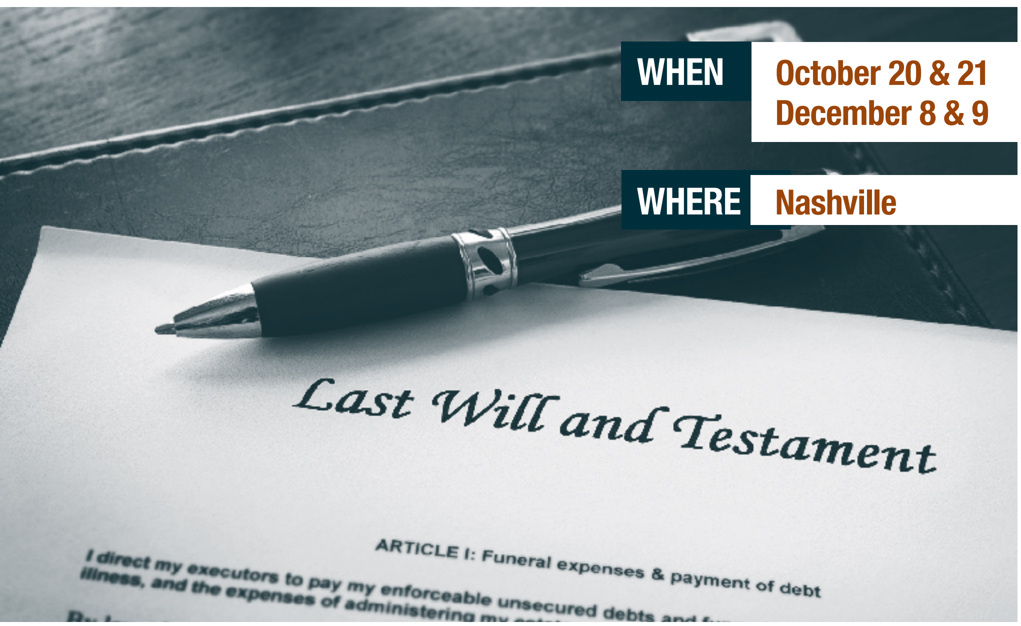
Tennessee Attorneys Memo

presents

NOW EXPANDED TO TWO PROGRAMS – **OCTOBER** AND **DECEMBER!**

2016 Probate & Estate Planning Conference for Tennessee Attorneys

This two-day seminar offers an insider's perspective on the most significant recent developments in Tennessee probate and estate planning law. Fulfill your annual CLE requirement at one event.



WHEN October 20 & 21
December 8 & 9

WHERE Nashville

HIGHLIGHTS

- Use of various trusts as estate planning tools
- Tips for drafting wills in 2016
- Trust drafting tips with samples
- Duties and liabilities of fiduciaries
- Structuring marital agreements to deal with estate planning issues
- What to look for in reviewing existing estate plans
- Business succession planning
- Qualifying for TennCare
- Alternatives to full probate administration
- Planning for a client's long-term care
- Tips for probating a will and administering estates
- Planning for digital assets
- Elective share rights and procedure
- Probate litigation case law and legislative update
- Ethical issues facing trust and estate planning attorneys
- Ethics in elder care

October Faculty

William (Will) Bell, Jr.
Rainey, Kizer, Reviere & Bell PLC, Jackson

Rebecca Blair
The Blair Law Firm, Brentwood

David Callahan
Goodman Callahan & Blackstone, PLLC, Nashville

Michael W. Dale
Harvill Ross Hogan and Ragland, Clarksville

Harlan Dodson
Dodson, Parker, Behm & Capparella P.C., Nashville

Donald J. Farinato
Hodges, Doughty & Carson, PLLC, Knoxville

Glen Kyle
Monica Franklin & Associates, LLC, Knoxville

Carla Lovell
Sherrard Roe Voight & Harbison, PLC, Nashville

Barbara Boone McGinnis
Elder Law Practice of Timothy L. Takacs, Hendersonville

Hunter R. Mobley
Howard Mobley Hayes & Gontarek, PLLC, Nashville

Jeff Mobley
Howard Mobley Hayes & Gontarek, PLLC, Nashville

Julie Travis Moss
The Blair Law Firm, Brentwood

Michelle Poss
Sobel, Poss & Moore, Nashville

M. Matthew Thornton
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Timothy L. Takacs
CELA, Elder Law Practice of Timothy L. Takacs, Hendersonville

M. Matthew Thornton
Bourland, Heflin, Alvarez, Minor & Matthews, PLC, Memphis

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WHEN

October 20 & 21 *and* December 8 & 9

Registration begins at 7:30 a.m. The conference begins each day at 8:00 a.m. and concludes at 5:00 p.m.

(There will be morning and afternoon breaks each day, and attendees will have 1 hour for lunch, which is included with registration)

Price: $497 for entire program ($70 off for additional attendees from same firm), $347 for one day only, and $247 for materials

$50 early bird discount until September 9 (October conference)

$50 early bird discount until October 28 (December conference)

*(Attorneys may attend one day in October and one day in December at the 2-Day price)

OCTOBER AGENDA

Thursday, October 20 (Day 1)

Planning Opportunities & Challenges
8:00 A.M. TO 9:00 A.M.

