

# 17<sup>th</sup> Annual Estate Planning, Guardianship and Elder Law Conference

## August 6-7, 2015 • Moody Gardens • Galveston, TX

### Thursday Morning, Aug. 6, 2015

**Presiding Officer:**

**H. Clyde Farrell**, Farrell & Pak PLLC - Austin, TX

8:00 am	<p><b>Registration Opens</b></p> <p>Includes continental breakfast.</p>
8:50 am	<p><b>Welcoming Remarks</b></p>
9:00 am 0.75 hr	<p><b>Elder Law Overview</b></p> <p>Trace the development of Elder Law, emerging as the only area of law defined by an age group, and understand its key components.</p> <p>Wesley E. Wright, Wright Abshire, Attorneys - Bellaire, TX</p>
9:45 am 0.50 hr	<p><b>The “Senior Industrial Complex”: A Guide to Certified Professionals and What They Can (and Can’t) Do for Your Clients</b></p> <p>An examination of the "aging enterprise" and the various certifications used by service providers and case/care managers, including an understanding of the underlying certification criteria to better determine the value of the credentials to a client's situation.</p> <p>Leah Cohen, arrangeCARE - Austin, TX Marilyn G. Miller, Attorney at Law - Dripping Springs, TX</p>
10:15 am	<p><b>Break</b></p>
10:30 am 0.50 hr	<p><b>Powers of Attorney: Recent Developments</b></p> <p>A review of new developments affecting Powers of Attorney, including the requirement to sign a power of attorney in a law office if the principal intends to give the agent the authority to sign a home equity loan (<i>Finance Com’n of Texas v. Norwood</i>); and the Agent’s potential liability for breach of fiduciary duty when the principal acts on his own (<i>Vogt v. Warnock</i>; <i>Jordon v. Lyles</i>).</p> <p>Patricia F. Sitchler, The Law Office of Patricia Flora Sitchler - La Vernia, TX</p>
11:00 am 0.75 hr 0.25 hr ethics	<p><b>Powers of Attorney: Best Practices and Provisions</b></p> <p>A discussion of suggested solutions to potential issues when drafting powers of attorney, including avoiding potential exploitation, dealing with financial institutions and title companies, attorney-client privilege when representing the agent named in a power of attorney and other timely issues.</p> <p>Moderator: Patricia F. Sitchler, The Law Office of Patricia Flora Sitchler - La Vernia, TX Panelists: Glenn M. Karisch, The Karisch Law Firm, PLLC - Austin, TX David P. Stanush, Strasburger &amp; Price, LLP - San Antonio, TX</p>

11:45 am	<b>Pick Up Lunch</b>  Included in registration.
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## Thursday Afternoon, Aug. 6, 2015

### Presiding Officer:

Anna María Méndez, Cadence Bank - Austin, TX

### LUNCHEON PRESENTATION

12:05 pm 0.75 hr	<b>Legislative Update</b>  A 2015 Texas estate and trust legislative update including probate, guardianships, trusts, powers of attorney, and related matters.  Craig Hopper, Hopper Mikeska, PLLC - Austin, TX
12:50 pm	<b>Break</b>
1:05 pm 0.50 hr	<b>Exempt Property Set Asides, Allowances in Lieu Thereof, and Family Allowances in Probate</b>  The use of tools for the protection of a decedent's spouse, minor children, and adult disabled children.  Hon. Guy Herman, Travis County Probate Court #1 - Austin, TX
1:35 pm 0.50 hr	<b>Credit Shelter Trusts, Portability and Basis Adjustment</b>  Review the changes in planning considerations since the enactment of portability legislation and learn when it may be appropriate to use a marital trust, outright bequest to the surviving spouse, or modified credit shelter trust in lieu of a traditional credit shelter trust.  Webber Barton Roscher, Osborne, Helman, Knebel & Scott, LLP - Austin, TX
2:05 pm 0.50 hr	<b>Disclaimers: Old Friend, New Issues</b>  The how, when, why and why not of disclaimers, with a discussion of new developments and a look at the future.  Glenn M. Karisch, The Karisch Law Firm, PLLC - Austin, TX
2:35 pm	<b>Break</b>
2:45 pm 0.75 hr 0.25 hr ethics	<b>Trust Protectors (Trust Advocates)</b>  A look at the additional layers of advice, direction, and advocacy in trust administration by fiduciaries and possibly by non-fiduciaries, taking into consideration different roles, titles, and statutory changes.  Renée C. Lovelace, The Lovelace Law Firm, P.C. - Austin, TX Glenn M. Karisch, The Karisch Law Firm, PLLC - Austin, TX

3:30 pm 1.00 hr 0.25 hr ethics 1.00 hr guardianship	<p><b>Alternatives to Guardianship</b></p> <p>A discussion of less restricted alternatives to guardianship, as well as supports and services available to proposed wards.</p> <p>Moderator: Hon. Steve M. King, Tarrant County Probate Court #1 - Fort Worth, TX</p> <p>Panelists: Hon. Guy Herman, Travis County Probate Court #1 - Austin, TX Craig Hopper, Hopper Mikeska, PLLC - Austin, TX Patricia F. Sitchler, The Law Office of Patricia Flora Sitchler - La Vernia, TX</p>
4:30 pm 0.75 hr	<p><b>Hot Topics in Estate Planning and Elder Law</b></p> <p>What's in, what's out and what's unknown—a look at the issues which most affect our practices due to rules, regulations, drafting and public policy.</p> <p>Mary Alice Jackson, Mary Alice Jackson, P.C. - Austin, TX</p>
5:15 pm	<p><b>Adjourn to Networking Reception Thank You to Our Reception Sponsor</b></p> <p>Frost Wealth Advisors</p>

