

# Avoiding Fraud in an Elder Law Practice

Presented by John R. McNair

McNair Dallas Law

5050 Quorum Drive | Suite 700 | Dallas, TX 75254

469-210-8371 | [www.McNair-DallasLaw.com](http://www.McNair-DallasLaw.com)

The University of Texas School of Law

23<sup>rd</sup> Annual Estate Planning, Guardianship and Elder Law Conference

August 5-6, 2021 | Live Webcast

1

## Introduction

### What is a "Tribunal"?



2

# Introduction

## What is a “Tribunal”?



**TEXAS**  
Health and Human  
Services



**VA**

U.S. Department  
of Veterans Affairs

3

## Your Duty to a Tribunal

1. Don't make a false statement of material fact or law.
2. Don't fail to disclose a fact when disclosure is necessary to avoid assisting a criminal or fraudulent act.

4

# Your Duty to a Tribunal

## What Should You Do If You Discover Client Fraud (or Potential Fraud)?

- Persuade Client to allow attorney to correct or withdraw false evidence.

5

# Your Duty to a Tribunal

## What Should You Do If You Discover Client Fraud (or Potential Fraud)?

- If such efforts are unsuccessful, take reasonable remedial steps including disclosure of true facts.
- If it hasn't been offered to the tribunal yet, don't offer it!

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: **Avoiding Fraud in Public Benefit Eligibility**

Also available as part of the eCourse

[2021 Estate Planning, Guardianship, and Elder Law eConference](#)

First appeared as part of the conference materials for the  
23<sup>rd</sup> Annual Estate Planning, Guardianship and Elder Law Conference session  
"Avoiding Fraud in Public Benefit Eligibility"