Greetings FROM ORLANDO

REGISTER TODAY!

30TH ANNUAL RPTE SPRING SYMPOSIA

MAY 10-11, 2018

IT'S NOT SUCH A SMALL WORLD AFTER ALL!

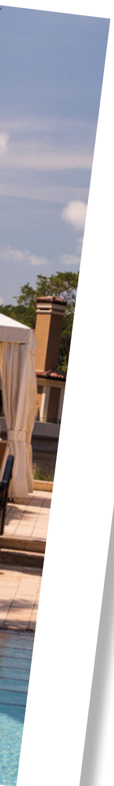
ABA SECTION OF REAL PROPERTY | TRUST & ESTATE LAW

Your Source for Success

AMERICAN BAR ASSOCIATION
Defending Liberty
Pursuing Justice

30TH ANNUAL SPRING SYMPOSIA CLE MEETING

FOUR SEASONS HOTEL
ORLANDO, FL



Greetings FROM ORLANDO

Please join me as we celebrate the 30th anniversary of the Section of Real Property, Trust and Estate Law's Spring Symposia CLE Meeting on May 10 and 11, 2018 at the beautiful Four Seasons Resort, Walt Disney World, Florida.

Come hear some of the nation's leading practitioners and professionals discuss the latest developments in both real estate and trust and estate law as you capture a year's worth of CLE credits. Friday's Real Property Division luncheon will explore how a developer in Tampa is reimagining the 21st century urban neighborhood, while the Trust and Estate Division luncheon will feature a panel of luminaries discussing The Tax Cuts and Jobs Act of 2017 and other hot topics.

Network with attorneys and other professionals from across the country at multiple receptions and the Thursday working lunch, hosted by our Section's many committees.

I encourage you to bring your family! The Four Seasons Resort offers a kid's camp program (free to registered hotel guests) from 9 AM to 5 PM each day for children ages 4 to 12. Spend time pre- or post-Symposia exploring the magic of Walt Disney World or just enjoying the lazy river and the many other amenities available at the resort. There's truly something for everyone.

I look forward to seeing you in Orlando in May.

Elizabeth C. Lee
Womble Bond Dickinson (US) LLP
Washington, D.C.
Chair, ABA Section of Real Property,
Trust and Estate Law

NETWORKING EVENTS AND MEETING HIGHLIGHTS

WEDNESDAY, MAY 9

ESSENTIAL LAWYERING SKILLS: HOW TO MAXIMIZE YOUR VALUE AND USE TECHNOLOGY

2 – 5:30 PM

While this program is free, pre-registration is required More details on this program can be found online at www.ambar.org/rptesymposia

Real property lawyers handle real estate, which is often the largest, most complex and, with respect to one's home, the most tangible, sentimental, and emotional asset most clients will own. Trust and estate lawyers play an essential role in preserving and passing down everything that clients work so hard for and deal with the issues of family relations, money, death, and taxes. In this two part program, attendees will learn how to deliver exceptional legal service and how to effectively use technology to provide an advantage, in addition tolearning how to articulate to yourselves, your peers, and your clients the value you add.

WELCOME RECEPTION

5:30 – 6:30 PM

Welcome to The Sunshine State! All attendees are invited to attend this complimentary reception to help kick off the 30th Annual Spring Symposia.

THURSDAY, MAY 10

HOSPITALITY AREA

7 AM – 5 PM

Continental breakfast in the morning and refreshments during scheduled breaks will be available for all meeting registrants. Be sure to stop by our sponsor's booths which will be open all day.

GROUP AND COMMITTEE BOX LUNCH

12 – 1:30 PM

Cost: $30

Attendees are encouraged to grab a box lunch and participate in RPTE group and committee discussions. This is an excellent opportunity to gather with a smaller group of attendees with common practice interests. All interested attendees are welcome to join in these topic-based discussions.

RECEPTION WITH THE SPONSORS

5 – 6 PM

Join us for complimentary cocktails as we thank our 2018 Symposia sponsors for their generous support. For a complete list of our sponsors, see the last page of this brochure.

SYMPOSIA RECEPTION

LAWNS OF THE FOUR SEASONS RESORT

7 – 10 PM

Cost: $50/attendee; $100/guest

Attendees and their guests are invited to attend this annual reception on the lovely lawns of the Four Seasons Resort. Heavy hors d'oeuvres and cocktails.
Sponsored by: Thomson Reuters

FRIDAY, MAY 11

HOSPITALITY AREA

7 AM – 3:45 PM

Continental breakfast in the morning and refreshments during scheduled breaks will be available for all meeting registrants. Sponsors booths will be open all day for registrants to stop by and visit.

TRUST & ESTATE DIVISION LUNCHEON

PANEL OF LUMINARIES

11:45 AM – 12:15 PM: LUNCH

12:15 – 1:15 PM: CLE PRESENTATION

Cost: $50

This panel will address significant developments for estate planning in 2018, including: the Tax Cuts and Jobs Act of 2017 and its impact for estate planning and administration, including any guidance from the IRS and Treasury since the enactment of the 2017 Act; divorce planning after the 2017 Act; state and federal fiduciary income tax trends to watch; and other hot topics and important trends for trusts and estates practitioners. Lunch will be served prior to CLE presentation.

Speakers: *Carlyn McCaffrey,* McDermott Will & Emery, New York, NY; *Richard W. (Dick) Nenno,* Wilmington Trust Company, Wilmington, *DE; and Martin M. Shenman*, Martin M. Shenkman, P.C., Fort Lee, NJ
Sponsored by: Bessemer Trust Company

REAL PROPERTY DIVISION LUNCHEON

BUILDING A 21ST CENTURY NEIGHBORHOOD OPPORTUNITIES AND CHALLENGES

11:45 AM – 1:15 PM

Cost: $50

Strategic Property Partners is the owner and developer of approximately 50 acres of industrial land adjacent to the port in downtown Tampa, which it intends to develop as a new urban mixed-use waterfront neighborhood known as Water Street Tampa. Once all phases of development are completed, there will be up to 9,000,000 square feet of new commercial, residential, educational, entertainment, cultural, and retail space, with a total investment exceeding $3 billion. This presentation by two experienced real estate/local government lawyers will focus on the opportunities and challenges to re-imagine the concept of a neighborhood in the 21st century.

Lunch will be served; please note this program is not for CLE credit.
Speakers: *Julia Mandell,* Tampa, FL and *Angela Rauber,* Strategic Property Partners, Tampa, FL
Sponsored by: Appraisal Institute and Old Republic Title

SCHEDULE AT-A-GLANCE

WEDNESDAY, MAY 9

1 – 5 PM	Symposia Registration
2 – 5:30 PM *(registration begins 30 minutes prior)*	Essential Lawyering Skills: How to Maximize Your Value and Use Technology
5:30 – 6:30 PM	Welcome Reception *(complimentary)*

THURSDAY, MAY 10

7 AM – 4:30 PM	Symposia Registration/Hospitality/Sponsors Expo
7 – 8 AM	Attendee Breakfast **Sponsored by:** CIBC Atlantic Trust Private Wealth Management
8 AM – 12 PM	CLE Programming
12 – 1:30 PM	Group Lunches *(ticketed event)*
1:45 – 4:30 PM	CLE Programming
5 – 6 PM	Reception with the Sponsors *(complimentary)*
7 – 10 PM	Symposia Reception on the lawns of the Four Seasons Resort *(ticketed event)* **Sponsored by:** Thompson Reuters

FRIDAY, MAY 11

7 AM – 3:45 PM	Symposia Registration/Hospitality/Sponsors Expo
7 – 8 AM	Attendee Breakfast **Sponsored by:** CIBC Atlantic Trust Private Wealth Management
8 – 11:30 AM	CLE Programming
11:45 AM – 1:15 PM	Trust & Estate Division Lunch and CLE Program *(ticketed event; CLE credit)* **Sponsored by:** Bessemer Trust Company
11:45 AM – 1:15 PM	Real Property Division Lunch and Program *(ticketed event)* **Sponsored by:** Old Republic Trust and Appraisal Institute
1:30 – 3:45 PM	CLE Programming

REAL PROPERTY SYMPOSIUM
CLE PROGRAMS AT-A-GLANCE

WEDNESDAY, MAY 9

2 – 5:30 PM	Essential Lawyering Skills: How to Maximize Your Value and Use Technology		

