13TH ANNUAL NEW ENGLAND CONFERENCE

Estate Planning 2012

How will the New MUPC affect your practice?

Advanced issues, latest developments, and the impact of the MUPC

MCLE brings together a faculty composed of leading estate planners and nationally recognized practitioners for our *13th Annual New England Estate Planning Conference 2012*. This carefully crafted program features a variety of topics.

The day begins with the ever-popular Professor Jeffrey Pennell, presenting his annual update on recent developments. Professor Pennell provides an "up-to-the-minute" summary of recent decisions, rulings, regulations, and legislative developments that affect estate planning. The session features ample opportunity for registrants to pose tough questions for Professor Pennell, an unequalled opportunity for interactive participation.

In the afternoon, our experienced faculty addresses the new MUPC and its impact on estate planning. Then choose from among six workshops on timely estate planning topics.

KEYNOTE SPEAKER

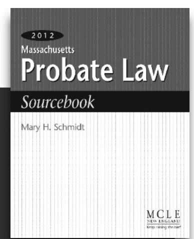
Professor Jeffrey N. Pennell on Recent Developments

Professor Jeffrey N. Pennell is the Richard H. Clark Professor of Law at Emory University School of Law in Atlanta. He is a member of the American Law Institute and an Advisor for the Restatements of Wills and Other Donative Transfers, and of Trusts, a former member of the Council of the Real Property, Trust & Estate Section of the American Bar Association, an Academic Fellow and Former Regent of the American College of Trust and Estate Counsel, and an Academician of The International Academy of Estate and Trust Law. His various publications include student and practitioner texts, Tax Management portfolios, articles, institute chapters, and he is the successor author of *Casner & Pennell on Estate Planning* (6th ed.).

Special Seminar Materials

The seminar materials include the *Massachusetts Probate Law Sourcebook 2012*, newly released in its first edition to accompany this program. The *Sourcebook* is an authoritative compilation of primary sources related to the MUPC.

Current information regarding the Massachusetts Probate and Family Court, selected laws, regulations, and court rules, pertinent standing orders, a checklist and chronology of a probate administration under the MUPC—these are just a few of the features in this comprehensive desk reference for probate lawyers.



Probate Law Sourcebook 2012

An authoritative compendium of MUPC-related primary law!

TUITION includes written materials

- MCLE Sponsor Members $245
- New lawyers admitted to law practice after 2007, pending admittees and law students $195
- All Others $275

Earn up to 7.5 CLE credits

CAN'T ATTEND?

View the webcast—live or later, or download the mp3 recording at www.mcle.org

Available after Friday, January 13

Written materials
- MCLE Sponsor Members $95
- Nonmembers $105

Audio CD
- MCLE Sponsor Members $125
- Nonmembers $135

NEW this year—

- Customize your conference with **six breakout sessions**
- Up-to-the-minute analysis of **the latest legislation**
- A review of **elder law, portability, and gift tax exemption issues**

FACULTY

Martin Hall, Esq., Chair, *Ropes & Gray LLP, Boston;* Richard C. Barry, Jr., Esq., *Fletcher Tilton PC, Worcester;* Linda G. Bauer, Esq., *Office of the Bar Counsel, Boston;* Marc J. Bloostein, Esq., *Ropes & Gray LLP, Boston;* Sara Condon, Esq., *Mintz Levin Cohn Ferris Glovsky and Popeo, PC, Boston;* Julia Satti Cosentino, Esq., *Nutter McClennen & Fish LLP, Boston;* Donald N. Freedman, Esq., *Rosenberg, Freedman & Goldstein LLP, Newton;* Carol Cioe Klyman, Esq., *Shatz, Schwartz & Fentin, PC, Springfield;* Mark A. Leahy, Esq., JD, LLM, *Whittum & Leahy, Hingham;* Christopher G. Mehne, Esq., *Bowditch & Dewey LLP, Worcester;* Michael A. Mingolelli, Jr., Esq., *Pinnacle Financial Group, Southborough;* Harriet H. Onello, Esq., *Law Office of Harriet Holzman Onello, Lexington;* Professor Jeffrey N. Pennell, Esq., *Emory University School of Law, Atlanta, GA;* Neal A. Rosen, Esq., *Bingham McCutchen LLP, Boston;* Andrew D. Rothstein, Esq., *Goulston & Storrs, PC, Boston;* Emily S. Starr, Esq., *Starr & Vander Linden LLP, Fitchburg;* Kurt R. Steinkrauss, Esq., *Mintz Levin Cohn Ferris Glovsky and Popeo, PC, Boston*

BOSTON
8:30 a.m. – 5:00 p.m.,
Friday, January 6, 2012
MCLE Conference Center,
10 Winter Place, via Winter Street
Program No. 2120208P01

WEBCAST*
8:30 a.m. – 5:00 p.m.,
Friday, January 6, 2012
Register at www.mcle.org
Program No. 2120208WBC

REBROADCAST*
8:30 a.m. – 5:00 p.m.,
Friday, February 3, 2012
Register at www.mcle.org
Program No. 2120208RBC

* *See webcast panels on conference agenda, facing page*

13th Annual New England Estate Planning Conference

Friday, January 6, 2012

AGENDA & FACULTY

8:30 A.M. – 12:00 P.M.

