

26th Annual Estate Planning, Guardianship and Elder Law Conference
August 8-9, 2024 • La Cantera Resort & Spa • San Antonio, TX
August 8-9, 2024 • Live Webcast

Thursday Morning, Aug. 8, 2024

Presiding Officer:

Wesley E. Wright, Wright Abshire, Attorneys P.C. - Bellaire, TX

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7:30 am
In San Antonio
Only

Registration and Exhibit Hall Opens

Includes continental breakfast.

Thank You to Our Breakfast Sponsor



7:50 am
In San Antonio
Only

Guest Meal Package—\$75

Have family members or guests joining you in San Antonio? You can now purchase a guest meal package for each of your guests, that includes Thursday and Friday's continental breakfasts and lunches.

8:20 am

Welcoming Remarks

8:30 am
0.50 hr

Case Law Update

A review of recent cases affecting the practice of estate planning, guardianship, and elder law in Texas and around the country.

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

Materials By:

Gerry W. Beyer, Texas Tech University School of Law - Lubbock, TX

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| <p>9:00 am 0.50 hr</p> | <p>A House Divided: The Rights and Duties of Homesteaders, Life Tenants, Remaindermen, and Co-Tenants</p> <p>Discuss the often complex relationship between the surviving spouse who chooses to exercise her homestead right, or who inherits a life estate in separate property, and the remaindermen who are standing by to receive the property. Learn the various rights and obligations of those who exercise a homestead right, possess a life estate, or own a remainder interest in property.</p> <p>Gus G. Tamborello, Gus G. Tamborello, P.C. - Houston, TX</p> |
| <p>9:30 am 0.75 hr</p> | <p>Medicaid Update and Other Hot Topics</p> <p>This presentation identifies and explains recent changes in Medicaid law and policy. Discuss Medicaid advocacy strategies that are “hot,” either because they are new or because they are underutilized but work really well.</p> <p>H. Clyde Farrell, Farrell & Johnson PLLC - Austin, TX Marilyn G. Miller, Marilyn G. Miller, Attorney at Law - Dripping Springs, TX</p> |
| <p>10:15 am</p> | <p>15-Minute Break</p> |
| <p>10:30 am 0.50 hr</p> | <p>Partition of Real Property Under Texas Law: A Primer</p> <p>An overview of the litigation process of a claim for partition of real estate, including issues which arise under the Uniform Partition of Heirs’ Property Act.</p> <p>Sanford L. Dow, Dow Golub Remels & Gilbreath, PLLC - Houston, TX</p> |
| <p>11:00 am 0.75 hr</p> | <p>Planning for Clients Who Might Have a Taxable Estate</p> <p>As advisors, if we knew when clients would pass away, who would survive them, the assets included in their taxable estates, and what the tax laws would be at the time of their deaths, we could all design perfect estate plans. Of course we are forced to do the best we can with what we have, including a scheduled 50% reduction to the transfer tax exemption amounts in 2026. This presentation focuses on estate planning and gifting strategies for clients who may or may not have a taxable estate, offering practical examples designed to empower advisors to enhance client relationships.</p> <p>Jeff Chadwick, Winstead PC - The Woodlands, TX</p> |
| <p>11:45 am In San Antonio Only</p> | <p>30-Minute Break for Lunch and Visit Exhibitors (in San Antonio)</p> <p>Lunch included in registration.</p> |

Thursday Afternoon, Aug. 8, 2024

Presiding Officer:

Bryn A. Poland, Mayo & Poland PLLC - Baytown, TX

LUNCHEON PRESENTATION

In San Antonio
Only

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12:15 pm
0.50 hr

Business Entities in Estate Planning: Asset Protection, Anonymity, and the Corporate Transparency Act

An overview of the leading issues related to asset protection and anonymity in business entity structures. Focus on the primary areas of concern when choosing the type of entity, jurisdiction for formation and ownership structure when the goals are asset protection and anonymity and the impact of the Corporate Transparency Act on these choices.

John K. Ross IV, Ross & Shoalmire PLLC - Texarkana, TX

12:45 pm

15-Minute Break

1:00 pm
1.00 hr
0.50 hr ethics
1.00 hr
guardianship

Alternatives to Guardianship including Supports and Services

A discussion of practical considerations in determining whether lesser restrictive alternatives and supports and services are available and feasible in guardianship proceedings.

