

32ND  
ANNUAL  
**RPTTE**



**NEW  
ORLEANS**

**NATIONAL CLE CONFERENCE**



May 14 - 15, 2020 | The Sheraton New Orleans



AMERICAN **BAR** ASSOCIATION

Real Property, Trust and  
Estate Law Section



*Let the good times roll!* Please join me on May 14-15, 2020 at the Sheraton New Orleans in the French Quarter for the Section's 32<sup>nd</sup> National CLE Conference.

**Come hear** some of the nation's leading experts discuss the latest developments in real estate and trust and estate law as you capture a year's worth of CLE credits.

**Network** with attorneys and other professionals from across the country at meetings and receptions, in addition to the Thursday working lunch, hosted by our Section's many groups, and our division lunches on Friday.

**Experience the history of New Orleans** at our Thursday night reception at the historical Cabildo Museum.

**And take time** to take in the unique sights, sounds and tastes of one of America's favorite destination cities.

**I look forward to seeing you in New Orleans in May.**



**JO-ANN MARZULLO**

2019 – 2020 Chair of the ABA Section of  
Real Property, Trust & Estate Law  
Ligis & Associates  
Boston, MA

# NETWORKING EVENTS AND MEETING HIGHLIGHTS

# New Orleans

## WEDNESDAY, MAY 13, 2020

### 1:30 - 4:45 PM

#### **Pre-Conference CLE Program: Abandoned Property: Addressing the Real Estate and Probate Issues**

\$25; pre-registration required

Real estate property that has been abandoned or is never transferred to heirs under probate is an issue for many large cities, including New Orleans. When New Orleans experienced Katrina, this brought this issue into even more focus as people tried to qualify for FEMA. In this program, we will explore:

- The issues of abandoned property from the real estate and probate sides
- How to clear title and transfer the property down to rightful heirs
- What other cities have done/are doing with this issue, including proposed legal

**Program Chair and Moderator: Elizabeth Lindsay-Ochoa, CBIZ, Boston, MA**

**Speakers: Elizabeth R. Carter, LSU Law Center, Baton Rouge, LA; Lee-ford Tritt, University of Florida Levin College of Law, Gainesville, FL; Laura Tuggle, Southern Louisiana Civil Legal Aid, New Orleans, LA**

### 4 - 5 PM

#### **THOMSON REUTERS SPONSOR HOUR**

Our Gold Sponsor, Thomson Reuters, will hold a panel discussion on traditional law practice norms.

### 5 - 6 PM

#### **WELCOME RECEPTION**

*Laissez les bon temps rouler!* All attendees are invited to attend this complimentary reception to help kick off the 32<sup>nd</sup> Annual RPTE National CLE Conference.

### 6:15 - 7:15 PM

#### **YOUNG LAWYERS NETWORK EVENT**

Join veteran Section members, leadership, staff, and fellows in the Whiskey Bar at the Queen & Crescent Hotel for a pre-conference networking event! Drinks and snacks will be provided.

344 Camp St, New Orleans

## THURSDAY, MAY 14, 2020

### 7 AM - 5 PM

#### **HOSPITALITY AREA**

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.

### 12:15 - 1:30 PM

#### **GROUP AND COMMITTEE BOX LUNCHES**

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.

### 4:30 - 5:30 PM

#### **FIRST-TIME ATTENDEE RECEPTION**

We invite all first-time attendees of the National CLE Conference to meet and mingle with RPTE leadership for a short complimentary reception.

### 5 - 6 PM

#### **SPONSOR RECEPTION**

Join us for complimentary cocktails as we thank our 2020 conference sponsors for their generous support. For a complete list of our sponsors, see the last page of this brochure.

### 7 - 10 PM

#### **CONFERENCE RECEPTION**

Cost: \$50/attendee; \$100/guest

Location: The Cabildo at the Louisiana State Museum

Attendees and their guests are invited to attend this annual reception, at the Cabildo, the site of the Louisiana Purchase transfer ceremonies in 1803 and one of Louisiana's most significant historical buildings. From landmark court cases to visits from international ambassadors, many important events in Louisiana have taken place within the Cabildo. Heavy hors d'oeuvres and cocktails to be served.

Sponsored by: 

## FRIDAY, MAY 10, 2019

### 7 AM - 5 PM

#### **HOSPITALITY AREA**

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.

### 11:45 AM - 12:15 PM: LUNCH

### 12:15 - 1:15 PM: CLE PRESENTATION

#### **REAL PROPERTY DIVISION LUNCHEON: Climate Change Refugees: A Current Case Study That Could Soon Come to You**

Cost: \$50

This panel presentation will address the displacement of residents immediately following natural disasters and displacement as part of long term planning to address climate change and to avoid destruction by future natural disasters. The program will specifically address the displacement of residents of Isle de Jean Charles, Louisiana and Pecan Acres, Louisiana, the Alaska Natives of the Village of Newtok, Alaska and other Alaskan villages, and Houston area residents following Hurricane Harvey, and Puerto Rico residents including the La Perla area. Presenters will include lawyers and other professionals working on all aspects of the various relocation projects. The program will include a discussion of legal relocation issues, civil rights issues, condemnation issues, governance of the new communities, potential Fair Housing Act claims, shortcomings in federal and state/local partnerships, and other related topics.

