

FEBRUARY 2024

UT LAW | CLE

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

THE ETHICS OF SNT ADMINISTRATION

BRYN POLAND & REBECCA MORGAN

1

FEBRUARY 2024

UT LAW | CLE

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

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

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

2

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 (3rd) Law Governing Lawyers § 14
(how create client-attorney relationship)

5

Client identification: Drafting

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

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: The Ethics of SNT Administration

First appeared as part of the conference materials for the
20th Annual Changes and Trends Affecting Special Needs Trusts session
"The Ethics of SNT Administration"