THE UNIVERSITY OF TEXAS SCHOOL OF LAW

THE WEALTH MANAGEMENT AND TRUST DIVISION
OF THE TEXAS BANKERS ASSOCIATION

14TH ANNUAL CHANGES AND TRENDS AFFECTING

# SPECIAL NEEDS TRUSTS

## A Guide for Attorneys, Financial Advisors and Trust Officers

February 15–16, 2018

DoubleTree by Hilton Hotel Austin ▪ Austin, Texas

---

**EVENT SPONSORS**

Bank of Texas

Cadence Bank, Trust & Wealth Services

Frost Wealth Advisors

**SPONSORS**

American National Bank of Texas

Happy State Bank & Trust Co.

TEAM Risk Management Strategies

---

Earn up to 13.00 Hours of MCLE Credit, Including 2.50 Hours of Ethics Credit

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

ICB Certified Trust and Financial Advisor (CTFA) and National Accounting CPE credit available;
Certified Financial Planner (CFP) credit expected

**www.utcle.org ▪ 512.475.6700**

# 14TH ANNUAL CHANGES AND TRENDS AFFECTING
# SPECIAL NEEDS TRUSTS

February 15–16, 2018 ▪ DoubleTree by Hilton Hotel Austin ▪ Austin, Texas

Earn up to 13.00 Hours of MCLE Credit, Including 2.50 Hours of Ethics Credit

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

ICB Certified Trust and Financial Advisor (CTFA) and National Accounting CPE credit available;
Certified Financial Planner (CFP) credit expected

## THURSDAY MORNING, FEB. 15, 2018

**Presiding Officer:**
**Patricia F. Sitchler, The Law Office of Patricia Flora Sitchler, La Vernia, TX**

**8:00 a.m. Registration Opens**

Includes continental breakfast.

THANK YOU TO OUR BREAKFAST SPONSOR

BANK OF TEXAS

**8:50 a.m. Welcoming Remarks**

**9:00 a.m.** 1.00 hr

**SNT Basics and Beyond – Top Trends and Pitfalls**

Special needs trusts have been part of our lives for many years and have been adapting to law changes and agency interpretations since the beginning. Review this evolution up to the current status of what works, and what doesn't, when designing and drafting these trusts.

Craig C. Reaves, Reaves Law Firm, P.C., Kansas City, MO

**10:00 a.m.** 1.00 hr | .50 hr ethics

**Maximizing Public Benefits**

Clients and trust beneficiaries come to us to solve their current care needs and plan for the future. Often where a client or trust beneficiary lives determines what public benefits programs are available now and could be available later. Hear an overview of the continuum of care settings and what public benefit programs can help pay for care in each setting, as well as an update of recent changes to public benefits.

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

**11:00 a.m. Break**

**11:15 a.m.** .75 hr | .25 hr ethics

**Seven Timeless Principles of SNT Planning**

While laws, regulations, and rules impacting public benefits and trusts change frequently, certain planning principles do not change. Discuss steps in the SNT design process to address individual circumstances, including basic program types, budgets, grantor and beneficiary expectations, and distribution planning.

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

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

Included in registration.

## THURSDAY AFTERNOON

**Presiding Officer:**
**Elisa Dillard Rainey, Rainey & Rainey, Attorneys at Law LP, Waco, TX**

LUNCHEON PRESENTATION

**12:20 p.m.** .50 hr

**30 Apps in 30 Minutes**

A quick survey of useful apps and tech tips for lawyers, trust officers, and caregivers.

Leah Cohen, arrangeCARE, Austin, TX
Michael J. Curran, Michael Curran, PC, Austin, TX

**12:50 p.m. Break to visit vendors**

**1:20 p.m.** .75 hr

**Case Law Update/Legislative Update**

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

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

**2:05 p.m.** .50 hr

**View from HHSC**

A discussion of current issues and trends from the Texas Health and Human Services Commission.

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

**2:35 p.m.** .75 hr

**View from CMS**

A discussion with a representative of the Centers for Medicare & Medicaid Services of current issues related to the Medicare Secondary Payer provisions. What's new, what's not.

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

**3:20 p.m.** .75 hr

**ABLE Act Update**

An update on the ABLE Act, with strategies about how to use this new tool to enhance your practice including case studies to illustrate how to use ABLE Accounts, as well as how to educate your clients and community.

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

**4:05 p.m. Break**

**4:15 p.m.** .75 hr

**Ways You Should and Shouldn't Use ABLE**

The ABLE Act is a new tool that opens up new possibilities and challenges in providing quality of life for persons with disabilities. Examine the practical do's and don'ts, from the viewpoint of a trustee of a special needs trust, that will assist planners in meeting their clients objectives.