THURSDAY, MAY 10

8 – 9 AM	Hot Topics in Real Estate Appraisals Utilized for Transactions and Litigation	Assembly Required: How The Walt Disney Corporation Put Together Walt Disney World	JOINT DIVISION ETHICS Your Ethical Duty to be Technologically Competent: Understanding the Technological Risks of Your Practice
9:15 – 10:30 AM	**Hospitality, Timesharing and Common Interests Development Group -** Preparing for and Recovering from Disasters Involving Hotels, Resorts, Timeshares, and Common Interest Communities	**Commercial Real Estate Transactions Group -** Title Insurance Cinderella Story: Will Your Title Coverage Turn into a Pumpkin?	
10:45 AM – 12 PM	**Special Investors and Investment Structures Group -** Planning Considerations for U.S. Investment in Cuba and Other Latin American Counties	**Leasing Group -** Retail Leasing: Bankruptcies, Required Remodels, and Other Fiendish Trends and Hot Topics	JOINT DIVISION **Practice Management Group:** Where Tomorrowland Meets Adventureland: How to Create and Maintain a Practice That Will Attract Great Clients and Employees into the Future
12 – 1:30 PM	Group Lunches *(ticketed event)*		
1:45 – 3 PM	**Law Practice Management Group -** A New Workflow: Leveraging Technology in your Small Firm Practice	**Residential, Multi-Family, and Special Use Group -** Cybersecurity and Data Breach Prevention: What Every Transactional Attorney Must Know	
3:15 - 4:30 PM	**Land Use and Environmental Group -** Urbanization and Gentrification: Tools to Increase Social Equity While Revitalizing City Centers	**Real Estate Financing Group -** Standard Loan Document Provisions: Tips for Finance Lawyers	

FRIDAY, MAY 11

8 – 9 AM	Basics of Real Estate Financing Incentives and Real World Successes	When Harvey Met Irma: Drafting Lease and Construction Provisions That Withstand Damage and Destruction	JOINT DIVISION Cabins and Compounds -- Boats and Biplanes: Planning for Vacation and Recreation Assets
9:15 – 10:15 AM	Latest Trends in Commercial Guaranty Agreement	JOINT DIVISION ETHICS How to Make Difficult Professional Conversations Productive	
10:30 – 11:30 AM	Five Calculations Every Leasing Attorney Should Know How to Make	JOINT DIVISION ETHICS Ethical Issues for Lawyers Involving State Laws Legalizing Marijuana	
11:45 AM – 1:15 PM	Real Property Division Lunch and Program *(ticketed event)* Appraisal Institute® Professionals Providing Real Estate Solutions; Old Republic Title		
1:30 – 2:30 PM	How a Changing Climate Affects Land Use	Law Professors' Recent Update	JOINT DIVISION Funding Clients' Living Trusts with Real Property: Special Considerations & Forms
2:45 – 3:45 PM	Coastal Area Properties: Anticipating the Next Wave of Diligence and Insurance Issues	JOINT DIVISION Going In-House – Beyond the Myths and Misconceptions	JOINT DIVISION ETHICS Putting Real Trust Back into Real Property and Trust Transactions: A Primer on Professional Obligations and Ethics

TRUST AND ESTATE SYMPOSIUM
CLE PROGRAMS AT-A-GLANCE

WEDNESDAY, MAY 9

2 – 5:30 PM	Essential Lawyering Skills: How to Maximize Your Value and Use Technology

THURSDAY, MAY 10

8 – 9 AM	**Charitable Planning and Organizations Group -** It's a World of Hopes and a World of Fears: Using 501(c)(3) Funds to Finance Real Estate Developments	JOINT DIVISION ETHICS Your Ethical Duty to be Technologically Competent: Understanding the Technological Risks of Your Practice
9:15 – 10:30 AM	**Income and Transfer Tax Planning Group –** Group Program: Part I	**Elder Law and Special Needs Planning Group -** Stop Living in Fantasyland: Special Needs Planning Updates Attorneys Need to Know
10:45 AM – 12 PM	**Income and Transfer Tax Planning Group –** Group Program: Part II	JOINT DIVISION **Practice Management Group:** Where Tomorrowland Meets Adventureland: How to Create and Maintain a Practice That Will Attract Great Clients and Employees into the Future
12 – 1:30 PM	Group Lunches *(ticketed event)*	
1:45 – 3 PM	**Business Planning Group –** The Business Roller Coaster: Charitable Donations When Times Are Good and Unwinding a Transaction When Times Are Bad	**Legal Education and Uniform Laws Group:** Modern Trusteeship Under the Uniform Directed Trust Act: Working in Harmony with Directors, Protectors, and Advisors
3:15 - 4:30 PM	**Non-Tax Estate Planning Considerations Group -** Hot Topics, Current Trends and Uniform Law Potpourri in Non-Tax Estate Planning	**Litigation, Ethics, and Malpractice Group -** It's a World of Tears and a World of Fears: Crisis Management of Estates

FRIDAY, MAY 11

8 – 9 AM	Fasten Your Seatbelts: The Testy Track of Advising Trustees in Litigation	Business Succession Planning: Beyond the Estate Tax	JOINT DIVISION Cabins and Compounds -- Boats and Biplanes: Planning for Vacation and Recreation Assets	
9:15 – 10:15 AM	Communicating the Wealth Plan: How, When and Why to Lift the Veil on Your Estate Plan	A World of Opportunity: The Practical Aspects of Decanting and Unique Benefits of the Uniform Trust Decanting Act	Income-Based Charitable Bequests: Strategies for Income Tax Savings with Charitable Bequests	JOINT DIVISION ETHICS How to Make Difficult Professional Conversations Productive
10:30 – 11:30 AM	A Whole New World: Trust and Estate Distributions to Foreign Beneficiaries	The Twenty-First Century Family: Drafting Wills and Trusts in a Time of Changing Concepts of Family, Gender, and Race	Powell-Proof Your Partnership	JOINT DIVISION ETHICS Ethical Issues for Lawyers Involving State Laws Legalizing Marijuana
11:45 AM – 1:15 PM	Trust & Estate Division Lunch and CLE Program *(ticketed event)* BESSEMER TRUST			
1:30 – 2:30 PM	ETHICS It May be a Small World but You Still Need to Wait Your Turn – Issues with Elder Planning and Abuse	Moving? Can I Take It with Me? Can I Use Something New? State Law Exemptions Under the Microscope	JOINT DIVISION Funding Clients' Living Trusts with Real Property: Special Considerations and Forms	
2:45 – 3:45 PM	Drafting Dos and Don'ts - Small Errors and a World of Problems	Beneficiary Designations for Retirement Accounts	JOINT DIVISION ETHICS Putting Real Trust Back into Real Property and Trust Transactions: A Primer on Professional Obligations and Ethics	JOINT DIVISION Going In-House – Beyond the Myths and Misconceptions

www.ambar.org/rptesymposia

THURSDAY, MAY 10

8 - 9 AM

ASSEMBLY REQUIRED: HOW THE WALT DISNEY CORPORATION PUT TOGETHER WALT DISNEY WORLD

Panelists will explore Disney's use of land trusts to assemble the parcels of land that became Walt Disney World. This program will review the history and discuss whether Illinois-type land trusts worked then and would work now as an instrument to accumulate the parcels, using historical materials, hypotheticals, and current practices for discussion and analysis. Topics to be covered include:

- History of the Walt Disney World land acquisition
- History of Illinois-type land trusts and historical uses of land trusts
- Present legislation
- Possible use of land trusts today
- Ethical considerations

Program Chair and Speaker: *Cliff Scott-Rudnick,* The John Marshall Law School, Chicago, IL
Moderator: *Wilhelmina Kightlinger,* Old Republic National Title Insurance Company, Tampa, FL
Speakers: *Mark Warda,* Land Trust Service Corporation, Lake Wales, FL and *Jay Zschau*, Pennington Law Group, PA, Tampa, FL

HOT TOPICS IN REAL ESTATE APPRAISALS UTILIZED FOR TRANSACTIONS AND LITIGATION

Real property appraisals can be crucial in many types of transactional and litigation legal matters, including acquisitions and dispositions, boundary disputes, business dissolutions, real property tax assessment appeals, and condemnation proceedings. In this program, panelists will provide an overview of the various issues related to appraisers, their appraisals, and counsel's use of both in relation to transactions and litigation. The program will explore:

- Appraisals used in connection with a variety of non-cash transactions
- Examples of litigation
- Requisites of a "qualified" appraisal and a "qualified" appraiser
- Use of IRS Form 8283
- "Syndicated" conservation easements
- Penalty provisions under the tax code
- Recent congressional proposals and changes
- Updates to the Uniform Appraisal Standards for Federal Land Acquisitions

Program Chair: *William Just,* Just Title, LLC, New Orleans, LA
Moderator: *James Smith,* University of Georgia Scool of Law, Atlanta, GA
Speakers: *C. Scott Schwefel,* Shipman, Shaiken & Schwefel, LLC, West Hartford, CT; *William Sylvester,* Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, Birmingham, AL; *Raymond Veal,* Integra Realty Resources -Tampa Bay, Tampa Bay, FL; and *Stephen Wagner,* Appraisal Institute/Terzo & Bologna, Inc., Indianapolis, IN

YOUR ETHICAL DUTY TO BE TECHNOLOGICALLY COMPETENT: UNDERSTANDING THE TECHNOLOGICAL RISKS OF YOUR PRACTICE

JOINT DIVISION | ETHICS

In 2012, the ABA updated the Rules of Professional Conduct to include a technological competence element. In the Summer of 2017, the ABA issued Formal Opinion 477R addressing a lawyer's duty to ensure the confidentiality of client information while using technology. This panel will explore how this opinion impacts attorneys' practices, including:

- Risks of using public or unsecured WiFi networks
- Vulnerabilities of cloud-based storage systems
- Understanding the risks to client confidential information when using technological conveniences
- Ethical duties and your need to understand (or gain an understanding) of the technological resources that permeate our practice

