THE UNIVERSITY OF TEXAS SCHOOL OF LAW

THE WEALTH MANAGEMENT AND TRUST DIVISION
OF THE TEXAS BANKERS ASSOCIATION

18TH ANNUAL CHANGES AND TRENDS AFFECTING

SPECIAL NEEDS TRUSTS

A Guide for Attorneys, Financial Advisors and Trust Officers

February 10–11, 2022
AT&T Conference Center ▪ Austin, Texas
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Times listed are in Central Time

THURSDAY MORNING, FEB. 10, 2022

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

8:00 a.m. Registration and Exhibit Hall Opens
Includes continental breakfast.

8:35 a.m. Welcoming Remarks

8:45 a.m. **1.00 hr**

Special Needs Trusts 101: The Basics
An overview of the basics of special needs trusts and public benefits including selection of appropriate trust option, pitfalls to avoid and case examples.
Molly Abshire, Wright Abshire, Attorneys, Bellaire, TX

9:45 a.m. **.75 hr | .25 hr ethics**

ABLE: Updates and Real-Life Application
Find an overview of Achieving a Better Life Experience (ABLE) accounts and their utility in trust administration and planning. In coordination with Special Needs Trusts (SNTs) ABLE accounts can provide autonomy and expansion of permissible purchases for beneficiaries. Hear real life examples of how SNTs and ABLE accounts work together.
Haley D. Greer, The Arc of Texas, Austin, TX
Doug Jackson, STABLE Accounts, Columbus, OH

10:30 a.m. 15-Minute Break to Visit Exhibitors

10:45 a.m. **1.00 hr | .50 hr ethics**

Maximizing Public Benefits
Review the basics of SSI, Medicaid and other disability benefits that trustees must know and protect; and catch up on recent changes and trends affecting trust beneficiaries who depend on those benefits.
H. Clyde Farrell, Farrell & Johnson PLLC, Austin, TX
Christina Lesher, The Law Office of Christina Lesher, PC, Houston, TX

11:45 a.m. **.50 hr**

Initial Client Meeting Guidance and Resources
Exploring the art of focusing client appointments and staying on track.
Benecia Flores, Petrosewicz Law Firm, P.C., Richmond, TX

12:15 p.m. Pick Up Lunch
Included in registration.

THURSDAY AFTERNOON

Presiding Officer:
Mary Alice Jackson, Boyer & Boyer P.A., Sarasota, FL

LUNCHEON PRESENTATION

12:45 p.m. **.50 hr**

Nothing About Us Without Us
Gain insight into the independent living movement and how the SNT practitioner can integrate the concepts of independent living into planning and administration of SNTs. Learn how the SNT practitioner can and should do more than just maintain eligibility for public benefits, but instead use the trust funds to help the beneficiary build financial stability and independence in their own lives. Focus on inclusion of the beneficiary in how the trust is managed to focus on their objectives – not necessarily what the trustee thinks is best for the beneficiary.
Thomas Foley, National Disability Institute, Washington, DC

1:15 p.m. 15-Minute Break

1:30 p.m. **.75 hr**

Case Law Update
An exploration and analysis of recent Texas and national cases and legislation involving special needs trusts and ancillary issues.
John B. Henry III, Law Office of John B. Henry, III, PLLC, Bellaire, TX

2:15 p.m. **1.00 hr ethics**

Quality of Care and Choices for People with Disabilities
Persons with disabilities often have social, physical and mental health care needs that affect their quality of life. In this session, a Care Manager and a special needs planning attorney will address where and how to find resources to meet those needs, how to pay for those resources, and ethical and family dynamics concerns involved in obtaining quality care.
Ramona Brush, arrangeCARE, Austin, TX
Richard A. Courtney, Courtney Elder Law Associates, Jackson, MS

