Tennessee Attorneys Memo
Presents the 9th annual

Probate & Estate Planning Conference for Tennessee Attorneys

WHEN:

Thursday & Friday, December 7-8, 2017

WHERE:

Nashville School of Law

2017 Probate & Estate Planning Conference for Tennessee Attorneys packs two days with some of the state's top estate planning and probate practitioners delivering critical guidance on the hottest topics and some of the most complex issues you'll face. Your distinguished faculty will explain the very latest developments and strategies:

- Advanced estate planning tips
- Will drafting "dos and don'ts" and "must-have" provisions
- Essentials for implementing and handling conservatorships and guardianships
- Estate planning with trusts
- Tips for practicing in probate court
- Tips, techniques, and things to watch for in probate and estate planning
- Dealing with estate, income, and generation-skipping transfer taxes
- Tips for drafting estate planning documents
- When and how to set up special needs trusts and/or charitable trusts
- Advance care planning tips
- Understanding issues that arise in small estates
- Trusts, estate planning, and probate update
- Defining who your client is from the start
- Ethical issues facing trust and estate planning attorneys and ethical issues that arise when choosing a client
- Sample forms and checklists

CLE

15 HOURS OF CLE! INCLUDING 3 DUAL HOURS

BONUS: You'll receive a binder of the materials covered during the seminar and will be able to download the materials after the conference.

Call 800-727-5257 to register or visit us online at mleesmith.com/TPEP

FACULTY

Rebecca Blair
The Blair Law Firm, Brentwood

Alan L. Cates
Husch Blackwell LLP, Chattanooga

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

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

Elizabeth B. Hickman
Goodman Callahan & Blackstone, PLLC, Nashville

Glen Kyle
Monica Franklin & Associates, LLC, Knoxville

Patrick B. Mason
Mason Zoccola Law Firm, PLLC, Memphis

Steve McDaniel
Williams McDaniel, Memphis

Sara E. McManus
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Chattanooga

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
Law Office of A. Michelle Poss, Nashville

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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.

- Use of various trusts as estate planning tools
- Tips for drafting wills in 2018
- Trust drafting tips with samples
- Duties and liabilities of personal representatives
- Implementing and handling conservatorships and guardianships
- What to look for in reviewing existing estate plans
- Dealing with tax issues when administering an estate
- Using charitable trusts effectively
- Tips for drafting estate planning documents
- Establishing a special needs trust
- Planning for a client's long-term care
- Understanding issues that arise in small estates
- Probate litigation case law and legislative update
- Ethical issues facing trust and estate planning attorneys
- Ethical issues that arise when choosing a client

NASHVILLE, TENNESSEE

Thursday & Friday, December 7-8, 2017
Nashville School of Law

FREE PARKING | FREE WI-FI

4013 Armory Oaks Drive
Nashville, TN 37204
For complete directions visit
www.mleesmith.com/TPEP

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 you'll have 1 hour for lunch, which is included with registration)

CONFERENCE FEES

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

EARLY BIRD DISCOUNT:
Get $50 off full program price until November 3

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Register at mleesmith.com/TPEP or call 800-727-5257

Agenda

Thursday, December 7 (DAY 1)

Planning Opportunities & Challenges in 2018 and Beyond

8:00 A.M. TO 9:00 A.M.

Harlan Dodson, *Dodson, Parker, Behm & Capparella, PC*

New laws, new cases, new challenges and uncertainty as to the tax laws -- planning today is more than just writing a will. Mr. Dodson will provide practice tips and strategies to address this brave new world of planning.

Ethical Issues That Arise in Accepting, Declining or Terminating Representation

9:00 A.M. TO 10:30 A.M.

DUAL CREDIT

Julie Travis Moss, *The Blair Law Firm*

- Defining who your client is from the start
- Clarifying goals and forecasting needs
- Avoiding conflicts of interest
- Assessing current and future assets and debts
- Dealing with family dynamics: Past, present and future
- Handling clients with diminishing mental capacity
- Lawyers acting as fiduciaries
- What to look for in reviewing existing estate plans
- Sample info gathering forms and checklists

– MORNING BREAK 10:30 A.M. TO 10:45 A.M. –

Using Trusts as an Estate Planning Tool

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 walk you through the various types of trusts used in Tennessee and will discuss recent legislative changes, creditor rights with regard to trusts, the taxation of trusts, and the use of various trusts as an estate planning tool.

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

Understanding the Role of the Personal Representative in Probate

1:15 P.M. TO 2:15 P.M.

Alan L. Cates, *Husch Blackwell LLP*

The duties of a personal representative are dictated in a will and controlled by the probate laws of Tennessee. The duties of a personal representative are directly related to the stages of executing the will or trust such as: Identifying assets, paying the bills, filing lawsuits (if needed), and closing out the estate in accordance with the will and controlling probate law. Failure to adhere to the required duties can result in heirs filing a lawsuit against the personal representative for breach of fiduciary duty alleging that the personal representative owed a statutory and reasonable duty to protect the assets of the estate while trying to wind down the estate, and then breached that duty by failing to exercise due diligence to perform the tasks required.

- Duties of the personal representative
- Misconduct and/or removal
- Compensation guidelines
- Special administration issues

2017 Probate Litigation Case Law and Legislative Update

2:15 P.M. TO 3:30 P.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.

– AFTERNOON BREAK 3:30 P.M. TO 3:45 P.M. –

Probate Practice and Other Issues

3:45 P.M. TO 5:00 P.M.