Program Chair and Moderator: *Gerard Brew,* McCarter & English, Newark, NJ
Speakers: *John T. Rogers, Jr.,* Rogers Trust Law, Los Angeles, CA and *Stephen Romine*, LeClairRyan, Norfolk, VA

9:15 - 10:30 AM

PREPARING FOR AND RECOVERING FROM DISASTERS INVOLVING HOTELS, RESORTS, TIMESHARES, AND COMMON INTEREST COMMUNITIES

Hospitality, Timesharing and Common Interests Development Group

In recent years, every part of the country seems to have been affected by floods, hurricanes, wildfires, mudslides, and man-made disasters. Planning for and responding to such disasters places a heavy burden on hotels, timeshare resorts, and common interest communities (and their various counsel). Panelists will discuss:

- Different types of insurance coverages
- The role of reserve accounts
- The use of special assessments and financing options for repairs and replacements
- Using "best practice" design ideas to protect against damage

Program Chair, Moderator and Speaker: *Nancy Leary Haggerty,* Michael, Best & Friedrich, LLP, Milwaukee, WI
Speakers: *Anne-Therese Bechamps,* Venable LLP, Towson, MD; *Steven Hardy,* BoltNagi PC, St Thomas, VI; and *Steve Mezer,* Becker & Poliakoff, PA, Tampa, FL

TITLE INSURANCE CINDERELLA STORY: WILL YOUR TITLE COVERAGE TURN INTO A PUMPKIN?

Commercial Real Estate Transactions Group

Title insurance is an important part of many types of real estate transactions. Paying too little attention, however, to the nature and limitations of insurance coverage can turn a chariot into a pumpkin with no happy ending.

Panelists will provide an in-depth discussion of title insurance claims, including:
- Tips for obtaining the right title insurance coverage
- An overview of the process for filing a claim
- Common mistakes in coverage or claim filings
- Acts by the insured that can void coverage
- Recent case law developments and trend

Program Chair: *Heather Johnston,* Sapphire Law Group, Folsom, CA
Moderator and Speaker: *Orlando Lucero,* Fidelity National Title Group, Albuquerque, NM
Speakers: *Gregory Brewer,* Fidelity National Title Group, Dallas, TX and *Christopher Deal,* Best Best & Krieger, Los Angeles, CA

10:45 AM - 12 PM
PLANNING CONSIDERATIONS FOR U.S. INVESTMENT IN CUBA AND OTHER LATIN AMERICAN COUNTIES

Special Investors and Investment Structure Group
In view of a more receptive local environment for cross border investments, investors are giving greater attention to Latin America, including Cuba and Mexico. This program will focus on legal, tax, and cultural aspects affecting investment in these countries and Cuban, Brazilian and Mexican lawyers will provide insights into the differences among those jurisdictions. The panelists will explore:
- Legal structures to hold income producing and personal/leisure real estate
- United States' restrictions on foreign investment
- Financing considerations
- Exit strategies for selling Latin American real estate
- Local property, transfer, and other real estate tax considerations

Program Chair and Moderator: *Philip Hirschfeld,* Cole Schotz, New York, NY
Speakers: *Wade Angus,* Jones Day, New York, NY; *Alonso Montes,* Andersen Tax, Guadalajara, Jalisco; and *Aymee Valdivia,* Holland & Knight, Miami, FL

RETAIL LEASING: BANKRUPTCIES, REQUIRED REMODELS, AND OTHER FIENDISH TRENDS AND HOT TOPICS

Leasing Group
The news today is filled with stories about the challenges facing retailers. This program will explore how these retail challenges impact leasing law, including:
- Issues arising as a result of bankruptcies of nationwide anchor tenants, such as the potential restructuring of the anchor tenants, the effect on exclusivity provisions in both the anchor tenants' leases and the leases of other tenants, and the potential rights of other tenants that have co-tenancy provisions in their leases following the bankruptcies of an anchor tenant (or multiple anchor tenants)
- Negotiating remodeling requirements in leases that obligate the tenants to remodel their premises at a certain time during the term of the lease
- Leasing issues related to "pop-up" retail establishments

Program Chair and Moderator: *G. Andrew Gardner,* Hurtuk & Daroff Co., LLP, Cleveland, OH
Speakers: *Josh Crowfoot,* Crowfoot Law Firm, LLC, Atlanta, GA; *Joshua Harris,* New York University, New York, NY; *Austin McMullen,* Bradley Arant Boult Cummings LLP, Nashville, TN; and *Helen Mittelman,* Sonn & Mittelman, Aventura, FL

WHERE TOMORROWLAND MEETS ADVENTURELAND: HOW TO CREATE AND MAINTAIN A PRACTICE THAT WILL ATTRACT GREAT CLIENTS AND EMPLOYEES INTO THE FUTURE

Practice Group

JOINT DIVISION

Given seismic demographic, economic, and technological changes to our society, the future of the legal practice may be a bit like Mr. Toad's Wild Ride. Panelists will discuss:
- How to remain relevant in light of future trends that will dramatically impact both the trust and estate and real estate practice areas
- What do corporate and family office clients look for when hiring outside counsel and how can you position your practice to win and retain clients?
- For what type of law firm or company do lawyers want to work? Large firms, small firms or does size not matter? What are the ways that organizations can recruit and retain diverse attorneys? How can organizations offer solutions that are attractive to aging and millennial lawyers?

Program Chair and Moderator: *Karin Prangley,* Brown Brothers Harriman, Chicago, IL
Moderator: *Elizabeth Lindsay-Ochoa,* Loring, Wolcott & Coolidge Trust, LLC, Boston, MA
Speakers: *Dennis Horn,* Holland & Knight LLP, Washington, DC; *Jennifer Robinson,* The Northern Trust Company, Ft. Lauderdale, FL; *Ruth Schoenmeyer,* Pircher Nichols & Meeks LLP, Chicago, IL; *Stephanie Smith*, Lerch, Early & Brewer, Bethesda, MD; and *Beth Wood,* Law Offices of Beth A. Wood, PLLC, Charlotte, NC

1:45 - 3 PM
A NEW WORKFLOW: LEVERAGING TECHNOLOGY IN YOUR SMALL FIRM PRACTICE

Law Practice Management Group
Some attorneys might be surprised to learn that the days of email are numbered and that the "cloud" can actually be more secure than a laptop's hard drive. In addition, as software service products become more scalable and alternatives to the expensive software traditionally used by law firms emerge, allowing solo and small firm practitioners to compete with large law

firms in a way that was previously not possible. This program will take a look at the next generation of technology that will dictate a lawyer's workflow and what can be done to embrace and leverage this technology. Topics will include:

- Web-based practice management software
- Alternatives to email for clients and interoffice communication, and why you should care
- Task and project tracking and reporting, both individual and for interoffice teams
- Using technology to track profitability and performance
- Tips for using technology to make you more productive(and not be a burden)
- Going solo - proven tools to create a successful solo practice

Program Chair: *Soo Yeon Lee,* Cordon & Centracchio, LLC, Chicago, IL
Program Chair and Moderator: *Heather Johnston,* Sapphire Law Group, Folsom, CA
Speakers: *Kenny Johnston,* Gemini Legal, Rocklin, CA and *Aastha Madaan,* Madaan Law, PC, Long Beach, CA

CYBERSECURITY AND DATA BREACH PREVENTION: WHAT EVERY TRANSACTIONAL ATTORNEY MUST KNOW

Residential, Multi-family, and Special Use Group
Wire fraud and data breaches are serious risks for both consumers and professionals involved in real estate transactions. Hackers familiar with the mechanics of real estate transactions are using their industry knowledge to target those responsible for sending wire transfers, including real estate purchasers, attorneys, and escrow agents responsible for disbursing payoffs and seller proceeds. This panel will discuss these wire fraud concerns and explore:

- The latest scams targeted at real estate attorneys and escrow agents
- The laws (and potential liabilities) that apply in the event of a breach
- Best practices and procedures to protect yourself and your clients from a data breach
- What to do in the event of a data breach
- Insurance coverages available to mitigate losses in the event of a breach

Program Chair and Moderator: *Sarah Cline,* Shulman, Rogers, Gandal, Pordy & Ecker, P.A., Potomac, MD
Speakers: *Mathew Alegi,* Shulman, Rogers, Gandal, Pordy & Ecker, P.A., Potomac, MD; *Steve Gottheim,* American Land Title Association, Washington, DC; and *Alia Luria,* Losey, PLLC, Orlando, FL

3:15 - 4:30 PM

STANDARD LOAN DOCUMENT PROVISIONS: TIPS FOR FINANCE LAWYERS

Real Estate Financing Group
Loan documents are filled with "standard" and "boilerplate" provisions that all too often are not sufficiently considered in the context of a specific transaction. In this program, presented primarily by litigators, transactional real estate attorneys will learn about the traps of glossing over boilerplate provisions. The panelists will cover the following topics:

- Underlying principles of freedom of contract and their limitations in the context of reasonable expectations, unconscionability, and public policy
- Hot topics in boilerplate negotiation, including drafting considerations, such as:
  - Waivers and modifications of statute of limitations
  - Validity of forum selection clauses
  - Procedural and substantive considerations in choice of law provisions