KEYNOTE ADDRESS

Professor Jeffrey N. Pennell on "Recent Developments"

The 2010 Compromise Act Changes Everything; Interim Changes and Adjustments; Priority Guidance Plan; Thinking About Portability; Alternate Valuation of the Same Asset; Valuation For String Provision Inclusion; Fractional Interest Discounts; Private Trust Company "Tentative" Guidance; Ethics Implications of FLP Discounts; Assignment of QTIP Trust Interests Inter Vivos; Prearrangements and Implied Understandings; Prearrangements and Implied Understandings Redux; Prearrangements and Implied Understandings Redux, Too; "Welfare" as an Ascertainable Standard; Estate Tax Interest Expense Deduction; New Requisites to Claim §2053 Deductions; Is a Palimony Claim Deductible?; Is Care Giver Compensation Deductible?; Deduction Allowed for Settlement Agreement Distributions; Deduction Allowed for Settlement Agreement Distributions; Property Transfers Incident to Divorce; Increase in Gift Tax Audits; Disclaim the Rebound Distribution, Too; Noncumulative Rights of Withdrawal; Formula Adjustment Provisions; Exemption Allocation Regulations; Automatic Allocation of GST Exemption; Failure to Report; Charitable Lead Trust Income Ordering Rules; Trust Charitable Contribution Limitation; Forgiveness of Insurance Policy Loans; Failed (?) Effort to Reform IRA Designated Beneficiary; Community Property Treatment for Registered Domestic Partners; §67(e) Exception to the 2% Floor; Automatic Extension of Time to File Form 1041; Late QTIP Election Relief Denied; Late Alternate Valuation Election Relief Granted; Negligence Penalty; Trustee's Creation of FLP or LLC is a Breach of Trust; Apportionment of Death Tax; Overriding Uniform Trust Code Provisions; Revocable Disclaimers?; Spendthrift Protections and Conflict of Laws; Multi-Jurisdictional Practice (MJP) Ethics Concerns; Ademption by Extinction; Appendix: Clawback Is a Nonstarter.

12:00 P.M. – 1:00 P.M.

Lunch Break (on your own)

1:00 P.M. – 2:00 P.M.

Estate Planning Under the New MUPC

How the MUPC will affect your estate planning practice; how the UPC changes the client process; revisions to your estate planning documents required by the MUPC; significant changes to the rules of intestacy; overview of the new probate system.

Richard C. Barry, Jr., Esq.
Mark A. Leahy, Esq.

2:00 P.M. – 3:30 P.M.

Breakout Session 1: (Choose One)

▶ **Elder Law Issues**
When should the estate planning attorney raise long term care financing issues? Tools to finance long term care including insurance and MassHealth; MassHealth ramifications of asset protection strategies—options for transferring or sheltering assets, while preserving or protecting eligibility; irrevocable trusts and disability planning issues; traps for the unwary; using revocable trusts, deferred annuities, promissory notes, transfers and joint accounts under consideration for Medicaid purposes.

Donald N. Freedman, Esq.
Carol C. Kyman, Esq.
Emily S. Starr, Esq.

▶ **Using Portability in Estate Planning** *(Webcast Available)*
This session concentrates on the ability of the surviving spouse to utilize the predeceased spouse's unused exclusion amount. The panelists discuss the various changes in the rules regarding the use of portability, including its viability, its advantages and its shortcomings. The faculty also addresses how to approach portability with your clients, whether formula planning is dead, and the impact of portability on marital deduction planning.

Andrew D. Rothstein, Esq.
Sara Condon, Esq.

▶ **High-End Life Insurance Options**
How GRATS and sales to defective trusts can be used to fund life insurance premiums effectively; how to structure insurance plans that maximize the leverage of life insurance in the context of the generation-skipping transfer tax; how to structure, fund, and exit private split dollar plans.

Kurt R. Steinkrauss, Esq.
Michael A. Mingolelli, Jr., Esq.

3:30 P.M. – 3:45 P.M.

Networking and Refreshment Break

3:45 P.M. – 5:00 P.M.

Breakout Session 2: (Choose One)

▶ **Levering the $5,000,000 Gift Tax Exemption**
(Webcast Available)
Ideas for taking advantage of the increased gift tax exemption; whether a client should make a substantial gift and how much to give; several specific opportunities that may be available in particular cases; the benefits of utilizing a flexible trust arrangement in making a gift.

Marc J. Bloostein, Esq.

▶ **The Planned and the Unplanned: Planning for Incapacity**
An overview of the significant changes in guardianship and conservatorship practice under the MUPC; options and alternatives to guardianship and conservatorship; ways to efficiently manage the process of appointing a guardian or conservator; powers of attorney; using funded revocable trusts; springing trustees

Christopher G. Mehne, Esq.
Harriett H. Onello, Esq.
Julia Satti Cosentino, Esq.

▶ **Conflicts of Interest in Estate Planning**
The potential ethical issues that can arise during the estate planning process; what to include in engagement letters; how to deal with clients who get divorced; multiple family representations at various generation levels and representation of the family that owns a closely-held corporation.

Linda G. Bauer, Esq.
Neal A. Rosen, Esq.