# 14th Annual Changes and Trends Affecting Special Needs Trusts
# February 15-16, 2018 • DoubleTree by Hilton Hotel Austin • Austin, TX

## Thursday Morning, Feb. 15, 2018

**Presiding Officer:**
**Patricia F. Sitchler,** The Law Office of Patricia Flora Sitchler - La Vernia, TX

| | |
|---|---|
| 8:00 am | **Registration Opens**<br><br>Includes continental breakfast.<br><br>**Thank You to Our Breakfast Sponsor**<br>Bank of Texas |
| 8:50 am | **Welcoming Remarks** |
| 9:00 am<br>1.00 hr | **SNT Basics and Beyond – Top Trends and Pitfalls**<br><br>Special needs trusts have been part of our lives for many years and have been adapting to law changes and agency interpretations since the beginning. Review this evolution up to the current status of what works, and what doesn't, when designing and drafting these trusts.<br><br>Craig C. Reaves, Reaves Law Firm, P.C. - Kansas City, MO |
| 10:00 am<br>1.00 hr<br>0.50 hr ethics | **Maximizing Public Benefits**<br><br>Clients and trust beneficiaries come to us to solve their current care needs and plan for the future. Often where a client or trust beneficiary lives determines what public benefits programs are available now and could be available later. Hear an overview of the continuum of care settings and what public benefit programs can help pay for care in each setting, as well as an update of recent changes to public benefits.<br><br>H. Clyde Farrell, Farrell, Burdett & Johnson PLLC - Austin, TX<br>Christina Lesher, The Law Office of Christina Lesher, PC - Houston, TX |
| 11:00 am | **Break** |
| 11:15 am<br>0.75 hr<br>0.25 hr ethics | **Seven Timeless Principles of SNT Planning**<br><br>While laws, regulations, and rules impacting public benefits and trusts change frequently, certain planning principles do not change. Discuss steps in the SNT design process to address individual circumstances, including basic program types, budgets, grantor and beneficiary expectations, and distribution planning.<br><br>Renée C. Lovelace, The Lovelace Law Firm, P.C. - Austin, TX |
| 12:00 pm | **Pick Up Lunch**<br><br>Included in registration. |

## Thursday Afternoon, Feb. 15, 2018

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

### LUNCHEON PRESENTATION

| | |
|---|---|
| 12:20 pm<br>0.50 hr | **30 Apps in 30 Minutes**<br><br>A quick survey of useful apps and tech tips for lawyers, trust officers, and caregivers.<br><br>Leah Cohen, arrangeCARE - Austin, TX<br>Michael J. Curran, Michael Curran, PC - Austin, TX |

| | |
|---|---|
| 12:50 pm | **Break to visit vendors** |
| 1:20 pm<br>0.75 hr | **Case Law Update/Legislative Update**<br><br>Review significant cases from the past year, including trends represented in those cases and suggestions for attorneys working with special needs clients.<br><br>Mary Alice Jackson, Mary Alice Jackson, P.C. - Austin, TX |
| 2:05 pm<br>0.50 hr | **View from HHSC**<br><br>A discussion of current issues and trends from the Texas Health and Human Services Commission.<br><br>Kymberly K. Oltrogge, TX Health & Human Services Commission - Austin, TX |
| 2:35 pm<br>0.75 hr | **View from CMS**<br><br>A discussion with a representative of the Centers for Medicare & Medicaid Services of current issues related to the Medicare Secondary Payer provisions. What's new, what's not.<br><br>Sally Stalcup, Centers for Medicare & Medicaid Services - Dallas, TX |
| 3:20 pm<br>0.75 hr | **ABLE Act Update**<br><br>An update on the ABLE Act, with strategies about how to use this new tool to enhance your practice including case studies to illustrate how to use ABLE Accounts, as well as how to educate your clients and community.<br><br>Stephen W. Dale, The Dale Law Firm, PC - Pacheco, CA |
| 4:05 pm | **Break** |

| | |
|---|---|
| 4:15 pm<br>0.75 hr | **Ways You Should and Shouldn't Use ABLE**<br><br>The ABLE Act is a new tool that opens up new possibilities and challenges in providing quality of life for persons with disabilities. Examine the practical do's and don'ts, from the viewpoint of a trustee of a special needs trust, that will assist planners in meeting their clients objectives.<br><br>Moderator:<br>Stephen W. Dale, The Dale Law Firm, PC - Pacheco, CA<br>Panelists:<br>Haley D. Greer, The Arc of Texas - Austin, TX<br>Nancy Sosa, Cadence Bank - Austin, TX |
| 5:00 pm<br>0.50 hr<br>0.25 hr ethics | **Decanting: A Solution for Defective or Problematic Trusts**<br><br>Recent legislative changes have made it easier to use the Texas decanting statutes to fix problems with defective or problematic trusts, but decanting is still far from being the solution for every trust dilemma. Learn how and when decanting can be used effectively and what risks or potential problems may arise in the process.<br><br>Scott Stebler, Stebler & Sulak, PLLC - Austin, TX<br>Co-Author:<br>Sarah Sulak, Stebler & Sulak, PLLC - Austin, TX |
| 5:30 pm | **Adjourn to reception**<br><br>**Thank You to Our Reception Sponsor**<br>Frost Wealth Advisors |