Hon. Jason Cox, Harris County Probate Court 3 - Houston, TX

2:00 pm
0.75 hr
0.25 hr ethics

Medicaid Planning or Medicaid Avoidance?

Sometimes we can help a relatively wealthy person qualify for Medicaid long-term care. This presentation explores how to help the client determine whether or not they are able to pay privately; and if so, whether they would be better served by doing so or by qualifying for Medicaid.

H. Clyde Farrell, Farrell & Johnson PLLC - Austin, TX

2:45 pm

10-Minute Break

In San Antonio
Only

Thank You to Our Break Sponsor



2:55 pm
0.50 hr

MERP Defense

This presentation provides updates on changes in defending against MERP claims and discussion of continuing sticky situations and traps. Discuss where HMS and we disagree and the problems of timelines, statutes of limitations, and the need for legislative change.

Jennifer L. Coulter, Townsend Allala, Coulter & Kludt, PLLC - El Paso, TX

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| 3:25 pm 0.50 hr 0.25 hr ethics 0.25 hr guardianship | <p>When All Else Fails...Avoiding the Dreaded Certified Mail Return Receipt Requested! What Exactly Does a Qualified Delivery Method Mean for Probate and Guardianship?</p> <p>Certified mail has become increasingly unreliable. Discuss recent changes to the Estates Code regarding alternative service options in probate and guardianship cases.</p> <p>Joy Eckelkamp, Rapp and Krock, PC - Houston, TX Co-Author: Victor Santana, Rapp & Krock PC - Houston, TX</p> |
| 3:55 pm 0.50 hr | <p>Execution of Documents</p> <p>It is said that more documents fail due to improper execution rather than improper drafting. Proper effective execution rules are not difficult, but they can be draconian. Mistakes can be fatal (to the document), especially when one person is signing in a capacity for another.</p> <p>Rhonda S. Jolley, Branscomb Law, PLLC - Hondo, TX Materials By: Richard Melamed, Richard Melamed, PLLC - Houston, TX</p> |
| 4:25 pm 0.75 hr 0.25 hr ethics | <p>Can We Talk? Pt. I</p> <p>A moderated discussion of the day's topics with various presenters and the audience. Please submit your questions in advance to ConferenceQA@utcle.org.</p> <p>Moderator: Wesley E. Wright, Wright Abshire, Attorneys P.C. - Bellaire, TX Panelists: Jeff Chadwick, Winstead PC - The Woodlands, TX Jennifer L. Coulter, Townsend Allala, Coulter & Kludt, PLLC - El Paso, TX Sanford L. Dow, Dow Golub Remels & Gilbreath, PLLC - Houston, TX Marilyn G. Miller, Marilyn G. Miller, Attorney at Law - Dripping Springs, TX John K. Ross IV, Ross & Shoalmire PLLC - Texarkana, TX</p> |
| 5:10 pm In San Antonio Only | <p>Networking Reception (in San Antonio from 5:10 p.m. - 6:10 p.m.)</p> <p>Join us for drinks and hors d'oeuvres with program faculty and attendees.</p> |
| 5:10 pm | <p>Adjourn</p> |

Friday Morning, Aug. 9, 2024

Presiding Officer:

Benecia Flores, Petrosewicz Law Firm, P.C. - Richmond, TX

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| 7:30 am | <p>Conference Room and Exhibit Hall Opens</p> <p>Includes continental breakfast.</p> |
| 8:00 am 0.50 hr 0.25 hr ethics 0.50 hr guardianship | <p>The Rules of Evidence in Guardianship Proceedings</p> <p>This presentation is designed to be a practical guide to the Texas Rules of Evidence that are most applicable in Guardianship Proceedings.</p> <p>Paul Albert Romano, Romano & Sumner, PLLC - Sugar Land, TX</p> |