Harlan Dodson
Dodson, Parker, Behm & Capparella, PC

Mr. Dodson will offer tips and strategies for drafting wills in 2016 and beyond.

Ethical Issues Facing Trust & Estate Planning Attorneys Today
9:00 A.M. TO 10:30 A.M.

DUAL CREDIT

Donald J. Farinato
Hodges, Doughty & Carson, PLLC

Mr. Farinato will walk you through many of the most common ethical issues facing trust and estate planning attorneys today, including issues that arise when dealing with conservators and guardians *ad litem.*

10:30 A.M. TO 10:45 A.M.
(MORNING BREAK)

Estate Planning with Trusts in Tennessee
10:45 A.M. TO 12:15 P.M.

Jeff Mobley & Hunter Mobley
Howard Mobley Hayes & Gontarek, PLLC

Trusts are powerful tools that can be used to achieve specific estate planning goals, regardless of the size of your client's estate. Over the past several years Tennessee has enacted cutting-edge legislation regarding Tennessee trust laws. This presentation will discuss these legislative changes and the use of trusts in estate planning.

12:15 P.M. TO 1:15 P.M. LUNCH
(INCLUDED WITH REGISTRATION)

Succession Planning for Business Owners
1:15 P.M. TO 2:15 P.M.

Will Bell
Rainey, Kizer, Reviere & Bell PLC

- Types of succession of ownership
- Business valuation
- Buy-sell agreements
- Second marriage issues
- Basic estate planning documents
- Team for succession planning

TennCare: Qualifying for Nursing Home Care and In-Home Services
2:15 P.M. TO 3:15 P.M.

Barbara Boone McGinnis
Elder Law Practice of Timothy L. Takacs

- Eligibility requirements
- Relevant Affordable Care Act provisions
- Qualifying an institutionalized spouse
- Transfer of assets
- Real estate, promissory notes, mortgages, annuities, and other special assets
- Estate recovery
- The application process
- Post-eligibility: Helping the client maintain eligibility through redetermination and changes
- Appeals and judicial review

3:15 P.M. TO 3:30 P.M.
(AFTERNOON BREAK)

Estate Planning: Planning for Digital Assets
3:30 P.M. TO 4:00 P.M.

Donald J. Farinato
Hodges, Doughty & Carson, PLLC

Considering how much information we keep on computers and on the internet, estate planning is not complete without including digital assets and social media accounts. Mr. Farinato will provide an overview of the "Revised Uniform Fiduciary Access to Digital Assets Act," which became effective on July 1, and will show you how to assist clients in planning for digital assets. You'll learn: The provisions of the new Digital Assets Act, the different kinds of digital assets, and why this is a problem for fiduciaries.

Probate Practice and Other Issues
4:00 P.M. TO 5:00 P.M.

David Callahan
Goodman Callahan & Blackstone, PLLC

- How to prepare for probate court
- Small estates
- Basic principles for trying a conservatorship case
- Opening up and administering the intestate estate
- Handling a testate estate

Friday, October 21 (Day 2)

Probate Litigation Case Law and Legislative Update
8:00 A.M. TO 9:00 A.M.

Rebecca Blair
The Blair Law Firm

Ms. Blair will walk you through some of the most significant cases and legislative changes from the past year.

Ethics in Elder Care
9:00 A.M. TO 10:30 A.M.

DUAL CREDIT

Michelle Poss
Sobel, Poss & Moore

- How Rules of Professional Conduct apply
- Who is your client?
- Conflicts of interest
- Mental capacity of the client
- Using a care manager to enhance service to clients

10:30 A.M. TO 10:45 A.M.
(MORNING BREAK)

Who is the Fiduciary?
10:45 A.M. TO 11:45 A.M.

Michael W. Dale
Harvill Ross Hogan and Ragland

- Personal representative and trust officers: Powers and duties
- Helping clients pick the fiduciary(ies)
- Misconduct and removal
- Compensation guidelines
- Your contact with the personal representative
- Trust protectors and advisers
- Fiduciary liability

11:45 A.M. TO 12:45 P.M. LUNCH
(INCLUDED WITH REGISTRATION)

Elective Share, Homestead, and Alternatives to Full Probate
12:45 P.M. TO 1:45 P.M.

M. Matthew Thornton
Bourland, Heflin, Alvarez, Minor & Matthews, PLC

Mr. Thornton will walk you through some alternatives to full probate administration and will offer tips on minimizing the fees and costs that often mount up during the probate of an estate and will show you how to utilize alternatives to opening an estate. You'll learn about:

- Portability rules, claiming unused exemption
- Homestead allowance
- How to determine the elective share estate
- Elective share rights and procedure

Long-Term Care Advance Planning
1:45 P.M. TO 2:45 P.M.

Glen Kyle
Monica Franklin & Associates, LLC

According to the American Health Care Association, nearly half of all Americans will need long-term care at some point in their lives. In fact, one in five over the age of 50 is at a high risk of needing long-term care within the next 12 months. Let Mr. Kyle give you some tips on helping your clients meet their long-term care needs.