Program Chair: *Anna Mahaney,* Ballard Spahr LLP, Baltimore, MD
Speakers: *Bryan Harrison,* Bryan Cave, Washington, DC; *Michelle McGeogh,* Ballard Spahr LLP, Baltimore, MD; and *Brian Schulman,* Ballard Spahr LLP, Phoenix, AZ

URBANIZATION AND GENTRIFICATION: TOOLS TO INCREASE SOCIAL EQUITY WHILE REVITALIZING CITY CENTERS

Land Use and Environmental Group
Mixed uses, walkability, and 24-hour convenience draw young working professionals and aging baby boomers to cities' cores that, during the latter half of the 20th century, had suffered rapid population loss due to ever-expanding suburbia. Reinvestment in many American cities provides a host of benefits to urban economies and populations, but more desirable living environments can lead to skyrocketing costs of living, displacing individuals and families. This program will explore:

- How zoning strategies can contribute to or alleviate gentrification
- Impacts associated with property tax assessment
- How infrastructure and environmental issues hamper redevelopment
- Types of incentives available (and sometimes necessary) to advance equitable growth and redevelopment in urban areas

Program Chair: *Karla Chaffee,* Robinson & Cole, LLP, Boston, MA
Moderator: *Byron Flagg,* Robinson & Cole, LLP, Miami, FL
Speakers: *Thomas Hawkins,* 1,000 Friends of Florida, Tallahassee, FL; Brendan Lynch, Lowndes, *Drosdick, Doster,* Kantor & Reed, P.A., Orlando, FL; and *Nancy Rich,* Katten Muchin Rosenman, LLP, Chicago, IL

FRIDAY, MAY 11

8 - 9 AM

BASICS OF REAL ESTATE FINANCING INCENTIVES AND REAL WORLD SUCCESSES

Across the country, a variety of real estate financing incentives exist to encourage development and redevelopment, including low income housing tax credits, new markets tax credits, historic tax credits, economic development districts, tax increment financing and payment in lieu of taxes. This program will break down the basic legal requirements for these incentive programs, using specific examples to frame the discussion, and present actual projects that were brought to fruition with the aid of one or more of these financing tools. Discussion topics will include:

- The Mercedes-Benz Superdome, Smoothie King Arena, and surrounding entertainment district – financing the homes of the NFL Saints and NBA Pelicans
- The Reedy Creek Improvement District – using a special taxing district with one resident (Disney World)

Program Chair, Moderator and Speaker: *Megan Riess,* Fishman Haygood LLP, New Orleans, LA
Speaker: *Jason Akers,* Foley & Judell LLP, New Orleans, LA

WHEN HARVEY MET IRMA: DRAFTING LEASE AND CONSTRUCTION PROVISIONS THAT WITHSTAND DAMAGE AND DESTRUCTION

In the days following Harvey, Irma, and the wildfires in California, many owners and tenants of properties located in the path of a natural disaster called their attorneys in a panic, requesting detailed, often urgent, advice on what to do. This panel, which includes attorneys who practice in Florida and Texas, will discuss these issues and highlight how lease language can be improved in anticipation of the next storm season. Specifically, this program will discuss counseling landlords and tenants on topics such as:

- Construction delays
- Force Majeure
- Landlord termination rights
- Tenant termination rights
- Abatement of rent
- Restoration obligations
- Access to the property

Program Chair and Speaker: *George Bernhardt,* Baker Hughes, a GE company, Houston, TX
Moderator: *Hannah McPhelin,* Pepper Hamilton LLP, Philadelphia, PA
Speakers: *Arthur Menor,* Shutts & Bowen, West Palm Beach, FL and *Scott Pence,* Carlton Fields, Tampa, FL

CABINS AND COMPOUNDS -- BOATS AND BIPLANES: PLANNING FOR VACATION AND RECREATION ASSETS

JOINT DIVISION

From beach houses to mountain retreats, hunting clubs to vineyards, and private jets to yachts, family vacation and recreation assets can hold tremendous value from both a sentimental and economic perspective. This panel will examine various ways to hold these assets to promote cooperative family use along with potential planning transactions. Topics include:

- Using family limited liability companies to hold recreation assets
- Using qualified personal residence trusts to hold vacation homes
- Practical suggestions relating to operating costs and coordinating use of the asset by various family members
- Conservation easements, leases, and other real property issues
- Special issues for boats and aircraft

Program Chair and Moderator: *Caitlin Horne,* Moore & Van Allen PLLC, Charlotte, NC
Speakers: *Michael Barker,* McGuireWoods LLP, Richmond, VA; *Adam Damerow,* McGuireWoods LLP, Chicago, IL; and *Lauren Jenkins,* Offit Kurman, Tysons Corner, VA

9:15 - 10:15 AM

LATEST TRENDS IN COMMERCIAL GUARANTY AGREEMENTS

The nature, scope, and limitations of commercial guaranties in financing transactions are of the utmost importance to lenders and borrowers. This program will focus on the evolution of the negotiation of commercial guaranty agreements over the past five years, specifically addressing:

- Various types of commercial guaranty agreements
- Negotiated provisions of guaranty agreements including, but not limited to, guaranty burn-offs, performance guaranties, and non-recourse, "bad-boy" carve-outs

Program Chair, Moderator and Speaker: *Joy Barrist,* Potter Anderson & Corroon LLP, Wilmington, DE
Speakers: *G. Wogan Bernard,* Chaffe McCall, LLP, New Orleans, LA; *David Campbell,* Underwood Perkins, P.C., Dallas, TX; and *Kate Williams,* McDermott Will & Emery LLP, Chicago, IL

HOW TO MAKE DIFFICULT PROFESSIONAL CONVERSATIONS PRODUCTIVE

JOINT DIVISION ETHICS

Conversations in the workplace about hot button topics can be difficult. Dialogues about politics, race, affirmative action, gender, and LGBTQ-related topics can be informative but challenging. How can we have these conversations effectively in the workplace? How can conversations with opposing counsel, with colleagues or with a client take place in ways that are rewarding and not divisive? Panelists, including the former Director of U.S. Immigration and Customs Enforcement (ICE) and United States Attorney for the Northern District of Texas and a distinguished Associate Professor of Psychology at St. Louis University, will discuss how to foster effective conversations and navigate difficult dialogues.
Program Chair: *Amber Quintal,* Ogden Murphy Wallace, PLLC, Seattle, WA
Moderator: *Henry Talavera,* Polsinelli, Dallas, TX
Speakers: *Dr. Kira Hudson Banks,* Saint Louis University, St. Louis, MO and *Sarah Saldaña,* (former) U.S. Attorney for the Northern District of Texas and Director of Immigration and Customs Enforcement, Dallas, TX

10:30 - 11:30 AM
FIVE CALCULATIONS EVERY LEASING ATTORNEY SHOULD KNOW HOW TO MAKE

When it comes to leases, many attorneys defer financial terms and considerations to their clients. An attorney can demonstrate unique value to her client, however, by understanding the dollars associated with certain lease provisions. In this program, panelists will explore these five provisions:

- The interplay between the rental commencement date, lease year, and annual increases
- Measurement standards, load factors, and the right to remeasure
- Proportionate share, gross up provisions, and exclusions from the denominator
- Operating expenses, controllable expenses, and CAM pools
- Gross sales, and how sales per square foot impact an owner's ability to finance and sell its retail development

Program Chair and Moderator: *Ruth Schoenmeyer,* Pircher, Nichols & Meeks LLP, Chicago, IL
Speakers: *Kathleen Dempsey Boyle,* Meltzer, Purtill & Stelle LLC, Chicago, IL; *David Camp,* Senn Visciano Canges P.C., Denver, CO; and *Marie Moore,* Sher Garner Cahill Richter Klein & Hilbert L.L.C., New Orleans, LA

ETHICAL ISSUES FOR LAWYERS INVOLVING STATE LAWS LEGALIZING MARIJUANA

JOINT DIVISION ETHICS

Twenty-nine states have legalized marijuana in some form, most for medicinal use and a few for recreational use. Yet, marijuana remains a Schedule 1 drug under federal law, placing it in the same category as heroin, cocaine, and LSD. Even though some states have amended their rules of professional conduct or issued ethics opinions on whether a lawyer may advise clients about state marijuana laws, risks remain because of the federal law. This program will address what safe harbors exist for lawyers who advise clients whose businesses involve marijuana, whether directly as grower, seller, or distributor, or indirectly, as landlord, vendor, tenant, or otherwise.
Program Chair and Speaker: *Mike Rubin,* McGlinchey Stafford, PLLC, Baton Rough, LA

1:30 - 2:30 PM
HOW A CHANGING CLIMATE AFFECTS LAND USE

This program will explore the relationship between land use and climate change, with an emphasis on Florida as a case study. The panel discussion will cover several key topics that address the intersection of land use and climate change, including:

- The impact of climate change on the real estate market in coastal Florida
- Developer efforts to incorporate climate change impacts into developments
- Local efforts to incorporate climate change impacts (e.g., sea level rise, storms of increasing intensity/severity) into land use planning
- Permitting and whether climate change impacts are taken into account at the local level
- Rising insurance costs