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| <p>8:30 am 0.75 hr 0.25 hr ethics 0.75 hr guardianship</p> | <p>Settlements of Guardianship Disputes</p> <p>Discussion of practical and technical considerations when settling guardianship disputes and related litigation, including necessary parties, potential settlement structure to avoid a guardianship, authority and limitations on a proposed guardian, and options to bind the proposed ward and proposed ward's estate. The discussion also includes ways to enforce guardianship settlement agreements.</p> <p>Sarah Patel Pacheco, Jackson Walker LLP - Houston, TX</p> |
| <p>9:15 am 0.75 hr</p> | <p>Characterization of Marital Property</p> <p>Learn about the various estates in a Texas marriage (i.e. separate estate and community estate), tracing and characterization of assets, and calculation of reimbursement claims. Hear about the intersection of probate and characterization and discuss the impact of various estate planning transactions and mechanisms on the characterization of assets.</p> <p>Haran Levy, BDO USA, P.C. - Houston, TX</p> |
| <p>10:00 am</p> | <p>15-Minute Break</p> |
| <p>10:15 am 0.50 hr</p> | <p>Proper Preparation of Form 706</p> <p>Practical advice for preparing and filing the United States Estate (and Generation-Skipping Transfer) Tax Return, including considerations and tips when filing for portability purposes.</p> <p>Katherine J. Dickinson, Locke Lord LLP - Houston, TX</p> |
| <p>10:45 am 0.75 hr</p> | <p>Trust Protectors</p> <p>Using trust protectors to make changes to trusts, including advantages, disadvantages and potential liability.</p> <p>Glenn M. Karisch, Karisch Jonas Law, PLLC - Austin, TX</p> |
| <p>11:30 am In San Antonio Only</p> | <p>30-Minute Break for Lunch and Visit Exhibitors (in San Antonio)</p> <p>Lunch included in registration.</p> |

Friday Afternoon, Aug. 9, 2024

Presiding Officer:

Marilyn G. Miller, Marilyn G. Miller, Attorney at Law - Dripping Springs, TX

LUNCHEON PRESENTATION

In San Antonio
Only

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**HAPPY
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Wealth Management & Trust Services

A DIVISION OF CENTENNIAL BANK

12:00 pm
1.00 hr ethics

Ethics Jeopardy

Ethics Jeopardy is a game show themed presentation in which audience members can compete against each other using the Kahoot app, or by logging on to www.Kahoot.it. Trophies will be awarded to 1st, 2nd, and 3rd place contestants.

Hon. Jerry Simoneaux, Harris County Probate Court 1 - Houston, TX

1:00 pm

30-Minute Break and Vendor Announcements

1:30 pm
0.50 hr

Estate Planning Best Practices

Practical advice on how to avoid contests and other litigation related to estate planning drafting.

Jessica Newill, Gardener Law Firm - San Antonio, TX

2:00 pm
0.50 hr
0.25 hr ethics
0.50 hr
guardianship

Fee Petitions in Guardianship Cases

This presentation explores the results of a statewide survey from courts handling probate and guardianship cases. The survey aims to collect information on fee standards, fee petition preferences, local rules, and other relevant questions regarding fee assessments and payments.

John B. Henry III, Law Office of John B. Henry, III, PLLC - Bellaire, TX

2:30 pm
0.50 hr
0.25 hr ethics
0.50 hr
guardianship

Medicaid Planning in Guardianships

A discussion of how government benefits planning for single and married individuals can be accomplished in the context of Guardianships and Community Administrations.

Theresa A. Clarke, Wright Abshire, Attorneys - Bellaire, TX

Co-Author:

Jennifer Zenero, Wright Abshire - Bellaire, TX

3:00 pm

10-Minute Break

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| <p>3:10 pm 0.75 hr 0.75 hr guardianship</p> | <p>Mental Commitments vs. Guardianships</p> <p>Discuss finding the correct path to protection.</p> <p>Hon. Guy Herman, Travis County Probate Court #1 - Austin, TX Darlene Smith, Crain, Caton & James, P.C. - Houston, TX</p> |
| <p>3:55 pm 0.75 hr 0.25 hr ethics</p> | <p>Let's Keep Talking! Pt. II</p> <p>A moderated discussion of the day's topics with various presenters and the audience. Please submit your questions in advance to ConferenceQA@utcle.org.</p> <p>Moderator: Wesley E. Wright, Wright Abshire, Attorneys P.C. - Bellaire, TX</p> <p>Panelists: Theresa A. Clarke, Wright Abshire, Attorneys - Bellaire, TX John B. Henry III, Law Office of John B. Henry, III, PLLC - Bellaire, TX Glenn M. Karisch, Karisch Jonas Law, PLLC - Austin, TX Jessica Newill, Gardener Law Firm - San Antonio, TX Sarah Patel Pacheco, Jackson Walker LLP - Houston, TX Paul Albert Romano, Romano & Sumner, PLLC - Sugar Land, TX</p> |
| <p>4:40 pm</p> | <p>Adjourn</p> |