- Durable power of attorney for financial matters
- Health care power of attorney
- Special needs trust
- Advance medical directives
- Living will
- "Do not resuscitate" (DNR) orders and organ donation considerations
- Emergency medical services (EMS)
- Wills and trusts

2:45 P.M. TO 3:00 P.M.
(AFTERNOON BREAK)

The Intersection of Family Law and Estate Planning
3:00 P.M. TO 4:00 P.M.

Carla Lovell
Sherrard Roe Voight & Harbison, PLC

The effects of a divorce can be long lasting and far reaching even affecting areas that you would not immediately think of, like an estate plan. Ms. Lovell will walk you through some of the issues that arise when family law and estate planning issues collide, including:

» Structuring marital agreements to deal with estate planning issues
» Dispositive provisions of wills and trusts
» Beneficiary designations on retirement accounts and life insurance
» Joint accounts and joint living trusts
» Irrevocable life insurance trusts
» Charitable remainder trust
» Powers of attorney and health care directives
» Role of ex-spouse as representative of minor children under an estate plan

Client Screening and Intake
4:00 P.M. TO 5:00 P.M.

Julie Travis Moss
The Blair Law Firm

» Clarifying goals and forecasting needs
» Assessing current and future assets and debts
» Dealing with family dynamics: Past, present and future
» What to look for in reviewing existing estate plans
» Sample info gathering forms and checklists
» Determining your overall estate plan strategy
  ✓ for an estate subject to estate tax
  ✓ for an estate potentially subject to estate tax
  ✓ for an estate not subject to estate tax

DECEMBER AGENDA

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10:30 A.M. TO 10:45 A.M.
(MORNING BREAK)

Trusts Used for Tax Reduction: Drafting Tips
10:45 A.M. TO 12:15 P.M.

Ralph Levy, Jr.
Dickinson Wright PLLC, Nashville

» Irrevocable life insurance trusts
» Charitable remainder trusts
» Qualified domestic trusts
» Qualified personal residence trusts
» Defective trusts
» Education trusts for children and grandchildren
» Generation skipping trusts

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REGISTRATION FORM. FOR ASSISTANCE, CALL 800-727-5257.

YES! I want to get up-to-date information on the latest and most significant developments affecting my clients and my practice. Please reserve my spot at the **2016 TN Probate & Estate Planning Conference.** My registration includes the two-day conference, pages of valuable course materials, morning and afternoon snacks, lunch, and up to 15 hours of CLE credit. If I am dissatisfied, I am entitled to a complete refund of my registration fee. **Fee:** $497 for entire program ($70 off for additional attendees from same firm), $347 for one day only, and $247 for materials.

❑ October 20 & 21 – Full Program ❑ December 8 & 9 – Full Program
❑ Day one only ❑ Day two only ❑ Day one only ❑ Day two only

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$497 for entire program ($70 off for additional attendees from same firm), $347 for one day only, and $247 for materials

Cancellation Policy

- A $50 processing fee applies to ALL conference cancellations.
- Registrants are responsible for the entire program fee for a cancellation made after 5:00 p.m. three weeks prior to the event (whether or not you attend the program or fail to cancel).
- An alternate may attend in place of the original registrant.

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10 REASONS TO ATTEND THIS CONFERENCE

» **Outstanding faculty.** You'll hear from leading attorneys in estate planning and probate practice from across the state in Tennessee.

» **Tips on estate planning.** You'll receive valuable tips in planning with trusts, including those that can be used in drafting GDOTs, GRATs, and QPRTs.

» **Tips on will drafting.** You'll get tips on drafting wills in 2016 and beyond.

» **Probate practice.** Gain valuable information to use when probating a will or administering an estate, including information on how to determine the elective share estate and homestead allowance.

» **Practical information.** You'll get practical information you can put to use in your practice immediately, including what to look for in reviewing a client's existing estate plan, the interaction between estate planning and family law, and the latest on planning for digital assets.

» **Business succession planning.** Learn how to minimize the tax burden when transferring ownership of a business.

» **Elder law.** You'll get information on qualifying for TennCare and helping clients with their long-term advance planning issues.

» **Ethical considerations.** You'll gain valuable insights on how to handle difficult-to-resolve dilemmas faced in an elder law, trust, and estate planning practice.

» **Update.** You'll get an update on probate litigation case law and legislation.

» **CLE.** You'll earn up to 15 hours of CLE, including 3 DUAL hours.

HERE'S WHAT YOUR COLLEAGUES SAID ABOUT LAST YEAR'S PROBATE & ESTATE PLANNING CONFERENCE FOR TENNESSEE ATTORNEYS:

"Loved the flow of this seminar and the general arrangement of topics this year! Received a lot of really good information I could use in my practice."

"I like being able to get all my CLE hours in two days and for a reasonable price."

"Loved the topics, the presenters, the facility, and especially the free parking."

"Knowledgeable speakers and great topics again this year."

"I attend every year, and this is always my favorite CLE – always very practical presentations."

"Really good materials, great speakers, and very current information!"

Produced by
Virginia Mayo and Jean Simpkins
Editors, *Tennessee Attorneys Memo*
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