

14TH ANNUAL NEW ENGLAND CONFERENCE

# Estate Planning 2013

Select From  
Nine  
Breakout  
Sessions

## Advanced issues and latest developments

**M**CLE brings together a faculty composed of leading estate planners and nationally recognized practitioners for our *14th Annual New England Estate Planning Conference 2013*. 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, choose from among nine workshops on timely estate planning topics.

## KEYNOTE SPEAKER

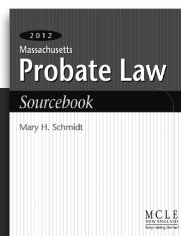
### Professor Jeffrey N. Pennell on Recent Developments

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 2013*. The *Sourcebook* is an authoritative compilation of primary sources related to the MUPC and MUTC. 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 2013



An authoritative compendium  
of MUPC-related primary law!

## NEW this year—

- ▶ Customize your *Conference*, select from **nine breakout sessions**
- ▶ Up-to-the-minute analysis of the **latest legislation**
- ▶ Three new workshops: **"Especially for newer practitioners"**

## FACULTY

Marc J. Bloostein, Esq., *Ropes & Gray LLP, Boston, Chair*; Kimberly E. Cohen, Esq., *Ropes & Gray LLP, Boston*; George L. Cushing, Esq., *McLane, Graf, Raulerson & Middleton, PA, Woburn*; Phyllis E. Federico, Esq., *Schmidt & Federico, PC, Boston*; Eric P. Hayes, Esq., *Goodwin Procter LLP, Boston*; William D. Kirchick, Esq., *Bingham McCutchen LLP, Boston*; Jennifer Locke, Esq., *Goodwin Procter LLP, Boston*; Geoffrey M. Mason, Esq., *Ropes & Gray LLP, Boston*; Suma V. Nair, Esq., *Goulston & Storrs, PC, Boston*; Prof. Jeffrey N. Pennell, *Emory University School of Law, Atlanta, GA*; Andrew D. Rothstein, Esq., *Goulston & Storrs, PC, Boston*; Mark E. Swirbalus, Esq., *Goulston & Storrs, PC, Boston*; Bradley M. Van Buren, Esq., *Holland & Knight LLP, Boston*; Richard M. Zielinski, Esq., *Goulston & Storrs, PC, Boston*

## BOSTON

8:30 a.m. – 5:00 p.m.,  
Friday, January 11, 2013  
MCLE Conference Center,  
10 Winter Place, via Winter Street  
Program No. 2130254P01

## TUITION includes written materials\*

- ▶ \$275
- ▶ \$245 MCLE Sponsor Members
- ▶ \$195 New lawyers admitted to law practice after 2008, pending admittees and law students

Earn up to **7.5 CLE credits**

## CAN'T ATTEND?

Available after Friday, January 18

- ▶ Written materials
  - ▶ \$125
  - ▶ \$110 MCLE Sponsor Members
- ▶ Audio CD
  - ▶ \$135
  - ▶ \$125 MCLE Sponsor Members

\* To receive the eBook instead of the print book of the MCLE manual accompanying this program, please register for the program online at [www.mcle.org](http://www.mcle.org) and select your preferred format.

# 14th Annual New England Estate Planning Conference

Friday, January 11, 2013

## AGENDA & FACULTY

8:30 A.M. – 12:00 NOON

### KEYNOTE ADDRESS

#### Professor Jeffrey N. Pennell on “Recent Developments”

Interim Changes and Adjustments; Priority Guidance Plan; Thinking About Portability; Sections 2031 and 2032: Estate Tax Valuation; Sections 2036 and 2038: Retained Interests or Powers; Section 2041: General Powers of Appointment; Section 2042: Proceeds of Life Insurance; Section 2053: Deduction for Debts and Administration Expenses; Section 2054: Deduction for Theft Losses; Section 2055: Estate Tax Charitable Deduction; Section 2056: Estate Tax Marital Deduction; Gift Tax; Generation-Skipping Transfer Tax; Chapter 14: Antifreeze Provisions; Subchapter J and Other Income Tax Developments; Procedure; Notable State Law Developments: Trust Document May Not Mandate Arbitration by Beneficiaries, Adult Adoption, Beneficiary Suing on Behalf of Trustee, Conservator May Not Appear Pro Se for Ward, Spendthrift Protections and Conflict of Laws, Ademption by Extinction, Tangible Personal Property Provisions and Collections, Who Is a Trust Settlor?, Prudent Investor Rule, Unexpected Spendthrift Trust Protection, Trust Ignored for Asset Protection Purposes, Divorce Court Jurisdiction Over Third Party Trusts, Survivor's Rights in Joint Bank Accounts, The New Biology.