Program Chair: *Kyle Johnson,* Brown Rudnick LLP, Hartford, CT
Moderator: *Lisa Lowry,* Paul Hastings LLP, San Francisco, CA
Speakers: *Erin Deady,* Erin L. Deady, P.A., Lantana, FL; *Richard Grosso,* Nova Southeastern University, Fort Lauderdale, FL; and *Thomas Ruppert,* University of Florida, Florida Sea Grant, Coral Gables, FL

LAW PROFESSORS' RECENT UPDATE

Real estate faculty experts will report on recent appellate cases relevant to your practice in a lively open forum setting. Topics will include recent developments regarding:

- Consumer finance issues affecting real estate
- An analysis of takings law
- Recent cases in other areas of real property and real estate issues

Program Chair, Moderator and Speaker: *Tanya Marsh,* Wake Forest University School of Law, Winston-Salem, NC
Speakers: *Shelby Green,* Pace University, Elisabeth Haub School of Law, White Plains, NY; *Donald Kochan,* Chapman University, Dale E. Fowler School of Law, Orange, CA; and *Christopher Odinet,* Southern University Law Center, Baton Rouge, LA

FUNDING LIVING TRUSTS WITH REAL PROPERTY: SPECIAL CONSIDERATIONS AND FORMS

JOINT DIVISION

Real estate and trust and estate lawyers are often asked to assist with drafting deeds or other documents relating to funding living trusts with real property. This funding basics program is specially designed to provide the necessary and critical knowledge lawyers practicing in real estate, and trust and estate law should have, particularly in solo or small firm practice settings. In addition to introducing using living trusts in real estate transactions, the panel will discuss:

- Dealing with real property located in-state and out-of-state
- Real property subject to a mortgage
- Homestead issues
- Property tax exemptions
- Title insurance
- Property insurance
- Condominiums and time shares

Program Chairs and Speakers: *Heather Johnston,* Sapphire Law Group, Folsom, CA and *Soo Yeon Lee,* Gordon & Centracchio LLC, Chicago, IL

2:45 - 3:45 PM
COASTAL AREA PROPERTIES: ANTICIPATING THE NEXT WAVE OF DILIGENCE AND INSURANCE ISSUES

Coastal communities are facing unprecedented challenges from sea level rise and increasingly severe storm systems. With the influence of climate change, events that once were exceptional are now becoming the new normal. Panelists will discuss:

- Development of coastal risk assessment tools that provide a thirty-year view of climate-related impacts such as tidal/sea level rise, storm surge, high groundwater, flooding, heavy rainfall, and other categories including wind
- What insurance coverage is available, what is and is not covered, and the cost of coverage
- Financing-related due diligence required by lenders
- What municipalities are doing to respond to, and protect against, the impacts of these problems (including infrastructure improvements and community education)
- How to talk with stakeholders who do not believe in "sea level rise" and get their buy-in for increasing resiliency

Program Chair and Moderator: *Louise Adamson,* Perkins Coie LLP, San Francisco, CA

Speakers: *Charles Comiskey,* RiskTech, Inc., Houston, TX; Mayor Heath Davis, City of Cedar Key, FL, Cedar Key, FL; *Byron D. Flagg,* Robinson & Cole, LLP, Miami FL; and *Albert Slap,* Coastal Risk Consulting, LLC, Plantation, FL

GOING IN-HOUSE – BEYOND THE MYTHS AND MISCONCEPTIONS

JOINT DIVISION

General counsel will share their lessons learned working in-house on real property, estate planning and corporate matters, including:

- Transitioning to all in-house role
- Differences in goals/objectives between in-house and private practice
- Impact of being a cost center instead of a profit center
- Dealing with outside counsel
- Managing a law department
- Varieties of in-house models

Program Chair and Moderator: *Rana Salti,* Kinship Trust Company, LLC, Chicago, IL

Speakers: *George Bernhardt,* Baker Hughes, Houston, TX; *Mario S. Mendolaro,* Walt Disney World Resort, Lake Buena Vista, FL; *Joe Tylutki,* Locito Enterprises, Naperville, IL and *Eric Mathis,* MAHLE Industries, Inc., Detroit, MI

PUTTING REAL TRUST BACK INTO REAL PROPERTY AND TRUST TRANSACTIONS: A PRIMER ON PROFESSIONAL OBLIGATIONS AND ETHICS

JOINT DIVISION ETHICS

This program will address the ethical issues and professional obligations inherent in the practice of real property and trust law. A special focus will be placed on the complexities of multi-jurisdictional and multi-generational practices.

Topics addressed include:

- Becoming a trusted counsel of choice
- Avoiding the unauthorized practice of law in a multi-jurisdictional practice
- The need for and selection of local counsel
- Identifying and confronting conflicts issues

Program Chair and Moderator: *April Goff,* JCPenney Corporation, Inc., Plano, TX

Speakers: *Toni Ann Kruse,* McDermott Will & Emery, New York, NY; *Audrey Kucia,* Internal Revenue Service Office of Chief Counsel, Washington, D.C.; *Ann Marie Painter,* Perkins Coie LLP, Dallas, TX and *Lee Teichner,* Holland & Knight LLP, Miami, FL

TRUST AND ESTATE DIVISION PROGRAMS
THURSDAY, MAY 10

THURSDAY, MAY 10

8 - 9 AM

IT'S A WORLD OF HOPES AND A WORLD OF FEARS: USING 501(C)(3) FUNDS TO FINANCE REAL ESTATE DEVELOPMENTS

Charitable Planning and Organizations Group

This program will cover ways in which for-profit real estate developers may access 501(c)(3) funds as a source of capital for socially responsible projects serving the greater good. Topics include:

- Final regulations on program-related investments issued by the IRS in 2016
- Types of investments allowed, and circumstances where they are appropriate
- What non-profits and developers need to do to follow these regulations
- Practical perspectives on implementing program-related investments

Program Chair and Moderator: *Toni Ann Kruse,* McDermott Will & Emery LLP, New York, NY
Speakers: *Ruth Madrigal,* Steptoe & Johnson LLP, Washington, DC and *Kelly Ryan,* Incourage Community Foundation, Wisconsin Rapids, WI

YOUR ETHICAL DUTY TO BE TECHNOLOGICALLY COMPETENT: UNDERSTANDING THE TECHNOLOGICAL RISKS OF YOUR PRACTICE

JOINT DIVISION

In 2012, the ABA updated the Rules of Professional Conduct to include a technological competence element. In the Summer of 2017, the ABA issued Formal Opinion 477R addressing a lawyer's duty to ensure the confidentiality of client information while using technology. This panel will explore how this opinion impacts attorneys' practices, including:

- Risks of using public or unsecured WiFi networks
- Vulnerabilities of cloud-based storage systems
- Understanding the risks to client confidential information when using technological conveniences
- Ethical duties and your need to understand (or gain an understanding) of the technological resources that permeate our practice

Program Chair and Moderator: *Gerard Brew,* McCarter & English, Newark, NJ
Speakers: *John T. Rogers, Jr.,* Rogers Trust Law, Los Angeles, CA and *Stephen Romine,* LeClairRyan, Norfolk, VA

9:15 - 10:30 AM

STOP LIVING IN FANTASYLAND: SPECIAL NEEDS PLANNING UPDATES ATTORNEYS NEED TO KNOW

Elder Law and Special Needs Planning Group

This panel will discuss new laws and regulations related to planning for persons with disabilities and emerging trends in special needs trust administration and planning including:

- ABLE Act regulations
- Program Operations Manual Systems and how it affects special needs trusts
- Required reporting of special needs trusts to Social Security and Medicaid
- Waiver programs
- Trends in special needs trust language
- Selecting trustees and a special needs team
- Decanting and modification techniques to modify special needs trusts
- Supported decision-making, limited guardianships and conservatorships
- Long-term care and transition planning

Program Chair and Moderator: *M. John Way,* Schwabe, Williamson & Wyatt PC, Seattle, WA
Speakers: *Heidi Brown,* Osterhout & McKinney, P.A., Fort Myers, FL; *Danielle Kincaid,* Ozarks Elder Law, Springfield, MO; *Benjamin Rubin,* Rubin Law, Buffalo Grove, IL; and *Peter H. Wayne IV,* Advocacy Trust, LLC, Chattanogga, TN

GROUP PROGRAM - PART I

Income and Transfer Tax Planning Group

Part I of this Group Program will be fuller than Mary Poppins' bag, covering the latest estate, gift and trust developments and guidance coming from a Partner at Milbank's Trusts and Estates Group. Part one of this Group session, even more timely given the 2017 tax changes, will also detail some updates straight from the former Senior Advisor of the Office of Tax Policy in the Treasury Department.