Elizabeth B. Hickman, *Goodman Callahan Blackstone, PLLC*

Probate practice is becoming an increasingly marketable skill due to the aging population and clients' reliance on competent attorneys and other professionals who can smoothly walk them through the procedures. This session will provide you with some tips on issues that arise in probating an estate.

- Handling small estates
- Opening the estate, administering the estate, closing the estate
- Managing inventory
- Litigating the estate in probate court
- Handling an estate consisting only of real property
- Homestead allowance and elective share

Friday, December 8 (DAY 2)

Conservatorships & Guardianships: What Attorneys Need to Know

8:00 A.M. TO 9:00 A.M.

Michelle Poss, *Law Office of A. Michelle Poss*

Ms. Poss will walk you through the essentials of implementing and handling conservatorships and guardianships and will discuss the law on emergency conservatorships in Tennessee.

Tips, Techniques and Things to Watch for in Probate

9:00 A.M. TO 9:45 A.M.

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

Should you take that call from an angry beneficiary? Taxes do not matter anymore since the Tennessee inheritance law was repealed, right? How soon should you distribute assets to a beficiary? This session will explore various topics pertaining to the probate process, and Mr. Farinato will offer suggestions on how to deal with some of the issues often seen in probate.

– MORNING BREAK 9:45 A.M. TO 10:00 A.M. –

Ethics in Estate Planning and Estate Administration

10:00 A.M. TO 11:30 A.M. DUAL CREDIT

Steve McDaniel, *Williams McDaniel*

Attorneys implementing estate plans and administering those plans often face numerous ethical issues, such as joint representation, client confidentiality, client competence, and billing inquiries. This ethics presentation will explore many of the difficult-to-resolve dilemmas faced by trust and estate attorneys.

Tips, Techniques and Things to Watch for in Estate Planning

11:30 A.M. TO 12:15 P.M.

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

Let Mr. Farinato walk you through some top estate planning techniques you can use to avoid unintended consequences when drafting estate planning documents for your clients. You'll get tips on gifting techniques, drafting wills, designating and protecting beneficiaries, and planning for pensions and IRA assets.

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

Handling Estate Administration Tax Issues

1:15 P.M. TO 2:30 P.M.

Patrick B. Mason, *Mason Zoccola Law Firm, PLLC*

- Examples of forms needed
- Federal and state estate tax considerations
- Income tax issues for the estate and the heirs
- Resolving disputes with taxing authorities
- Deductions and exemptions
- How the generation-skipping transfer tax affects your clients
- Tax deadlines and handling extensions
- Sales of real property

– AFTERNOON BREAK 2:30 P.M. TO 2:45 P.M. –

Long-Term Care Advance Planning

2:45 P.M. TO 3:45 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

Charitable Trusts

3:45 P.M. TO 5:00 P.M.

Sara McManus, *Baker, Donelson, Bearman, Caldwell & Berkowitz, PC*

A charitable trust is an irrevocable trust which may be set up *inter vivos* or as a part of a trust or will at death. Let Ms. McManus walk you through the types of charitable trusts and offer you tips on how best to use them to your clients' advantage.

- When are charitable trusts used?
- CRTs vs. CLTs
- Tax planning, requirements and consequences
- Trustee powers/duties and administration issues
- Exceptions to the rules
- Charitable planning in smaller estates
- Sample trust language

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 **Probate & Estate Planning Conference for Tennessee Attorneys.** My registration includes the two-day conference, pages of valuable course materials, lunch both days, and up to 15 hours of CLE credit, including 3 hours of DUAL 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 only

❑ Full Conference ❑ Day 1 only (Thursday, December 7) ❑ Day 2 only (Friday, December 8)

❑ Materials only ($247)

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CLE: 15 hours of CLE

(12 hours of general and 3 hours of DUAL)

FEE

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

$50 Early Bird Discount until November 3

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 YOU SHOULD ATTEND THIS SEMINAR

- **Outstanding faculty.** You'll hear from leading attorneys in estate planning and probate practice from across 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, and get advice on avoiding unintended consequences when drafting estate planning documents.
- **Tips on will drafting.** You'll get tips on drafting wills in 2018 and beyond and on how to build flexibility into the estate plan.
- **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 guidance you can use in your practice immediately, including what to look for in reviewing a client's existing estate plan, drafting charitable trusts, duties and liabilities of a personal representative, and the latest on conservatorships and guardianships in Tennessee.
- **Estate tax issues.** Learn how to handle federal and state estate tax issues, income tax issues for the estate and heirs, and generation-skipping transfer tax issues.
- **Elder law.** You'll get information on drafting special needs trusts, handling durable powers of attorney for financial matters and powers of attorney for healthcare, 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 when choosing clients and issues that arise in a trust and estate planning practice.
- **Case law update.** You'll get an update on probate decisions 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:

"Great program. I attend each year and recommend this CLE to my colleagues – best CLE for the price anywhere in the state."

"I appreciate getting all my CLE hours in two days and for a reasonable price."

"Loved the speakers and topics, especially the 'how tos' and really appreciated the sample forms to take back with me!"

"The topics are all relevant and useful for anyone involved in this practice area. The speakers were all top-notch and did an excellent job."

"This is my fourth year to attend, and it gets better each year. Keep up the good work!"

"Really good materials (especially love the notebook to take back to the office with me), great speakers, and very current information!"