12:00 NOON – 1:00 P.M.

#### Lunch Break (on your own)

1:00 P.M. – 2:10 P.M.

#### Breakout Session 1: (Choose One)

► **Topics in Gift Tax Reporting: Gift Splitting, the Disclosure Regulations, Allocating GST Exemption and More**

The last two years were the year of the gift, and it is more important than ever to understand the gift tax reporting rules. With many clients maxing out on their oversized exemptions, the stakes are higher than ever. This session focuses on some of the key rules.

Andrew D. Rothstein, Esq.

► **Estate Planning in a Low Interest Rate Environment**

We are in a period of historic low interest rates, and that creates estate planning opportunities. GRATs and installments sales can work wonders, though QPRTs may not be such a good idea. This session focuses on opportunistic planning under low rates.

Kimberly E. Cohen, Esq.; Bradley M. Van Buren, Esq.

► **Especially for Newer Practitioners: Discussing Professor Pennell's Keynote Address**

Professor Pennell packs a lot into his morning address, and this session focuses on some key elements of his presentation, providing additional detail where appropriate for the newer practitioner, and provides a forum for discussion and questions.

Marc J. Bloostein, Esq.; Geoffrey M. Mason, Esq.;  
Suma V. Nair, Esq.

2:20 P.M. – 3:30 P.M.

#### Breakout Session 2: (Choose One)

► **What Estate Planners Need to Know About the New Alimony Reform Act**

This year was one of profound change for the field of family law, as Massachusetts modernized its law by adopting an *Alimony*

*Reform Act*. This session highlights the key changes with a focus on what an estate planner needs to understand.

Phyllis E. Federico, Esq.

► **What to Do If You Think You May Have Committed Malpractice**

Mistakes happen. What do you do if you realize you've done something wrong? What do you do if your client—or your client's family—claims you've done something wrong? This session focuses on how to deal with the problem: how and when to communicate your concerns to your client, your firm, and your insurance carrier; when to suggest that your client should retain independent counsel; whether you should attempt to remedy the problem, and other practical aspects of dealing with a real or potential claim.

Richard M. Zielinski, Esq.; Mark E. Swirbalus, Esq.

► **Especially for Newer Practitioners: Getting the Big Planning Picture**

From the first client interview to finalizing the core estate plan, it's important to understand all the details while maintaining focus on the client's overall objectives. This session focuses on how to obtain and synthesize information about the client and the client's planning goals and how to translate that into a coherent, straightforward estate plan.

Geoffrey M. Mason, Esq.; Suma V. Nair, Esq.

3:40 P.M. – 4:50 P.M.

#### Breakout Session 3: (Choose One)

► **How to Provide Useful and Comforting Advice for Clients in the Face of Tax Law Uncertainty**

Estate planners have survived through the years of the estate tax phase-out, almost a year of no estate tax and carry-over basis (or maybe not, as it turns out), two more years of wondering what would happen to the transfer tax rules, and who knows what's next. Lawyers thrive on the certainty of rules, and there has been no comfort in this field. In this session two seasoned practitioners share their thoughts about how to counsel and comfort clients in the face of all this uncertainty.

George L. Cushing, Esq.; William D. Kirchick, Esq.

► **The Impact of the Massachusetts Uniform Trust Code on Drafting Trusts**

The MUTC introduces several new concepts into Massachusetts trust law—for example, there are new requirements for designating trusts as irrevocable, spendthrift clauses, and providing information and accounts to beneficiaries. A settlor may draft around some, but not all, of the provisions of the MUTC. This session helps estate planners identify and consider drafting opportunities under this important new law.

Eric P. Hayes, Esq.; Jennifer Locke, Esq.

► **Especially for Newer Practitioners: Demystifying Sophisticated Planning Techniques**

You may have heard about installment sales, GRATs, QPRTs, charitable lead and remainder trusts, family partnerships and LLCs, and a host of other techniques. This session explains when specific techniques can be useful and how they might fit into an overall estate plan. The emphasis is not on the details of these techniques, but rather on the general principles of what they can achieve and when they are and are not appropriate.

Geoffrey M. Mason, Esq.; Suma V. Nair, Esq.