**Moderator:**
Stephen W. Dale, The Dale Law Firm, PC, Pacheco, CA

**Panelists:**
Haley D. Greer, The Arc of Texas, Austin, TX
Nancy Sosa, Cadence Bank, Austin, TX

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

**Decanting: A Solution for Defective or Problematic Trusts**

Recent legislative changes have made it easier to use the Texas decanting statutes to fix problems with defective or problematic trusts, but decanting is still far from being the solution for every trust dilemma. Learn how and when decanting can be used effectively and what risks or potential problems may arise in the process.

Scott Stebler, Stebler & Sulak, PLLC, Austin, 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 program faculty and attendees for drinks and hors d'oeuvres.

## FRIDAY MORNING, FEB. 16, 2018

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

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

Includes continental breakfast.

**8:30 a.m.** .75 hr

**Making Sense of Structured Settlements**

Structured settlements are often used to fund court-created SNTs in the personal injury context. Drafting attorneys and trustees need an understanding of the fundamental concepts of a structured settlement annuity and the effects one will have on the funding and administration of a trust.

Elisa Dillard Rainey, Rainey & Rainey, Attorneys at Law LP, Waco, TX

**9:15 a.m.** .50 hr

**The Intersection of Real Estate and SNTs**

Real estate plays an important role in special needs trusts. Learn to deed property into and out of a trust, as well as other practical applications when real estate and special needs trusts intersect.

Kristen Quinney Porter, Kristen Quinney Porter, LLC, New Braunfels, TX

**9:45 a.m.** .50 hr | .25 hr ethics

**When Immigration Issues and SNTs Collide**

What options might trustees and attorneys have when their trust beneficiaries or their families face immigration issues? This panel discussion will cover views from a trustee, public benefits attorney, and an immigration attorney.

Moderator:
Bryn A. Poland, Law Office of Pi-Yi Mayo, Baytown, TX

Panelists:
Matthew Badders, Frost Wealth Advisors, San Antonio, TX
Daniel Peter Berner, Berner Law, Austin, TX

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

**10:30 a.m.** 1.00 hr

**SSA Regional Trust Leads Presentation Regarding SSI Trusts**

A discussion with the Regional Trust Leads on the regional centralization of the SSI trust review business process, including key players and their roles. Plus, hear SNT drafting errors "Top 10 List" and the latest policy and procedures regarding SNT reviews, including a Q&A session.

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

Panelists:
Amanda Flood, U.S. Social Security Administration, Dallas, TX
Dana Marquez, U.S. Social Security Administration, Dallas, TX

**11:30 a.m.** 1.00 hr

**Working with SSA Part II: Updates to the SSA POMS regarding trusts, Practice Tips, Reporting and More**

Hear an overview of the new trust POMS, strategies for presenting trusts for review, and for responding to adverse agency decisions regarding trusts.

Mary E. O'Byrne, O'Byrne Law, LLC, Lutherville, MD
Kenneth Brown, Former Policy Team Lead, SSA (retired), Attorney at Law, Baltimore, MD

**12:30 p.m. Pick Up Lunch**

Included in registration.

## FRIDAY AFTERNOON

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

**LUNCHEON PRESENTATION**

**12:50 p.m.** 1.00 hr ethics

**Borrowed Trouble: Common Conflicts and Mistakes to Avoid in Your Estate Planning Practice**

Practical advice from a fiduciary litigator on avoiding conflicts and mistakes in your estate planning practice, with a focus on attorney-client privilege and work product privilege issues in special needs trust representations.

Jason S. Scott, Osborne, Helman, Knebel & Scott, LLP, Austin, TX

**1:50 p.m. Break**

**2:05 p.m. Vendor Announcements**

**2:20 p.m.** .50 hr

**The Arc of Texas Master Pooled Trusts: Differences and Resources**

Dive into which of the four options from The Arc of Texas Master Pooled Trust is right for your client or your situation, which ones are recommended as well as the distinct characteristics and advantages of each trust. Learn more about the new Toolkit for beneficiaries and their representatives so that you can better educate your clients on the ins and outs of the Master Pooled Trust.

Haley D. Greer, The Arc of Texas, Austin, TX

**2:50 p.m.** .50 hr | .25 hr ethics

**Disabled Military Child Protection Act**

The recently enacted statute allows members of the military to name a special needs trust for their child as a beneficiary of their survivor benefit plan. Discuss the procedures required in order to name the trust as a beneficiary, as well as issues regarding the certification that the drafting attorney must sign before the designation is accepted.

