23rd Annual Estate Planning, Guardianship and Elder Law Conference
August 5-6, 2021 • Live Webcast

Thursday Morning, Aug. 5, 2021

Presiding Officer:
Bryn A. Poland, Mayo & Poland PLLC - Baytown, TX

8:00 am	**Virtual Exhibit Hall Opens** Please take time to visit our sponsors and exhibitors in the virtual exhibit hall. You have the opportunity to meet with sponsors and exhibitors in our Zoom room to hear about their products and services and also possibly win some great prizes.
8:30 am	**Welcoming Remarks**
8:40 am 0.75 hr	**Estate Planning for Retirement Plans in View of the SECURE Act** Understand the provisions of the SECURE Act that became effective January 1, 2020, and how the SECURE Act is likely to affect estate planning with respect to qualified employee benefit plans and IRAs. Karen S. Gerstner, Karen S Gerstner & Associates, P.C. - Houston, TX
9:25 am	**10-Minute Break**
9:35 am 0.75 hr	**What Every Estate Planner Needs to Know About Pooled Trusts** Learn how special needs planning differs from elder law planning, the intersection of the two, and why a pooled trust might be an option for special needs beneficiaries. Explore what to consider when investigating pooled trusts and what differs about the remainder policies. Drafting tips will include how to give your clients the option to use a pooled trust even when creating a special needs trust as a part of the estate plan. Karen Dunivan Konvicka, Commonwealth Community Trust - Richmond, VA Materials By: Joanne Marcus, Commonwealth Community Trust - Richmond, VA
10:20 am	**10-Minute Break**
10:30 am 0.75 hr	**Legislative Update** Update on new legislation impacting estate planning, guardianships, trusts and related practice areas. Lauren Davis Hunt, Osborne, Helman, Knebel & Scott, LLP - Austin, TX
11:15 am	**10-Minute Break**

11:25 am 0.75 hr	**Medicaid Update** Latest developments affecting planning and applications for Medicaid to pay for nursing home care and home care, including policies exempting certain retirement accounts from countable assets, how to deal with barriers to Medicaid home care, and status of Lady Bird Deeds and Transfer on Death Deeds H. Clyde Farrell, Farrell & Johnson PLLC - Austin, TX Meredith Ann Sullivan, Farrell & Johnson PLLC - Austin, TX
12:10 pm	**Break for Lunch and Visit Exhibitors** Presentations resume at 12:40 p.m. Please take time to visit our sponsors and exhibitors in the virtual exhibit hall. You have the opportunity to meet with sponsors and exhibitors in our Zoom room to hear about their products and services and also possibly win some great prizes.

Thursday Afternoon, Aug. 5, 2021

Presiding Officer:
Paul Premack, The Premack Law Office - San Antonio, TX

Luncheon Presentation

12:40 pm 0.50 hr	**Remote Execution of Documents: Lessons Learned from the Pandemic** Review minimum execution requirements for common estate planning documents and why most can't be signed electronically. Also, the temporary orders allowing remote notarization of documents and logistics of getting the documents signed. William D. Pargaman, Brink Bennett Pargaman Atkins - Austin, TX

1:10 pm	**10-Minute Break**
1:20 pm 0.75 hr	**The Medicaid Exclusion for Business Property: Protecting Clients' Farms, Ranches and Other Businesses** Analyze how the attorney can become an invaluable guide in helping the client to traverse the often complicated rules regarding business property and the exemption of same in Medicaid cases. Benecia Flores, Petrosewicz Law Firm, P.C. - Richmond, TX Wesley E. Wright, Wright Abshire, Attorneys - Bellaire, TX
2:05 pm	**10-Minute Break**
2:15 pm 0.75 hr 0.75 hr guardianship	**Temporary Guardianships and Other Emergency Relief in a Guardianship Proceeding** Practice tips and forms for the creation of a temporary guardianship and other emergency relief. Kathleen Tanner Beduze, Crain Caton & James PC - Houston, TX
3:00 pm	**10-Minute Break**