Program Chair and Moderator: *Rana Salti,* Kinship Trust Company, LLC, Chicago, IL
Speaker: *Austin Bramwell,* Milbank, Tweed, Hadley & McCloy, LLP, New York, NY

10:45 AM - 12 PM

GROUP PROGRAM - PART II

Income and Transfer Tax Planning

Part II of this Group Program will focus on:

- Helpful strategies to maximize basis step-up at the first spouse's death
- The use of general powers of appointment in trusts for estate tax and basis planning
- The impact of basis on the effectiveness of lifetime wealth transfers and transfers of depreciated assets
- Recent tax law changes and case law affecting planning with art and collectibles
- Recent developments affecting estate planning strategies

Program Chair and Moderator: *Rana Salti,* Kinship Trust Company, LLC, Chicago, IL
Speakers: *David Handler,* Kirkland & Ellis LLP, Chicago, IL; *Ramsay Slugg,* US Trust, Fort Worth, TX and *Ryan Walsh,* Walsh, Hamilton, Thies & Lorch LLP, Chicago, IL

WHERE TOMORROWLAND MEETS ADVENTURELAND: HOW TO CREATE AND MAINTAIN A PRACTICE THAT WILL ATTRACT GREAT CLIENTS AND EMPLOYEES INTO THE FUTURE

Practice Group

JOINT DIVISION

Given seismic demographic, economic, and technological changes to our society, the future of the legal practice may be a bit like Mr. Toad's Wild Ride. Panelists will discuss:

- How to remain relevant in light of future trends that will dramatically impact both the trust and estate and real estate practice areas
- What do corporate and family office clients look for when hiring outside counsel and how can you position your practice to win and retain clients?
- The types and sizes of law firms and company that lawyers want to work for
- Ways that organizations can recruit and retain diverse attorneys
- How organizations can offer solutions to aging and millennial lawyers

Program Chair and Moderator: *Karin Prangley,* Brown Brothers Harriman, Chicago, IL
Moderator: *Elizabeth Lindsay-Ochoa,* Loring, Wolcott & Coolidge Trust, LLC, Boston, MA
Speakers: *Dennis Horn,* Holland & Knight LLP, Washington, DC; *Jennifer Robinson,* The Northern Trust Company, Ft. Lauderdale, FL; *Ruth Schoenmeyer,* Pircher Nichols & Meeks LLP, Chicago, IL; *Stephanie Smith,* Lerch, Early & Brewer, Bethesda, MD; and *Beth Wood,* Law Offices of Beth A. Wood, PLLC, Charlotte, NC

1:45 - 3 PM

MODERN TRUSTEESHIP UNDER THE UNIFORM DIRECTED TRUST ACT: WORKING IN HARMONY WITH DIRECTORS, PROTECTORS, AND ADVISORS

Legal Education and Uniform Laws Group

Today's trusts often designate one or more parties, in addition to the trustee, to perform certain administrative or supervisory functions. This trend toward specialization can create conflict over each person's role and legal uncertainty about liability. The new Uniform Directed Trust Act (UDTA) seeks to create clear divisions of fiduciary authority to ensure each party understands its own powers and duties under the trust and beneficiaries are adequately protected. A panel of participants who served on the UDTA drafting committee will discuss topics addressed by the UDTA, including:

- Fiduciary status and liability of trust directors
- Immunities and residual liability of directed trustees
- The "Delaware Standard" of willful misconduct
- Cooperation and information-sharing among fiduciaries
- The standard for co-trustee liability
- Applying state law governing trustees to trust directors

Program Chair and Moderator: *Ben Orzeske,* Uniform Law Commission, Chicago, IL
Speakers: *Karen Boxx,* University of Washington School of Law, Seattle, WA; *Robert Sitkoff,* Harvard Law School, Cambridge, MA; *Susan Snyder,* Northern Trust, Chicago, IL; and *James Spica,* Dickinson Wright PLLC, Detroit, MI

THE BUSINESS ROLLER COASTER: CHARITABLE DONATIONS WHEN TIMES ARE GOOD AND UNWINDING A TRANSACTION WHEN TIMES ARE BAD

Business Planning Group

When it comes to planning with a family business, the outcome can be feast or famine: a liquidity event falls through; a client has second thoughts about a transfer; the business was so successful, it no longer fits with the plan. In this program, panelists will:

- Explore innovative ways for clients to optimize charitable gifts of interests in business entities
- Present various techniques to help family businesses "get unstuck," rewind, unwind, or untangle a transaction in a careful, tax-efficient way
- Discuss how to structure the transaction from inception to allow for flexibility in light of changed circumstances

Program Chair, Moderator and Speaker: *William Sanderson,* McGuireWoods LLP, Washington, DC
Speakers: *Nathan Brown,* Proskauer Rose LLP, Boca Raton, FL; *Dana Foley,* Arnold & Porter Kaye Scholer LLP, Washington, DC; *Raj Malviya,* Miller Johnson, Grand Rapids, MI; *Justin Miller,* BNY Mellon, San Francisco, CA; and *Christine Quigley,* Schiff Hardin LLP, Chicago, IL

3:15 - 4:30 PM

HOT TOPICS, CURRENT TRENDS AND UNIFORM LAW POTPOURRI IN NON-TAX ESTATE PLANNING

Non-Tax Estate Planning Considerations Group

Panelists will discuss a potpourri of non-tax estate planning issues, including:

- Recent cases and current trends, including attorney liability issues for assisting with planning
- Review of changes in the Uniform Principal and Income Act (UPIA) and Uniform Parentage Act (UPA)
- Explanation of changes to the Uniform Fraudulent Transfer Act (UFTA) provided by the Uniform Voidable Transactions Act (UVTA)

Program Chair and Moderator: *David Slenn,* Shumaker, Loop & Kendrick, LLP, Tampa, FL
Speakers: *William LaPiana,* New York Law School, New York, NY; *Benjamin Orzeske,* Uniform Law Commission, Chicago, IL; *Stephen Pyles,* The Pyles Law Firm, P.A., Winter Garden, FL; and *Lee-ford Tritt,* University of Florida Levin College of Law, Gainesville, FL

IT'S A WORLD OF TEARS AND A WORLD OF FEARS: CRISIS MANAGEMENT OF ESTATES

Litigation, Ethics, and Malpractice Group

This program will analyze the crises that often arise after the passing of a decedent, but can begin in the estate planning process and span into the estate administration and potentially even lead to litigation.
The panel will discuss:

- Implementation of burial instructions, including the interpretation or implementation of documents providing direction and conflicts as to funeral arrangements and obituaries
- Management of the decedent's business interests
- Preservation of assets, especially those with unique value
- Emergency court proceedings, including those addressing the appointment of fiduciaries and initial challenges to the estate planning documents

Program Chair and Moderator: *Anthony La Ratta,* Archer & Greiner, P.C., Haddonfield, NJ
Speakers: *Timothy Ferges,* McCarter & English, LLP, Newark, NJ; *Tanya Marsh,* Wake Forest University School of Law, Winston-Salem, NC; and *Steven Mignogna,* Archer & Greiner, P.C., Haddonfield, NJ

FRIDAY, MAY 11

8 - 9 AM

FASTEN YOUR SEATBELTS: THE TESTY TRACK OF ADVISING TRUSTEES IN LITIGATION

Representing a fiduciary in litigation involves a myriad of special considerations. This panel will explore:

- The identity of the client (trust vs. trustee) and the scope of representation
- The conflicting interests of a trustee who also is a beneficiary of the trust
- Determining when a trustee may or must file or participate in litigation regarding the trust
- When a trustee owes a duty to defend against a trust contest
- How a trustee will adhere to the duty of impartiality when beneficiaries take opposing positions
- The scope of, and protecting as much as possible, the attorney-client privilege
- How to respond to discovery requests stemming from third-party litigation
- Fee recovery and disgorgement
- Exculpatory clauses

Program Chair, Moderator and Speaker: *Crystal Patterson,* Wyatt Tarrant & Combs, LLP, Louisville, KY
Speakers: *Kara Greuel,* R&R Strategies, PLLC, Tulsa, OK and *David Lieberman,* Levin Schreder & Carey, LTD, Chicago, IL

BUSINESS SUCCESSION PLANNING: BEYOND THE ESTATE TAX

This program will address the practical issues of planning with a family business that can be overshadowed by focusing strictly on the estate tax. Topics include:

- Business considerations of estate planning: ownership succession and leadership succession
- Exit planning vs. continuity planning
- Developing effective multi-level governance and addressing potential for family conflict
- Trusts as business owners

Program Chair, Moderator and Speaker: *Marissa Dungey,* Withers Bergman LLP, Greenwich, CT
Speaker: *Amelia Renkert-Thomas,* Renkert Thomas Consulting, Durham, NC

CABINS AND COMPOUNDS -- BOATS AND BIPLANES: PLANNING FOR VACATION AND RECREATION ASSETS

JOINT DIVISION

From beach houses to mountain retreats, hunting clubs to vineyards, and private jets to yachts, family vacation and recreation assets can hold tremendous value from both a sentimental and economic perspective. This panel will examine various ways to hold these assets to promote cooperative family use along with potential planning transactions. Topics include:

- Using family limited liability companies to hold recreation assets
- Using qualified personal residence trusts to transfer vacation homes
- Practical suggestions relating to operating costs and coordinating use of the asset by various family members
- Conservation easements, leases, and other real property issues
- Special issues for boats and aircraft

Program Chair and Moderator: *Caitlin Horne,* Moore & Van Allen PLLC, Charlotte, NC
Speakers: *Michael Barker,* McGuireWoods LLP, Richmond, VA; *Adam Damerow,* McGuireWoods LLP, Chicago, IL; and *Lauren Jenkins,* Offit Kurman, Tysons Corner, VA