## Friday Morning, Aug. 7, 2015

### Presiding Officer:

**Hon. Gladys B. Burwell**, Senior Statutory Probate Judge - Friendswood, TX

7:30 am	<p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p>
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## GUARDIANSHIP ESSENTIALS

8:00 am 1.00 hr 0.50 hr ethics 1.00 hr guardianship	<p><b>The Role of the Guardian</b></p> <p>An examination of the duties and responsibilities of a guardian under Texas law and guardianship administration from initiation to closing, including the code requirements of selling and leasing property, ethical issues and more.</p> <p>Clinton Wayne Alexander, Barnes Lipscomb Stewart - Austin, TX</p>
9:00 am 1.00 hr 0.50 hr ethics 1.00 hr guardianship	<p><b>The Role of the Ad Litem</b></p> <p>An overview of the responsibilities of the attorney ad litem and guardian ad litem in guardianship proceedings with an emphasis on practical application of the statutes, conduct in uncontested and contested proceedings and pointers on applications for fees. The materials include numerous checklists, comprehensive references and forms.</p> <p>Hon. Steve M. King, Tarrant County Probate Court #1 - Fort Worth, TX</p>
10:00 am	<p><b>Break</b></p>

10:15 am 0.75 hr	<p><b>Classic Issues and Unexpected Twists: Texas Case Law in Review</b></p> <p>A review of recent Texas cases impacting estate planning, estate administration and elder law practices.</p> <p>Elisa Dillard Rainey, Rainey &amp; Rainey, Attorneys at Law LP - Waco, TX</p>
11:00 am 0.75 hr 0.25 hr ethics	<p><b>VA Look-Back: What Do the Proposed Law Changes Mean to You and Your Clients?</b></p> <p>In January 2015, the VA issued proposed changes to the Improved Pension (with Aid and Attendance) laws that would implement a 3 year look-back, penalties up to 10 years, a bright-line net worth limit and other changes that would harm the ability of Wartime Veterans from qualifying. Learn how to capitalize on opportunities before the rules become final!</p> <p>Victoria L. Collier, The Elder &amp; Disability Law Firm of Victoria L. Collier, PC - Decatur, GA</p>
11:45 am	<p><b>Pick Up Lunch</b></p> <p>Included in registration.</p>

## Friday Afternoon, Aug. 7, 2015

### Presiding Officer:

**Wesley E. Wright**, Wright Abshire, Attorneys - Bellaire, TX

### LUNCHEON PRESENTATION

12:05 pm 1.00 hr 0.25 hr ethics 0.25 hr guardianship	<p><b>Ask the Experts</b></p> <p>A panel of seasoned practitioners respond to your frequently—and sometimes infrequently—asked questions including practice, professional and ethical issues in estate planning, probate, guardianship and elder law.</p> <p>Moderator: H. Clyde Farrell, Farrell &amp; Pak PLLC - Austin, TX</p> <p>Panelists: Craig Hopper, Hopper Mikeska, PLLC - Austin, TX Elisa Dillard Rainey, Rainey &amp; Rainey, Attorneys at Law LP - Waco, TX Renée C. Lovelace, The Lovelace Law Firm, P.C. - Austin, TX Patricia F. Sitchler, The Law Office of Patricia Flora Sitchler - La Vernia, TX</p>
1:05 pm	<p><b>Break</b></p>
1:20 pm 0.50 hr	<p><b>The Ins and Outs of Long-Term Care Insurance</b></p> <p>Fighting over long term care insurance—the basics, common issues and practice tips.</p> <p>Jennifer Tatum Lee, Taylor Dunham and Rodriguez LLP - Austin, TX</p>
1:50 pm 0.50 hr	<p><b>The View from HHSC</b></p> <p>Hear the Texas Health and Human Services Commission (HHSC) address current issues in long-term care Medicaid eligibility.</p> <p>Shari L. Nichols, Texas Health and Human Services Commission - Austin, TX</p>

2:20 pm 0.75 hr 0.25 hr ethics 0.75 hr guardianship	<b>Guardianship Issues for the Impaired Divorce Client</b>  Sarah Patel Pacheco, Crain, Caton & James, P.C. - Houston, TX
3:05 pm 0.50 hr 0.50 hr guardianship	<b>Guardianship for the Medicaid Recipient</b>  A discussion on guardian compensation, Medicaid spend down considerations, and transfers and gifts of the ward's assets in relation to Medicaid qualification.  Kelley M. Bentley, Roberts Markel Weinberg Butler Hailey - Sugarland, TX Joy Marie Eckelkamp, Wright Abshire, Attorneys - Bellaire, TX
3:35 pm	<b>Adjourn</b>