Review critical components, appropriate use, and key drafting considerations for the special needs trust.

- Examine what makes a trust a special needs trust and when it is an appropriate fit
- Focus on key tax issues
- Review the fundamentals of drafting a first party special needs trust and the art of "establishing" a first party special needs trust
- Address the advantages and disadvantages of a pooled asset trust
- Explore the limits of spending from a special needs trust – before your client makes a mistake
- Gain practical tips during a view from the bench
- Identify ethical pitfalls you need to avoid

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CHOOSING, MANAGING AND DRAFTING THE SPECIAL NEEDS TRUST

Online Simulcast Option Available

Featuring **Robert B. Fleming**,
co-author of *The Elder Law Answer Book*

Friday, May 21, 2010
Washington State Convention Center
Room 3AB
On Pike Street, between 7th and 8th Avenues
Seattle, Washington

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CHOOSING, MANAGING AND DRAFTING THE SPECIAL NEEDS TRUST

MORNING

7:15 a.m.
Check-in • Walk-in Registrations • Distribution of Course Materials • Coffee and Pastry Service

8:10 a.m.
Welcome and Introductions by Program Co-Chairs
Rajiv Nagaich — Johnson and Nagaich, P.S., Federal Way
Mary C. Wolney — Mary C. Wolney, P.S. Attorney at Law, Seattle

8:15 a.m.
When Does a Special Needs Trust Fit? What Makes a Trust a Special Needs Trust? What Are All Those Acronyms?
- Deciding when a special needs trust is the best choice
- Distinguishing among different types of special needs trusts
- Modification, reformation and decanting
- GRAs and QARP Agreements; reviewing and understanding them
- MSAs and MSAs within SNTs
- What discovery questions you want the personal injury lawyer to have looked at

Robert B. Fleming — Fleming & Curti, PLC, Tucson, Arizona

9:45 a.m. Break

10:00 a.m.
Tax Issues in Special Needs Trusts
- Tax differences between first and third party SNT's
- Qualified disability trusts, IRC 242(b)(2)(C)
- Drafting to obtain grantor trust tax status
- SNT's as beneficiary of tax deferred plan (PLR 200620025)

William L. E. Dussault — Dussault Law Group, Seattle

11:15 a.m.
Fundamentals of Drafting a First Party Special Needs Trust
- Counseling the first party client
- The art of "establishing" a first party special needs trust
- Drafting tips

Jacob H. Menashe — Hickman Menashe, P.S., Lynnwood and Bellevue

Brief Overview of Pooled Trusts
- What is a pooled asset trust?
- Advantages and disadvantages of a pooled asset trust
- Technical requirements for pooled asset trusts

Sean R. Bleck — Isenhour Bleck PLLC, Seattle

12:00 p.m. Lunch on Your Own

AFTERNOON

1:15 p.m.
Exploring the Limits of Spending from a Special Needs Trust and Related Administration Issues
- Trust disbursements from SNTs — What is/is not ok; are vans, houses, or trips to Disneyland permissible?
- Can my child's SNT pay me as a caregiver?
- SNTs and court requirements

Karen M. Thompson — Thompson & Howle, Seattle

2:00 p.m.
Ethical Issues Of Interest
- Maintaining a normal relationship with a client with diminished capacity — lessons from *Discipline of Eugster*
- Protecting the client by protecting yourself
- Setting boundaries for "helpful" family members

Michael L. Olver — Betts Patterson Mines P.S., Seattle

2:45 p.m. Break

3:00 p.m.
View from the Bench
The Honorable Eric Watness, Court Commissioner — King County Superior Court, Seattle

3:45 p.m.
Questions and Answers
Mary C. Wolney — Mary C. Wolney, P.S. Attorney at Law, Seattle
And Panel Members

Panel Commentary & Selected Issues, Including Care Planning
Rajiv Nagaich — Johnson and Nagaich, P.S., Federal Way
And Panel Members

4:45 p.m. Complete Evaluation Forms • Adjourn

Mark Your Calendar

2010 Real Property, Probate and Trust Section Midyear
Vancouver, WA • June 4 - 6, 2010

The 5th Annual WSBA Solo and Small Firm Conference
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Featured speaker **Robert B. Fleming** is a partner in the Tucson law firm of Fleming & Curti, P.L.C., with a practice limited to trust (and special needs trust) administration, guardianship, conservatorship, estate planning, and probate. Mr. Fleming is a co-author (with Lisa Davis) of *The Elder Law Answer Book*, and (with Prof. Kenney Hegland) of *Alive and Kicking: Legal Advice for Boomers*. He currently is the President of the National Elder Law Foundation and a member of the Board of Directors of the National Academy of Elder Law Attorneys.

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