3:10 pm 0.75 hr	**Paying for Home Care in the Pandemic and Beyond: Medicaid and VA Benefits** A primer on the Medicaid programs that pay for home care (Star+Plus Waiver and Community Attendant Services) and on VA benefits that can help with home care (VA pension, Extended Care, Comprehensive Assistance for Family Caregivers). Christina Lesher, The Law Office of Christina Lesher, PC - Houston, TX Lori A. Leu, Leu & Peirce, PLLC - Plano, TX
3:55 pm	**5-Minute Break**
4:00 pm 1.00 hr 0.50 hr ethics 1.00 hr guardianship	**Alternatives to Guardianship Including Support Services** Exploring the range of supports and services and alternatives to guardianship and a decision tree to determine the necessity of a guardianship in the continuum of care, including an update on capacity assessment tools. John B. Henry III, Law Office of John B. Henry, III, PLLC - Bellaire, TX
5:00 pm	**Adjourn**

Friday Morning, Aug. 6, 2021

Presiding Officer:
Kelley M. Bentley, The Bentley Law Firm - Sugar Land, TX

7:30 am	**Virtual Exhibit Hall Opens** Please take time to visit our sponsors and exhibitors in the virtual exhibit hall. You have the opportunity to meet with sponsors and exhibitors in our Zoom room to hear about their products and services and also possibly win some great prizes.

DISCUSSION BREAKOUTS Via Zoom (Select One)

	Discussion Breakout Sessions Join us in Zoom for facilitator led discussion sessions on various Estate Planning, Guardianship and Elder Law topics. Topic selections are below and you may choose which session you will attend. Topics are subject to change before the conference. We will send additional information and instruction on how to join the Zoom meeting the week of the conference. Please note you will need to have the latest version of Zoom, you can find instructions on updating your Zoom client by using this link.

Breakout Room A: APS and Getting Action

8:00 am 0.50 hr	**APS and Getting Action** Attorneys who practice in Estate Planning, Elder Law, and Guardianship Law will invariably encounter situations that will involve or otherwise implicate the involvement of the Texas Department of Family and Protective Services – Adult Protective Services. The presenter and attendees will discuss various options available to facilitate protection of adults who may be at risk of abuse, neglect and/or exploitation. Terry W. Hammond, Texas Guardianship Association - Bryan, TX

Breakout Room B: Medicare	
8:00 am 0.50 hr	**All things Medicare** Open discussion about any and all Medicare issues from application, coverage, costs, Medigap policies, or appeals of denial of benefits. If you have questions or issues about anything dealing with Medicare come join our discussion of all things Medicare. Pi-Yi Mayo, Mayo & Poland PLLC - Baytown, TX

Breakout Room C: Gun Trusts	
8:00 am 0.50 hr	**Getting Started Drafting Gun Trusts, and Avoiding Lethal Pitfalls** Discuss any aspects of drafting gun trusts for clients, from getting started in this area all the way to adding advanced features to your trusts. Talk about trusts formed to own ordinary guns, and those intended to own firearms regulated by the National Firearms Act. Sean P. Healy, Healy Law Offices, P.C. - Tyler, TX

MORNING SESSIONS Via Webcast Portal

8:30 am	**10-Minute Break**
8:40 am 1.00 hr 0.50 hr ethics 1.00 hr guardianship	**Role of the Guardian** Examine 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. Craig Hopper, Hopper Mikeska, PLLC - Austin, TX
9:40 am	**20-Minute Break to Visit Exhibitors** https://utcle.org/conferences/ER21/exhibit-hall
10:00 am 1.00 hr 0.50 hr ethics 1.00 hr guardianship	**Role of the Ad Litem** A review 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. Hon. Steve M. King, Senior Statutory Probate Judge - Fort Worth, TX
11:00 am	**5-Minute Break**
11:05 am 0.50 hr 0.25 hr ethics	**Avoiding Fraud in Public Benefit Eligibility** Learn the ethical and legal obligations of the attorney to avoid assisting fraud in public benefits eligibility. Consider ethical standards governing this area and criminal sanctions that could apply both to the client and the attorney involved in public benefits fraud. Also, explore different planning scenarios where fraud may be an issue and hear a practical discussion of practices intended to prevent assisting fraud. John R. McNair, J. McNair Dallas Law P.C. - Dallas, TX