3:15 p.m. 15-Minute Break to Visit Exhibitors

3:30 p.m. **.75 hr | .25 hr ethics**

How to Evaluate Requests/Make Proper Distributions from an SNT
Assuring that distributions are properly made from an SNT is key to protecting the interests of the beneficiary and preserving the trust as an exempt asset for purposes of SSI and Medicaid qualification. Whether you are advising a beneficiary regarding his or her rights or acting as a trust officer in weighing requests for particular distributions, it is important to understand the limitations upon and strategies for trust distributions.
Elisa Dillard Rainey, Rainey & Rainey, Attorneys at Law LP, Waco, TX
Nancy Sosa, Cadence Bank, Austin, TX

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

Pitfalls of Acting as a Successor Trustee: Taking Over a Disaster
Counseling SNT beneficiaries looking for successor trustees or advising potential successor trustees comes with its own unique set of challenges. Difficulties ranging from public benefits issues, confidentiality and privilege, prior and future accounting complications, investment considerations, beneficiary expectations, and tax filings (among other issues) can derail proper administration from the onset of a relationship and may expose a successor trustee to heightened liability. Such issues may also prove problematic for the SNT beneficiary. Speakers will provide insights and case studies from personal experiences while providing best practice tips for practitioners.
Stephen W. Dale, The Dale Law Firm, PC, Pacheco, CA
Peter J. Wall, True Link Financial, Denver, CO

5:00 p.m. Adjourn to Reception

5:00 p.m. – 6:00 p.m.
Join program faculty and attendees for drinks and hors d'oeuvres.

FRIDAY MORNING, FEB. 11, 2022

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

8:00 a.m. **Conference Room and Exhibit Hall Opens**
Includes continental breakfast.

8:20 a.m. **Morning Announcements**

8:30 a.m. 1.00 hr

The SSI Program and the POMS - Past, Present and Future
In order to have a successful trust practice, you have to be conversant in the SSA Program Operations Manual System (POMS). But do you really understand what the POMS are and why they are important? The Supplemental Security Income Restoration Act brings significant proposed changes to the SSI rules, including removing in-kind support and maintenance rules and raising exempt asset levels. This session will provide an overview of the POMS, POMS provisions that are important to know, and tips on getting the most out of SSI benefits when using a trust. Then we will do some future-casting on the most difficult and quirky SSI rules that need to change and the provisions of the SSI Restoration Act.

Kenneth Brown, Attorney at Law, Mt. Airy, MD

9:30 a.m. .75 hr

Fiduciary Litigation Update 2020-2021
Cover recent statutory changes and case law updates. Discuss extending the rule against perpetuities, de jure versus de facto status as trustee, modifications to trusts, trust construction, temporary injunctions against trustees, trustee authority to sell real estate, trust management of closely held businesses, co-trustee management, exculpatory clauses, acceptance-of-the-benefits doctrine, will reformation, and more.

David F. Johnson, Winstead PC, Fort Worth, TX

10:15 a.m. **15-Minute Break to Visit Exhibitors**

10:30 a.m. 1.00 hr

SSA Regional Trust Leads Presentation Regarding SSI Trusts
A discussion with the Regional Trust Leads on the SSI trust review business process, including field office technician and Office of the General Counsel roles. Hear the latest information regarding recurring drafting mistakes.

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

11:30 a.m. .50 hr

Taxation of Third-Party Special Needs Trusts
Special needs planning attorneys must have a basic knowledge of the income taxation of SNTs. Explore through case studies how Third-Party SNTs are taxed, as grantor or non-grantor, complex, IRA or qualified disability trusts, and how the taxation can affect the trustee's duties and the quality of life of the beneficiary.

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

12:00 p.m. **Pick Up Lunch**
Included in registration.

FRIDAY AFTERNOON

Presiding Officer:
Haley D. Greer, The Arc Of Texas, Austin, TX

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LUNCHEON PRESENTATION

12:30 p.m. 1.00 hr ethics

Effects of Isolation During the Covid-19 Pandemic for Older Adults
Review the impacts of isolation during the COVID-19 pandemic for older adults and their caregivers, such as depression, functional decline, disruption to services, and resilience. Discuss innovative services being delivered during the pandemic and implications for the future, including expansion of remote and hybrid services for socialization, health promotion, and well-being.