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

**3:20 p.m. Adjourn**

## ACCREDITATION

### 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 13.00 hours, of which 2.50 credit hours will apply to legal ethics/professional responsibility credit.

Texas Legal Specialization Credit Expected 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.nasbaregistry.org.

Earn up to 15.50 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.

### CTFA CREDIT:

This course has been approved for 13.75 hours continuing education credits by American Bankers Association (ABA) Professional Certifications for the CTFA designation.

## CONFERENCE FACULTY AND PLANNING COMMITTEE

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

PATRICIA F. SITCHLER*—-CO-CHAIR
The Law Office of Patricia Flora Sitchler
La Vernia, TX

MATTHEW BADDERS
Frost Wealth Advisors
San Antonio, TX

ASHLEE BENNETT*
Texas Bankers Association
Austin, TX

DANIEL PETER BERNER
Berner Law
Austin, TX

KENNETH BROWN
Former Policy Team Lead, SSA (retired)
Attorney at Law
Baltimore, MD

LEAH COHEN*
arrangeCARE
Austin, TX

MICHAEL J. CURRAN
Michael Curran, PC
Austin, TX

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

H. CLYDE FARRELL*
Farrell & Pak PLLC
Austin, TX

AMANDA FLOOD
U.S. Social Security Administration
Dallas, TX

TERRY LYNN GARRETT*
The Garrett Law Firm, PLLC
Austin, TX

HALEY D. GREER*
The Arc of Texas
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

DANA MARQUEZ
U.S. Social Security Administration
Dallas, TX

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

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

MARY E. O'BYRNE
O'Byrne Law, LLC
Lutherville, MD

BRYN A. POLAND*
Law Office of Pi-Yi Mayo
Baytown, TX

KRISTEN QUINNEY PORTER*
Kristen Quinney Porter, LLC
New Braunfels, TX

ELISA DILLARD RAINEY*
Rainey & Rainey, Attorneys at Law LP
Waco, TX

CRAIG C. REAVES
Reaves Law Firm, P.C.
Kansas City, MO

JASON S. SCOTT
Osborne, Helman, Knebel & Scott, LLP
Austin, TX

NANCY SOSA*
Cadence Bank
Austin, TX

SALLY STALCUP
Centers for Medicare & Medicaid Services
Dallas, TX

SCOTT STEBLER
Stebler & Sulak, PLLC
Austin, TX

PEYTON TAYLOR*
Texas Bankers Association
Austin, TX

TRESI WEEKS*
The Weeks Law Firm, PLLC
Plano, TX

*Planning Committee member

## REASONS TO ATTEND

The **14th Annual Changes and Trends Affecting Special Needs Trusts** brings together nationally recognized professionals in the SNT field, features the latest updates and hot topics, and offers a great set of materials including sample forms, drafting tips, sample language and resources. This year's program includes:

- Special needs trusts basics including current trends and pitfalls with **Craig C. Reaves**, plus an overview and understanding of available public benefits programs.
- A special presentation from the Social Security Administration's Regional Trust Review Team with must-have insight on the review process; plus updates, advice, and practice tips for practitioners from **Mary E. O'Byrne** and **Kenneth Brown**.
- Case law and legislative updates from **Mary Alice Jackson**.
- The latest developments in the use of ABLE accounts; plus practical discussion on using (or not using) ABLE with **Stephen W. Dale, Haley D. Greer**, and **Nancy Sosa**.
- Practical applications in the intersection of real estate and special needs trusts.
- Current issues and trends from the Texas Health and Human Services Commission (HHSC) and the Centers for Medicare & Medicaid Services (CMS).
- Discussion on a variety of other SNT essentials, including decanting and SNTs, understanding structured settlements, and more.
- Up to 2.50 hours of ethics, plus opportunities to network with program faculty and attendees at the Thursday Evening Reception.

## HOW TO REGISTER

**Online:**
www.utcle.org/conferences/SN18

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

**Fax:**
512.475.6876

**Questions? 512.475.6700**

## REGISTRATION BENEFITS

**Before the Conference:** Access course materials—downloadable PDFs of papers and slides—and speaker and attendee roster in "Your Briefcase" 48 hours before the conference.

**After the Conference:** Unlimited access to final, complete course materials—downloadable PDFs of papers and slides—in "Your Briefcase."

**eConference:** Complimentary access to the eConference—with papers, slides, and audio—for CLE credit (TX and CA) you may have missed at the live conference. Available in "Your Briefcase" 6–8 weeks after the conference.

**TX MCLE Credit Reporting:** UT Law CLE can report credit on your behalf directly to the State Bar of Texas. Track your Texas MCLE credit claimed and reported through UT Law CLE in "Your Account."