9:15 - 10:15 AM

COMMUNICATING THE WEALTH PLAN: HOW, WHEN AND WHY TO LIFT THE VEIL ON YOUR ESTATE PLAN

Drafting the wealth plan is often just the beginning of the process. In order to create a successful wealth transfer, it is imperative to communicate with beneficiaries and fiduciaries in a timely and appropriate manner. Lack of communication can lead to a breakdown in family-relations and potential litigation. This program will address:

- How and when to handle conversations about the wealth plan, including blended family issues
- How to engage the next generation in a meaningful and productive way
- Emotional and psychological issues in wealth transfer planning values
- Communicating the family mission
- Addressing the litigation risk from a failure of communication

Program Chair and Speaker: *Laura Twomey,* Simpson Thacher & Bartlett LLP, New York, NY
Program Chair and Moderator: *Jaclyn Feffer,* Bessemer Trust, New York, NY
Speakers: *Gerard Brew,* McCarter & English LLP, Newark, NJ and *Jill Shipley,* Abbot Downing, Palm Beach, FL

A WORLD OF OPPORTUNITY: THE PRACTICAL ASPECTS OF DECANTING AND UNIQUE BENEFITS OF THE UNIFORM TRUST DECANTING ACT

Over the past few decades, decanting has become a mainstream trust administration technique for fixing or improving irrevocable trusts. At least half of the states have enacted decanting statutes and more will follow, especially with the Uniform Trust Decanting Act. This panel will discuss:

- Best practices for decanting
- Statutory differences of decanting among various states

- Tax traps for the unwary
- Useful and unique parts of the Uniform Trust Decanting Act

Program Chair, Moderator and Speaker: *Brandon Ross,* Pillsbury Winthrop Shaw Pittman LLP, Washington, DC
Speakers: *Farhad Aghdami,* Williams Mullen, Richmond, VA and *Diana Zeydel,* Greenberg Traurig, LLP, Miami, FL

INCOME-BASED CHARITABLE BEQUESTS: STRATEGIES FOR INCOME TAX SAVINGS WITH CHARITABLE BEQUESTS

With only 0.2% of estates subject to the federal estate tax, estate planners are focusing more attention on reducing an estate's or trust's income taxes. Panelists will discuss two charitable strategies:

- Satisfying a charitable bequest with assets that generate income in respect of a decedent ("IRD")
- Making an "income-based charitable bequest" so that the estate or trust can claim a charitable income tax deduction that will reduce the taxable income that would otherwise be taxed to an estate, a trust, or the beneficiaries

Program Chair and Speaker: *Christopher Hoyt,* University of Missouri - Kansas City School of Law, Kansas City, MO
Moderator: *Stephanie Casteel,* Wallace Morrison & Casteel, LLP, Atlanta, GA
Speaker: *Samuel Hercules,* Fiduciary Tax Consultants, Brooklyn, NY

HOW TO MAKE DIFFICULT PROFESSIONAL CONVERSATIONS PRODUCTIVE

JOINT DIVISION ETHICS

Conversations in the workplace about hot button topics can be difficult. Dialogues about politics, race, affirmative action, gender, and LGBTQ-related topics can be informative but challenging. How can we have these conversations effectively in the workplace? How can conversations with opposing counsel, with colleagues or with a client take place in ways that are rewarding and not divisive? Panelists, including the former Director of U.S. Immigration and Customs Enforcement (ICE) and United States Attorney for the Northern District of Texas and a distinguished Associate Professor of Psychology at St. Louis University, will discuss how to foster effective conversations and navigate difficult dialogues.

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Moderator: *Henry Talavera,* Polsinelli, Dallas, TX
Speakers: *Dr. Kira Hudson Banks,* Saint Louis University, St. Louis, MO and *Sarah Saldaña,* (former) U.S. Attorney for the Northern District of Texas and Director of Immigration and Customs Enforcement, Dallas, TX

10:30 - 11:30 AM

A WHOLE NEW WORLD: TRUST AND ESTATE DISTRIBUTIONS TO FOREIGN BENEFICIARIES

The world shrinks a bit more each year, so it's no surprise that U.S. trusts and estates are more likely than ever to have foreign beneficiaries. This program will address the tax traps that trustees and executors face when dealing with non-U.S. beneficiaries.

Program Chair: *Scott Bowman,* Proskauer Rose LLP, Washington, DC
Moderator: *Caryn Friedman,* EY, Washington, DC
Speakers: *Eric Fischer,* Withers Bergman LLP, Greenwich, CT and *John Strohmeyer,* Crady, Jewett & McCulley, LLP, Houston, TX

POWELL-PROOF YOUR PARTNERSHIP

While it remains unclear whether *Estate of Powell* is a watershed case, or just a bad-facts case, there are steps that can be taken today to protect clients from arguments the IRS will inevitably make based on this decision. This panel will explore factors that impact the risk *Powell* poses, such as ownership structure, the nature of the partnership assets, and how actively managed the business is. This panel will also explore planning options, including liquidating the partnership, having the senior generation gift or sell any retained interests, and partnership redemption.

Program Chair and Speaker: *Stephen Liss,* UBS Financial Services, Inc., New York, NY
Speakers: *Todd Angkatavanich,* EY, New York, NY; *James Dougherty,* Withers Bergman LLP, Greenwich, CT; and *Stephanie Loomis-Price,* Winstead PC, Houston, TX

THE TWENTY-FIRST CENTURY FAMILY: DRAFTING WILLS AND TRUSTS IN A TIME OF CHANGING CONCEPTS OF FAMILY, GENDER, AND RACE

The Supreme Court's 2015 Windsor decision on same-sex marriage and its aftermath, an increasing focus on the interests of transgender people, and the 2017 Uniform Parentage Act combine to make this a challenging time to draft estate planning documents that implement clients' intent concerning transfers to family members. This panel will discuss:

- Practical drafting approaches to defining family relationships in light of recent decisions and statutes (e.g., who is a "spouse," a "child," or a "descendant"?)
- Interpretation issues inherent in gendered words, such as "wife" or "son"
- Conflicts of law issues in a fast-changing, legal landscape
- Anticipating and planning for construction litigation when a client has unusual or unpopular preferences

Program Chair and Moderator: *Amy Morris Hess,* University of Tennessee College of Law, Knoxville, TN
Speakers: *Alicia Graves,* Law Offices of Alicia N. Graves, Cleveland, OH; *William LaPiana,* New York Law School, New York, NY; and *Lee-ford Tritt,* University of Florida Levin College of Law, Gainesville, FL

ETHICAL ISSUES FOR LAWYERS INVOLVING STATE LAWS LEGALIZING MARIJUANA

JOINT DIVISION | ETHICS

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Program Chair and Speaker: *Mike Rubin,* McGlinchey Stafford, PLLC, Baton Rough, LA

12:15 – 1:15 pm
PANEL OF LUMINARIES *(ticketed event)*
This panel will address significant developments for estate planning in 2018, including:
- The Tax Cuts and Jobs Act of 2017 and its impact for estate planning and administration, including any guidance from the IRS and Treasury since the enactment of the 2017 Act
- Divorce Planning after the 2017 Act
- State and federal fiduciary income tax trends to watch
- Other hot topics and important trends for trusts and estates practitioners

Program Chair: *Benetta Jenson,* J.P. Morgan Private Bank, Chicago, IL
Moderator: *Carole Bass,* Moses & Singer LLP, New York, NY
Speakers: *Carlyn McCaffrey,* McDermott Will & Emery, New York, NY; *Richard W. (Dick) Nenno,* Wilmington Trust Company, Wilmington, DE; and *Martin M. Shenkman,* Martin M. Shenkman, P.C., Fort Lee, NJ

1:30 - 2:30 PM
IT MAY BE A SMALL WORLD BUT YOU STILL NEED TO WAIT YOUR TURN – ISSUES WITH ELDER PLANNING AND ABUSE

ETHICS

This panel will discuss attorneys' roles and responsibilities in protecting aging clients (and their assets) from the seemingly well-intentioned but overly-influencing next generation. Topics include:
- Issues with aging clients and their families
- Planning for diminishing capacity
- Litigating undue influence and financial abuse claims
- Ethical rules regarding elder abuse

Program Chair: *Mary Elizabeth Anderson,* Wyatt Tarrant & Combs, LLP, Louisville, KY
Moderator: *The Hon. Cheryl D. Cesario,* Retired Circuit Court Judge of Cook County, Probate Division, Evanston, IL
Speakers: *Zisl Edelson,* Edelson Law, LLC, Skokie, IL; *Sandra Glazier,* Lipson, Neilson, Cole, Seltzer & Garin, P.C., Bloomfield Hills, MI; and *Chasity Sharp Grice,* Peppel, Grice & Palazzolo, P.C., Memphis, TN

MOVING? CAN I TAKE IT WITH ME? CAN I USE SOMETHING NEW? STATE LAW EXEMPTIONS UNDER THE MICROSCOPE
Each state has specific exemptions from creditors' claims. However, in moving to a new state, will a client's previous state law exemptions carry over to the new state, or will new state law exemptions hold up against claims from activities in the previous state? Topics include:
- Examples of typical state exemptions
- States with unique exemptions
- What actions need to be taken once a client moves to another state
- Whether and under what circumstances exemption planning might run afoul of fraudulent or voidable transfer laws

