISTRATION FORM

PLEASE PRINT CLEARLY **SN15**

Bar Card# ____________ ❑ TX ❑ Other State: ________ ❑ N/A

Name [Mr. / Ms.] ____________

Firm ____________

Address ____________

City ____________ State ______ Zip ______

Telephone ____________ Fax ____________

Registrant's Email (required) ____________

Assistant's Email (optional) ____________

Invoices, confirmations and receipts are emailed to these addresses.

REGISTRATION—Includes Course Materials, Thursday and Friday Luncheon Presentations and Thursday Evening Networking Reception

Special group registration rates available. Call 512.475.6700.

1. Select Registration Type

❑ Individual registration by Wednesday, January 28 . . . . $450

❑ Individual registration after Wednesday, January 28 . . . . $500

2. Select Course Materials Format

❑ Electronic Course Binder on USB Key ONLY

❑ Printed Course Binder ONLY

IN-HOUSE—For Texas MCLE Credit

ConferenceComplete package includes Audio CD Set plus a Printed Binder and MCLE Reporting Form for each participant. Available for delivery 3–5 weeks after conference date. Shipping included.

❑ In-House for 2. . . . . $850

______ Additional participant(s) for $275 each . . . . $ ______

CONFERENCECOMPLETE MATERIALS† —For Research and Self-Study

Comprehensive Binder and Audio products from the live conference.
Available for delivery 3–5 weeks after conference date. Shipping included.

❑ eBinder Download (PDF). $225

❑ Printed Binder $275

❑ Audio Download (MP3) $175

❑ Audio CD Set $225

†Texas customers—add 8.25% sales tax or include an Exemption Certificate . . . . $ ______
Sales tax will be invoiced separately on taxable orders for which payment does not include tax.

TOTAL $ ______

METHOD OF PAYMENT

❑ Check (make check payable to The University of Texas at Austin)

❑ VISA ❑ MasterCard ❑ American Express ❑ P.O.

Card /P.O. # ____________ Exp. Date ____ / ____ (mm/yy)

Authorized Signature ____________

UT LAW CLE

The University of Texas at Austin
THE UNIVERSITY OF TEXAS SCHOOL OF LAW
PO Box 7759 • Austin, TX 78713-7759

This program is not printed or mailed at state expense.

11TH ANNUAL CHANGES AND TRENDS AFFECTING
SPECIAL NEEDS TRUSTS
February 5–6, 2015 ■ Radisson Hotel and Suites Downtown ■ Austin, Texas

NON-PROFIT-ORG
U.S. Postage
PAID
U T School of Law

Visit
www.utcle.org
Email
service@utcle.org
Call
512.475.6700
Follow
@UTLawCLE
Tweet
#UTLawSNT

SN15

AUSTIN

February 5–6, 2015

CONFERENCE LOCATION

Radisson Hotel and Suites Downtown
111 E. Cesar Chavez Street
Austin, Texas
512.478.9611

Special Room Rate: $170
good through January 6, 2015
(subject to availability)

Parking:
$3 daily self-parking; $24 valet
$8 overnight self-parking
(subject to change)

KEY DATES

January 28, 2015
last day for early registration
add $50 for registrations received after this time

January 30, 2015
last day for cancellation (full refund)

February 2, 2015
last day for cancellation (partial refund)
$50 processing fee applied

February 5, 2015, 10:20 a.m.
Conference begins

THANK YOU TO OUR SPONSORS

SPEAKERS' DINNER
CADENCE BANK
www.cadencebank.com

RECEPTION
Frost BANKING INVESTMENTS INSURANCE
www.frostbank.com

WiFi
Cumberland Trust and Investment Company, Inc.
www.cumberlandtrust.com