Amber M. Gum, University of South Florida, Tampa, FL

1:30 p.m. **Break and Vendor Announcements**

2:00 p.m. .75 hr

The Cross-Section between Survivor's Benefits Plan, VA Pension, and SNTs
Gain answers and clarity around the confusion and questions surrounding the benefits available to special needs children of retired, wartime veterans. Does SBP negatively affect survivor's pension and can SBP be put into an SNT? Be sure not to miss this session.

Victoria L. Collier, Attorney at Law, Atlanta, GA

2:45 p.m. 1.00 hr

Financial Projections for Quality of Life Possible When Factoring in Public and Private Resources
Focus on the importance of financial projections within the expected public and private resources available in maintaining the quality of life for a person with a disability. In many cases resources are limited and hard choices must be made especially when it becomes apparent that a special needs trust will not last for the rest of the beneficiary's life unless the rate of expenditures are limited. How should the funds be invested? Which expenditures should be encouraged, and which discouraged? How does the trustee deal with the beneficiary, family and providers? What tools such as online calculators are available and how to do you use them?

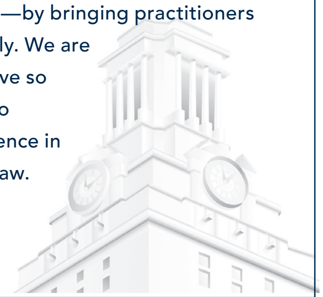
Stephen W. Dale, The Dale Law Firm, PC, Pacheco, CA
Robert B. Fleming, Fleming & Curti, PLC, Tucson, AZ
Thomas Foley, National Disability Institute, Washington, DC
Renée C. Lovelace, The Lovelace Law Firm, P.C., Tyler, TX

3:45 p.m. .50 hr

Continuity of Care
People, processes and documents to promote continuity of care in changing circumstances.

Terry Garrett, The Garrett Law Firm, PLLC, Austin, TX
Melanie Ibarra-Herrera, The Garrett Law Firm, PLLC, Austin, TX

4:15 p.m. **Adjourn**



MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.50 hours, of which 3.00 credit hours will apply to legal ethics/professional responsibility credit. 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).

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❑ Live Webcast Registration . . . . $525 | $575 after February 2

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Please note that the printed binder will arrive 2–3 weeks after the scheduled webcast. Delivery to P.O. boxes is not permitted. Binders will not be distributed on-site.

❑ Printed and Shipped Course Binder $70.36 ($65*)

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SCAN TO VIEW OUR COVID-19 PROTOCOLS

See what we're doing differently this year to address the safety concerns of our staff and attendees at in-person events.

SN22

AUSTIN

February 10–11, 2022

CONFERENCE LOCATION

AT&T Conference Center
The University of Texas at Austin
1900 University Avenue
Austin, TX 78705
877.744.8822 (reservations)

Parking:
Please visit www.utcle.org/conferences/SN22 for more parking information

KEY DATES

February 2, 2022
Last day for early registration rates

February 2, 2022
Last day for full refund cancellation

February 7, 2022
Last day for partial refund cancellation
$50 processing fee applied

February 10, 2022 8:45 a.m., CT
Conference begins

February 11, 2022
Last day to order a printed and shipped course binder with in-person or webcast conference registration.

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ESSENTIALS FOR SPECIAL NEEDS PLANNING

Core Concepts and Building Blocks that Every Practitioner Needs to Know

February 3, 2022
Live Webcast – $195

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This half-day course is a MUST for practitioners entering the realm of special needs planning, or who want a refresher on the core concepts and building blocks of special needs trusts. Starting with a comprehensive overview of public benefits programs both at the federal and state level, the course then walks through the key decisions and stages for setting up a special needs trust. It provides detailed resource materials and takeaways for special needs planners.