

# STETSON UNIVERSITY

Center for Excellence in Elder Law

ACCESS AND JUSTICE FOR ALL®

## 2011 Special Needs Trusts The National Conference The Basics of Special Needs Trusts Thursday, October 20, 2011

<b>8-8:40 a.m.</b>	<b>Registration</b>	<b>Buena Vista</b>
<b>8:40-8:45 a.m.</b>	<b>Welcome and Announcements</b> <i>Rebecca C. Morgan</i>	<b>Grand Ballroom</b>
<b>8:45-9:35 a.m.</b>	<b>History of Special Needs Trusts</b> <i>This session will take a look at the advent and evolution of SNTs from humble beginnings to their current state.</i> <i>Craig C. Reaves</i>	<b>Grand Ballroom</b>
<b>9:35-10:25 a.m.</b>	<b>The POMS We All Know and Love</b> <i>This session will examine the SSA Program Operations Manual System (POMS), the application to an SNT practice and the more commonly used POMS provisions, as well as how to read and apply them.</i> <i>Robert B. Fleming</i>	<b>Grand Ballroom</b>
<b>10:25-10:50 a.m.</b>	<b>Break and Visit Sponsors and Exhibitors</b>	<b>King Charles</b>
<b>10:50-11:50 a.m.</b>	<b>What Could Possibly Go Wrong? The Problems and Pitfalls of SNTs</b> <i>This session will examine the problems that have occurred when SNTs have not been recommended to clients, including malpractice claims against the attorneys, and some of the more common pitfalls in using SNTs.</i> <i>Mary Alice Jackson</i>	<b>Grand Ballroom</b>
<b>11:50 a.m.-12:55 p.m.</b>	<b>Networking Lunch</b> <i>Rain Location: Grand Ballroom</i>	<b>Poolside</b>
<b>1-1:50 p.m.</b>	<b>Breakout Sessions</b> <b>The Most Basic Session of All – Public Benefits and SNTs</b> <i>This session will cover the eligibility criteria and effects of income and distributions from SNTs on public benefit programs, particularly Social Security, SSI, Medicaid, subsidized housing, and Food Stamps.</i> <i>Neal A. Winston</i>	<b>Del Prado</b>
	<b>WSNT Talk Radio: Family Conversations</b> <i>Families of children or adults with special needs must have conversations with the SNT attorney and with other family members about decisions and</i>	<b>North Terrace</b>

*the future. This session will look at these conversations from the role of the attorney as well as the parents of children with special needs.  
Richard A. Courtney and James A. Caffry*

**Words and Music:**

**South Terrace**

**Implementing the Words of the Trust**

*The SNT is more than just the words on the page. This session will look at the words used in the SNT and how the Trustee implements those words to give them meaning.*

*G. Mark Shalloway and Susan Mesenbrink*

**1:55-2:45 p.m.**

**Breakout Sessions**

**Taxation of SNTs- Plain and Simple**

**Del Prado**

**(maybe some not so plain and simple)**

*This session is about tax issues regarding SNTs. It is a basic session that will review the IRS code and regulations that apply to SNTs. Yes, it is about taxes but that does not mean it can't be a little fun.*

*Bradley J. Frigon*

**Top 10 Tips for Drafting the Flawless First Party Special Needs Trust**

**North Terrace**

*This session will cover the elements of the first-party SNT and explain the uses, criteria and implementation of a first party SNT.*

*Laurie Hanson*

**Administration Ins and Outs, the Dos and Don'ts**

**South Terrace**

*After the SNT is drafted, fully executed and has achieved agency approval – its proper administration is absolutely critical in order to achieve its intended purpose for the beneficiary. This session covers the best practices for properly administering the SNT, and identifies and addresses avoiding some commonly made errors and omissions in SNT administration.*

*Ruthann P. Lacey and Heather Nadler*

**2:50-3:40 p.m.**

**Breakout Sessions**

**Drafting Redux: Special Needs, Special Words**

**Del Prado**

*Although an SNT is a trust, it is a special type of trust designed to provide for the needs of a beneficiary with special needs. This session will examine the drafting of an SNT and how to draft the trust so it not only qualifies as an SNT, but contains provisions to allow the trustee to provide for the special needs of the beneficiary.*

*Janet L. Lowder*

**Ethical Issues for Attorneys and Practical Solutions**

**North Terrace**

*This session will look at the common ethical issues encountered in a SNT practice, examine the applicable rules, and offer practical solutions for avoiding, and responding to those ethical matters.*

*Roberta K. Flowers*

**What You Need to Know About Third-Party SNTs**      **South Terrace**  
*This session will cover the elements of the third-party SNT and explain the uses, criteria and implementation of a third-party SNT.*  
*Vincent J. Russo*

**3:40 p.m.-4 p.m.**      **Break and Visit Sponsors and Exhibitors**      **King Charles**

**4-4:40 p.m.**      **Understanding SSA Disability Determinations and Navigating the Application and Appeals Process**      **Grand Ballroom**  
*A former Social Security administrative law judge Lloyd King will explain SSA's decision-making process and appeals procedures from his viewpoint, all in 40 minutes.*  
*Lloyd King*

**4:40-5 p.m.**      **Question and Answer Session**      **Grand Ballroom**  
*James A. Caffry, Roberta K. Flowers, Laurie Hanson, Mary Alice Jackson, Lloyd King, Ruthann P. Lacey, Janet L. Lowder, Vincent J. Russo, G. Mark Shalloway and Neal A. Winston*

**5-6:30 p.m.**      **Reception**      **King Charles**