## Friday Morning, Feb. 16, 2018

**Presiding Officer:**
**Peyton Taylor,** Texas Bankers Association - Austin, TX

| | |
|---|---|
| 8:00 am | **Conference Room Opens**<br><br>Includes continental breakfast. |
| 8:30 am<br>0.75 hr | **Making Sense of Structured Settlements**<br><br>Structured settlements are often used to fund court-created SNTs in the personal injury context. Drafting attorneys and trustees need an understanding of the fundamental concepts of a structured settlement annuity and the effects one will have on the funding and administration of a trust.<br><br>Elisa Dillard Rainey, Rainey & Rainey, Attorneys at Law LP - Waco, TX<br>Co-Author:<br>Carola Davis, Davis Settlement Partners - New Braunfels, TX |
| 9:15 am<br>0.50 hr | **The Intersection of Real Estate and SNTs**<br><br>Real estate plays an important role in special needs trusts. Learn to deed property into and out of a trust, as well as other practical applications when real estate and special needs trusts intersect.<br><br>Kristen Quinney Porter, Kristen Quinney Porter, LLC - New Braunfels, TX |

| | |
|---|---|
| 9:45 am<br>0.50 hr<br>0.25 hr ethics | **When Immigration Issues and SNTs Collide**<br><br>What options might trustees and attorneys have when their trust beneficiaries or their families face immigration issues? This panel discussion will cover views from a trustee, public benefits attorney, and an immigration attorney.<br><br>Moderator:<br>Bryn A. Poland, Law Office of Pi-Yi Mayo - Baytown, TX<br>Panelist:<br>Matthew Badders, Frost Wealth Advisors - San Antonio, TX<br>Daniel Peter Berner, Berner Law - Austin, TX |
| 10:15 am | **Break** |
| 10:30 am<br>1.00 hr | **SSA Regional Trust Leads Presentation Regarding SSI Trusts**<br><br>A discussion with the Regional Trust Leads on the regional centralization of the SSI trust review business process, including key players and their roles. Plus, hear SNT drafting errors "Top 10 List" and the latest policy and procedures regarding SNT reviews, including a Q&A session.<br><br>Moderator:<br>Pi-Yi Mayo, Law Office of Pi-Yi Mayo - Baytown, TX<br>Amanda Flood, U.S. Social Security Administration - Dallas, TX<br>Dana Marquez, U.S. Social Security Administration - Dallas, TX |
| 11:30 am<br>1.00 hr | **Working with SSA Part II: Updates to the SSA POMS regarding trusts, Practice Tips, Reporting and More**<br><br>Hear an overview of the new trust POMS, strategies for presenting trusts for review, and for responding to adverse agency decisions regarding trusts.<br><br>Mary E. O'Byrne, O'Byrne Law, LLC - Lutherville, MD<br>Kenneth Brown, Former Policy Team Lead, SSA (retired), Attorney at Law - Baltimore, MD |
| 12:30 pm | **Pick Up Lunch**<br><br>Included in registration. |

## Friday Afternoon, Feb. 16, 2018

**Presiding Officer:**
**Renée C. Lovelace,** The Lovelace Law Firm, P.C. - Austin, TX

### LUNCHEON PRESENTATION

| | |
|---|---|
| 12:50 pm<br>1.00 hr ethics | **Borrowed Trouble: Common Conflicts and Mistakes to Avoid in Your Estate Planning Practice**<br><br>Practical advice from a fiduciary litigator on avoiding conflicts and mistakes in your estate planning practice, with a focus on attorney-client privilege and work product privilege issues in special needs trust representations.<br><br>Jason S. Scott, Osborne, Helman, Knebel & Scott, LLP - Austin, TX |
| 1:50 pm | **Break** |

| | |
|---|---|
| 2:05 pm | **Vendor Announcements** |
| 2:20 pm<br>0.50 hr | **The Arc of Texas Master Pooled Trusts: Differences and Resources**<br><br>Dive into which of the four options from The Arc of Texas Master Pooled Trust is right for your client or your situation, which ones are recommended as well as the distinct characteristics and advantages of each trust. Learn more about the new Toolkit for beneficiaries and their representatives so that you can better educate your clients on the ins and outs of the Master Pooled Trust.<br><br>Haley D. Greer, The Arc of Texas - Austin, TX |
| 2:50 pm<br>0.50 hr<br>0.25 hr ethics | **Disabled Military Child Protection Act**<br><br>The recently enacted statute allows members of the military to name a special needs trust for their child as a beneficiary of their survivor benefit plan. Discuss the procedures required in order to name the trust as a beneficiary, as well as issues regarding the certification that the drafting attorney must sign before the designation is accepted.<br><br>Tresi Weeks, The Weeks Law Firm, PLLC - Plano, TX |
| 3:20 pm | **Adjourn** |