

Friday

12:00PM-1:30PM

Estate & Gift Tax and Fiduciary Income Tax Young Lawyers Subcommittees and Estate & Gift Tax and Fiduciary Income Tax Committees Luncheon

Qualifying Year-End and Death Bed Gifts. This presentation will discuss the general rules for determining when a year-end annual exclusion gift or deathbed gift qualifies as being completed in the desired year.

Panelists: Christie D'Agostini, U.S. Trust, Washington, DC; Molly McEvoy, Armstrong Bristow Farley & Schwarzschild, Richmond, VA; Meredith M. Strahl, Brown Advisory, Washington, DC

Saturday

8:30AM – 11:30AM

Fiduciary Income Tax

Chair: Lewis J. Saret, Law Office of Lewis J. Saret, Washington, DC

8:30am

Regulatory Roundup and Recent Developments. Representatives from the IRS and the Department of Treasury will comment on the recent developments, as well as discuss pending guidance. Report on recent developments affecting the income taxation of trusts and estates.

Panelists: Catherine V. Hughes, Attorney Advisor, Office of Tax Policy, Department of Treasury, Washington, DC; James Williams Hellams, Lerch Early & Brewer, Bethesda, MD.

9:05am

The Power to Adjust and The Power to Convert – How, When, Why and What Do Professionals Do, and Defending the Decision. More than 15 years have passed since the Uniform Law Commissioners promulgated the first Uniform Principal and Income Act in 1997. Many states have adopted particular powers for Trustees regarding adjustments between income and principal and the conversion of an income trust to a unitrust. Through the years, professional fiduciaries have developed techniques and guidelines to assist in determining the appropriate manner to exercise such discretionary powers. This session will review the state laws regarding the power to adjust and the power to convert, review the accompanying federal income tax laws, discuss how professional fiduciaries across the country have applied the law and present some potential litigation issues associated with such powers.

Panelists: George Karibjanian, Proskauer Rose LLP, Boca Raton, FL; Erin Gilmore Smith, Fiduciary Trust International, New York, NY.

9:55am

Planning Under the Net Investment Income Tax. This session will focus on planning for estates, trusts, and their beneficiaries under the 3.8% net investment income tax (IRC Section 1411). Topics will include: Characterizing distributions under IRC Sections 652(b) and 662(b); Determining material participation; Applying the NIIT system to particular types of trusts (including charitable remainder trusts, electing small business trusts, and common trust funds) and their beneficiaries; Strategies to reduce a taxpayer's NIIT.

Panelist: Michael J. Grace, Whiteford, Taylor & Preston LLP, Washington, DC; David H. Kirk, Ernst & Young LLP, Washington, DC

10:45am

Unraveling Family Limited Partnership's. Family Limited Partnerships are among the most popular estate planning vehicles. However, advisers often fail to consider the prospect of having to terminate or unwind an FLP and the substantial tax consequences of doing so. Facts and substantive law change, and the circumstances that may have once made an FLP the best vehicle for a client's estate may now suggest that the FLP be unwound. This presentation will discuss: Circumstances in which unwinding an FLP may make sense; Valuation issues in unwinding an FLP; Income tax consequences of terminating an FLP; Identifying and reducing risk factors; Best practices in unwinding FLPs. Panelist: Andrew D. Rothstein, Goulston & Storrs, Boston, MA; Steven R. Schneider, Goulston & Storrs, Washington, DC.