Program Chair: *Michael Sneeringer,* Porter Wright Morris & Arthur LLP, Naples, FL
Moderator: *Carly McKeeman,* Evercore Wealth Management, New York, NY
Speakers: *Cynthia D.M. Brown,* Commonwealth Trust Company, Wilmington, DE; *Jonathan Gopman,* Akerman LLP, Naples, FL; and *Mary Vandenack,* Vandenack Weaver LLC, Omaha, NE

FUNDING CLIENTS' LIVING TRUSTS WITH REAL PROPERTY: SPECIAL CONSIDERATIONS AND FORMS

JOINT DIVISION

Real estate and trust and estates lawyers are often asked to assist with drafting deeds or other documents relating to funding living trusts with real property. This funding basics program is specially designed to provide the necessary and critical knowledge lawyers practicing in real estate, trust and estates law should have, particularly in solo or small firm practice settings. In addition to introducing using living trusts in real estate transactions, the panel will discuss:
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- Title insurance
- Property insurance
- Condominiums and Time Shares

Program Chairs and Speakers: *Heather Johnston,* Sapphire Law Group, Folsom, CA and *Soo Yeon Lee,* Gordon & Centracchio LLC, Chicago, IL

2:45 - 3:45 PM

BENEFICIARY DESIGNATIONS FOR RETIREMENT ACCOUNTS

Clients often do a great job of funding their retirement accounts each year, but they may squander their hard earned money and dedication by not applying the same diligence to designating the beneficiaries of their retirement accounts. The panel will provide practical advice for the types of beneficiaries to choose for a retirement account and how to prepare beneficiary designations to achieve those goals. Topics include:

- Tax aspects of choosing a beneficiary
- How to stretch out the benefits of retirement accounts
- What to include in the beneficiary designations

Program Chair, Moderator and Speaker: *Brandon Ross,* Pillsbury Winthrop Shaw Pittman LLP, Washington, DC
Speakers: *Christopher Hoyt,* University of Missouri – Kansas City School of Law, Kansas City, MO and *Karin Prangley,* Brown Brothers Harriman & Co., Chicago, IL

DRAFTING DOS AND DON'TS - SMALL ERRORS AND A WORLD OF PROBLEMS

Minor drafting errors can cause big problems. This panel will review actual language from real client documents and suggest ways to improve that language to avoid problems. The panel will also identify common themes encountered in the course of reviewing client documents and will highlight the broader lessons to be learned from specific examples, including how to avoid litigation.
Program Chair and Speaker: *Stephen Liss,* UBS Financial Services Inc., New York, NY
Speakers: *Jay Freiberg,* Katten Muchin Rosenman LLP, New York, NY and *Kelly Perez,* UBS Financial Services Inc., Dallas, TX

PUTTING REAL TRUST BACK INTO REAL PROPERTY AND TRUST TRANSACTIONS: A PRIMER ON PROFESSIONAL OBLIGATIONS AND ETHICS

JOINT DIVISION | ETHICS

This program will address the ethical issues and professional obligations inherent in the practice of real property and trust law. A special focus will be placed on the complexities of multi-jurisdictional and multi-generational practices. Topics addressed include:

- Becoming a trusted counsel of choice
- Avoiding the unauthorized practice of law in a multi-jurisdictional practice
- The need for and selection of local counsel
- Identifying and confronting conflicts issues

Program Chair and Moderator: *April Goff,* JCPenney Corporation, Inc., Plano, TX
Speakers: TBD

GOING IN-HOUSE – BEYOND THE MYTHS AND MISCONCEPTIONS

JOINT DIVISION

General counsel will share their lessons learned working in-house on real property, estate planning and corporate matters, including:

- Transitioning to all in-house role
- Differences in goals/objectives between in-house and private practice
- Impact of being a cost center instead of a profit center
- Dealing with outside counsel
- Managing a law department
- Varieties of in-house models

Program Chair and Moderator: *Rana Salti,* Kinship Trust Company, LLC, Chicago, IL
Speakers: *George Bernhardt,* Baker Hughes, Houston, TX; *Mario S. Mendolaro,* Walt Disney World Resort, Lake Buena Vista, FL; *Joe Tylutki,* Locito Enterprises, Naperville, IL and *Eric Mathis,* MAHLE Industries, Inc., Detroit, MI

REGISTRATION

SYMPOSIA REGISTRATION FEE

The registration fee includes access to all CLE programs and their written materials, continental breakfast (on Thursday and Friday), refreshments during scheduled breaks, and a reception with the sponsors. Only registered attendees may purchase tickets to special events.

RATES				ON-SITE RATES
General Attendee	$650			$700
ABA Member	$625			$675
RPTE Member	$535 (February 1 – March 20)	$550 (March 21 – April 11)	$575 (After April 11)	$625
One Day Symposia Admission	$315			$365
First Time Attendee	$400			$450
Speaker/Academic/Government Attendee	$325			$375
Law Student Attendee	No Charge			No Charge
First Time Attendee of a Minority Bar Association	No Charge			No Charge
Essential Lawyering Skills: How to Maximize Your Value and Use Technology	No Charge – Pre-registration required			No Charge

As always, children under 12 are free to attend any events related to the Spring Symposia.

REGISTER ONLINE

Register online at www.ambar.org/rptesymposia. Members will need an ABA ID number, located on your ABA membership card. Non-ABA members may register online by creating a new customer account. You can also join the Section to take advantage of the discounted member rates. Please contact (800) 285-2221 if you need help with the online registration system.

There are a limited number of scholarships available which range from a 25% to a 50% tuition discount. Scholarships will not cover hotel or transportation. Scholarship applications are due April 6, and will be announced the week of April 16, 2018.
Complete the application here: https://americanbar.qualtrics.com/jfe/form/SV_9Ytv4KhyxHFOrul

On-site registration will take place at the Four Seasons during the following hours:

Wednesday, May 9	1 – 5 PM
Thursday, May 10	7 AM – 4:30 PM
Friday, May 11	7 AM – 3:45 PM

For more information regarding registration, please contact Khadijah Kellogg at 312-988-5260 or Khadijah.kellogg@americanbar.org.

Ticketed Events

THURSDAY, MAY 10

Group Lunch $30
Symposia Reception $50
Guest ticket to Symposia Reception $100

FRIDAY, MAY 11

Trust & Estate Division Lunch $50
Real Property Division Lunch $50

CANCELLATION POLICY

Requests for refunds must be made in writing and emailed to Khadijah Kellogg by April 13, 2018. A $75 administrative fee will be deducted from the refund. The Section will gladly accept substitute registrants for cancellations received after April 13, 2018; however, refunds will not be given after that date.

GENERAL INFORMATION

PROGRAM MATERIALS

Meeting materials will be available to paid registrants in the following formats:

- **Mobile App:** A mobile meeting app with complete program information, including PDF's of written materials, will be available for download
- **Web:** A link to the materials on the RPTE website will be available to registrants for downloading or printing

All registered attendees will receive a link to program materials, information about the mobile app, and additional meeting information by email approximately two weeks prior to the meeting.

If you would like to purchase a flash drive of all meeting materials, this is available to all meeting attendees for an additional $20. Flash drives may be purchased through the online registration system.

HOTEL RESERVATIONS

All Symposia meetings and events will take place at the Four Seasons Hotel (10100 Dream Tree Boulevard, Lake Buena Vista, FL 32836). A block of sleeping rooms has been reserved at the hotel from Wednesday, May 9, 2018, through Sunday, May 13, 2018, at a group rate of $315 per night for a single or double room. The group rates are guaranteed until the block is full or until 5 PM CST, Wednesday, April 18, 2018. Reservations received after 5 PM CST on April 18 will be based on availability.

If you would like to make a reservation before or after the blocked dates, please call (800) 819-5053.

TO BOOK ONLINE

Visit: https://aws.passkey.com/e/49577784

TO CALL IN

Please call the hotel reservations at (800) 819-5053. When speaking to the agent, please reference "RPTE Spring Symposia" to make a reservation in the block.

TRAVEL DISCOUNTS INFORMATION

Discounted airfares and car rentals can be found at www.americanbar.org/travel. Airline discounts are available from Engencia, including ABA negotiated meeting discounts on American, United, Delta, and Virgin America Airlines. For assistance with reservations using the Engencia website, call 312-988-5890 or email travel.services@americanbar.org. Discounted car rentals are offered through Hertz, Dollar and Thrifty.
For assistance with car rentals, call 800-285-2221 or email service@americanbar.org.

CLE CREDIT

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, CT, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, ME, MN, MS, MO, MP, MT, NH, NJ, NM, NV, NY, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit www.ambar.org/rptesymposia or contact Khadijah Kellogg at Khadijah.kellogg@americanbar.org or 312-988-5260.

CONFERENCE ATTIRE

Business casual is recommended for Symposia attendees.

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Visit the expo to learn more about the companies that sponsor the Symposia and the services they provide. Their support is very valuable to us and we encourage you to take advantage of their presence at the Symposia.