**Your Account:** Activate "Your Account" online at www.utcle.org. Your UT Law CLE Account is created for you as a first-time conference registrant (mail and fax registrations) with the email address you provide.

## ECONFERENCE AND COMPLETE CONFERENCE MATERIALS

**eConference**
Complete eConference package includes all conference materials for download from "Your Briefcase" at www.utcle.org.

**Complete Conference Materials**
Comprehensive Binder and Audio products from the live conference—for research and self-study. Available for download and shipping.

## REGISTRATION FORM

**PLEASE PRINT CLEARLY** **SN18**

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 Electronic Course Materials, Thursday and Friday Luncheon Presentation, and Thursday Evening Reception**
Special group registration rates available. Call 512.475.6700.

**Select Registration Type**

❑ Individual registration by February 7 . . . . . . . . . . $495
❑ Individual registration after February 7. . . . . . . . . . $545

**Printed course binder available for an additional fee through February 7**
*Conference registration includes Electronic Course Binder Download (PDF) in "Your Briefcase" at www.utcle.org.*

❑ Printed Course Binder. . . . . . . . . . $37.89
*Price includes 8.25% Sales Tax*
❑ Printed Course Binder for tax exempt registrants . . . . . . . . . . $35
*(e.g., government employees and nonprofits)*

**ECONFERENCE—For Texas MCLE Credit**
Complete eConference package includes all conference materials for download from "Your Briefcase" at www.utcle.org.
Available 6–8 weeks after the live conference date.

❑ Individual eConference . . . . . . . . . . $445
*Call 512.475.6700 to register additional participants.*

**COMPLETE CONFERENCE MATERIALS† —For Research and Self-Study**
Comprehensive Binder and Audio products from the live conference.
Available for delivery 4–6 weeks after conference date. Shipping included.

❑ eBinder Download (PDF) . . . . . . . . . . $225
❑ Printed Binder. . . . . . . . . . $275
❑ Audio Download (MP3) . . . . . . . . . . $175
†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 ______________________

If you have dietary requirements or would like to request accommodations under the ADA, please contact Customer Service at 512.475.6700 or service@utcle.org at least 10 business days prior to the conference.

UT LAW CLE

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



14TH ANNUAL CHANGES AND TRENDS AFFECTING

# SPECIAL NEEDS TRUSTS

February 15–16, 2018 ■ DoubleTree by Hilton Hotel Austin ■ Austin, Texas

NON PROFIT ORG
U.S. POSTAGE
PAID
PERMIT NO. 2707
AUSTIN, TX

Visit
**www.utcle.org**
Email
**service@utcle.org**
Call
**512.475.6700**

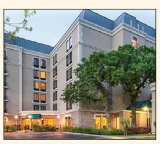
Follow **@UTLawCLE**

SN18

## AUSTIN

**February 15–16, 2018**

### CONFERENCE LOCATION



**DoubleTree by Hilton Hotel Austin**
6505 N Interstate 35
Austin, TX 78752-4346
512.454.3737
800.347.0330 (reservations)

**Special Room Rate: $159**
good through January 15, 2018
(subject to availability)

**Parking:**
Daily or overnight self-parking: $8
Valet parking: $18
(subject to change)

### KEY DATES

**February 7, 2018**
*last day for early registration*
add $50 for registrations
received after this time

**February 9, 2018**
*last day for cancellation (full refund)*

**February 12, 2018**
*last day for cancellation (partial refund)*
$50 processing fee applied

**February 15, 2018, 8:50 a.m.**
*conference begins*

Wealth Management & Trust
A DIVISION OF TEXAS BANKERS ASSOCIATION

**WEALTH MANAGEMENT AND TRUST**, a division of the Texas Bankers Association, is a one-of-a-kind organization dedicated to serving the unique needs of wealth management, trust and estate planning organizations and professionals. We offer a diverse menu of continuing education events such as our Annual Conference (March 27-29, 2018 in Frisco). We also offer news, professional reference publications and advocacy products and services. To learn more about us or to become an associate member, please visit our website: **www.texasbankers.com/trust**

## THANK YOU TO OUR SPONSORS

### RECEPTION SPONSOR
Frost Wealth Advisors

### SPEAKERS' DINNER SPONSOR
Cadence Bank, Trust & Wealth Services

### THURSDAY BREAKFAST SPONSOR
Bank of Texas

### SPONSORS
American National Bank of Texas
Happy State Bank & Trust Co.
TEAM Risk Management Strategies

### EXHIBITORS
Adaptive Driving Access
Colvent Group
Cumberland Trust
National Care Advisors, LLC
True Link Financial
Wells Fargo Bank