

**FEBRUARY 2024**

**UT LAW | CLE**

 **TEXAS Law**  
The University of Texas at Austin  
School of Law

# **THE ETHICS OF SNT ADMINISTRATION**

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# **“NO WORTHWHILE HUMAN ACTIVITY CAN BE COMPLETELY DEFINED BY LEGAL RULES”**

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**TEXAS DISCIPLINARY RULES OF PROFESSIONAL  
CONDUCT, SCOPE**

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## In this session we will:

- Discuss the attorney's role,
- Using hypotheticals, list various ethical issues for the attorney when reviewing the decisions a trustee makes in administering a trust,
- Offer suggestions regarding the trustee's decision-making process, and
- Discuss a framework for the attorney to make sure the trustee's decisions and actions are ethical.

## What is the attorney's role?

- Drafter of the documents?
- Representing the trustee or other fiduciary?
- Hired by, and representing, the beneficiary?
- Expected to draft the documents and represent one of the parties?
- Drafting the documents and serving as a fiduciary once the drafting is finalized?

# Client identification

- How identify client?
- Why important?
- Ethics rules; substantive law, see Scope (12)
- To whom does the attorney owe a duty?
- Restatement (3<sup>rd</sup>) Law Governing Lawyers § 14  
(how create client-attorney relationship)

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## Client identification: Drafting

- First Party Trust
  - More options, more questions
- Third Party Trust
  - Clear client identification

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[2024 Special Needs Trusts eConference](#)

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20<sup>th</sup> Annual Changes and Trends Affecting Special Needs Trusts session  
"The Ethics of SNT Administration"