11:35 am	**Break for Lunch and Visit Exhibitors** Presentations resume at 12:15 p.m. Last chance to visit with our exhibitors before prize drawings! https://utcle.org/conferences/ER21/exhibit-hall

Friday Afternoon, Aug. 6, 2021

Presiding Officer:
Nancy Sosa, Cadence Bank - Austin, TX

Luncheon Presentation

12:15 pm 0.50 hr	**Granny Had A Gun: Firearms in Estate Planning and Administration** Explore legal issues, executor liability, transferring Title I and II weapons and discuss penalties. Craig S. Adams, Adams & Coker PC - Tyler, TX

12:45 pm	**5-Minute Break**
12:50 pm 0.50 hr	**What the Estate Planner Needs to Know About Trusts as Beneficiaries** How does a practitioner draft for persons with disabilities when so much of the future is unknown? This presentation will provide suggestions for building in flexibility for a beneficiary who may improve, decompensate, or do both. Sample drafting provisions will be provided, including the use of stand-alone trusts; the authority to create contingent trusts, trust modification and reformation, and decanting provisions. Mary Alice Jackson, Boyer & Boyer P.A. - Sarasota, FL
1:20 pm	**20-Minute Break Exhibitor Announcements**
1:40 pm 0.50 hr	**I'm Responsible for What?! Counseling Your Clients About Utilizing a Corporate Fiduciary as a Trustee or Executor** Selecting a fiduciary to administer a trust or estate is a decision that can have a lasting impact for your clients and their loved ones or intended beneficiaries. In many instances, utilizing a corporate fiduciary can provide several benefits and resources that a private fiduciary simply may not have at their disposal. Review common considerations for clients in deciding whether to appoint a corporate fiduciary or reserve the option to appoint a corporate fiduciary in the future. Anna María Méndez, Cadence Bank - Austin, TX Eric W. Nelson, Dawson Law LLP - Austin, TX
2:10 pm	**10-Minute Break**

2:20 pm 0.75 hr	**Customizing Ancillary Planning Documents for Death and Incapacity + The Use and Misuse of Revocable Trusts** A practical guide to drafting the “ancillary” documents usually provided by Texas estate planning attorneys: Statutory Durable Power of Attorney, Medical Power of Attorney, Directive to Physicians, Declaration of Guardian, Appointment for Disposition of Remains, and HIPAA Release. Know the many options that should be offered and how to explain them to clients. Also, learn how to present the great debate on “will-based” vs. “trust-based” planning. Tanya Eileen Feinleib, Langley and Banack, Inc. - San Antonio, TX Kimberly N. Loveland, Loveland | Grace | Hurley PLLC - Frisco, TX
3:05 pm	**5-Minute Break**
3:10 pm 0.75 hr 0.25 hr ethics	**Representing Miss Daisy: Ethical Considerations When A Client Has Diminished Capacity, and Estate Planning for Incapacitated Individuals With Plenty of Actual Marbles (And Other Assets Too!)** Clients sometimes wait until it might be (or is) a little too late to take certain actions in estate planning; however, all is not lost. Know how to successfully navigate new Disciplinary Rule 1.16 in representing clients with diminished capacity. Also learn how create flexibility in planning to protect for the potential of incapacity and how to convert prior planning to fit the present needs of an incapacitated individual. R. Shaun Rainey, Cotton, Bledsoe, Tighe & Dawson, PC - Midland, TX
3:55 pm	**10-Minute Break**
4:05 pm 1.00 hr 0.25 hr ethics 0.25 hr guardianship	**Ask the Experts** Hear a panel of seasoned experts respond to your frequently—and sometimes infrequently—asked questions, including practice, professional and ethical issues in estate planning, probate, guardianship and elder law. Please submit your questions in advance to ConferenceQA@utcle.org. Moderator: H. Clyde Farrell, Farrell & Johnson PLLC - Austin, TX Panelists: Craig Hopper, Hopper Mikeska, PLLC - Austin, TX Renée C. Lovelace, The Lovelace Law Firm, P.C. - Austin, TX Marilyn G. Miller, Marilyn G. Miller, Attorney at Law - Dripping Springs, TX
5:05 pm	**Adjourn**