Sponsored by:

### 11:45 AM - 12:15 PM: LUNCH

### 12:15 - 1:15 PM: CLE PRESENTATION

#### **TRUST & ESTATE DIVISION LUNCHEON: Client Service Secrets from Five-Star Hotels**

Cost: \$50

Most lawyers never get any formal service training on how to take care of clients. But I spent four years working for the Four Seasons Hotels & Resorts, primarily as the Night Manager of the Austin property, between college and law school. While there, I learned a lot about customer service there that lawyers are never taught, and will never learn, if they just work for other lawyers. But it's not just customer service basics, such as "return your emails timely" or "don't ignore client requests." And it's certainly not bland phrases like "exceed their expectations" or "create a WOW! moment."

Sponsored by:



# SCHEDULE AT-A-GLANCE



## WEDNESDAY, MAY 13

<b>1 – 2:30 P.M.</b>	Pre-Conference Registration
<b>1:30 – 5 P.M.</b>	32 <sup>nd</sup> RPTE National CLE Conference Registration
<b>1:30 – 4:45 P.M.</b>	Pre-Conference CLE Program - Abandoned Property: Addressing the Real Estate and Probate Issues <i>(Pre-registration required)</i>
<b>5 – 6 P.M.</b>	Welcome Reception <i>(complimentary)</i>
<b>6:15 – 7:15 P.M.</b>	Young Lawyers Division Networking Event <i>(complimentary)</i>

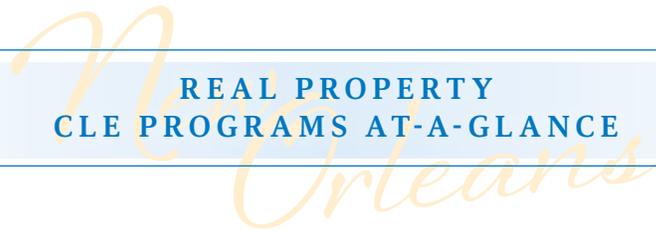
## THURSDAY, MAY 14

<b>7 AM – 4:30 P.M.</b>	Conference Registration/Hospitality/Sponsors Expo
<b>7 – 8 A.M.</b>	Attendee Breakfast Sponsored by: 
<b>8 AM – 12:15 P.M.</b>	CLE Programming
<b>12:15 – 1:30 P.M.</b>	Group Box Lunches <i>(ticketed event)</i>
<b>1:45 – 4:30 P.M.</b>	CLE Programming
<b>4:30 – 5 P.M.</b>	First-Time Attendee Reception <i>(complementary)</i>
<b>5 – 6 P.M.</b>	Reception with the Sponsors <i>(complimentary)</i>
<b>7 – 10 P.M.</b>	Conference Reception at the Cabildo Museum <i>(ticketed event)</i> Sponsored by: 

## FRIDAY, MAY 15

<b>7 AM – 3:45 P.M.</b>	Conference Registration/Hospitality/Sponsors Expo
<b>7 – 8 A.M.</b>	Attendee Breakfast Sponsored by: 
<b>8:00 AM – 11:30 A.M.</b>	CLE Programming
<b>11:45 AM – 1:15 P.M.</b>	Real Property Division Lunch and Program <i>(ticketed event; CLE credit)</i> Sponsored by: <<insert logo>>
<b>11:45 AM – 1:15 P.M.</b>	Trust & Estate Division Lunch and Program <i>(ticketed event; CLE credit)</i> Sponsored by: 
<b>1:30 – 3:45 P.M.</b>	CLE Programming

# REAL PROPERTY CLE PROGRAMS AT-A-GLANCE



## WEDNESDAY, MAY 13

**1:30 - 4:45 P.M.** *Abandoned Property: Addressing the Real Estate and Probate Issues*

## THURSDAY, MAY 14

**8 - 9:15 A.M.** The Forever Chemicals and Other Emerging and Not-So-New Environmental Issues | Red Flags in Appraisals - What the Savvy Lawyer Can Spot in Appraisal Reports

**9:30 - 10:45 A.M.** Ground Leases—An Old Product with New Possibilities | Transfer of Property Needing Continuous Operation: The Hospitality Example

**11 A.M. - 12:15 P.M.** The Big and Easy Concepts Every Real Estate Lawyer Should Know About LLCs | Negotiating Critical Lease Provisions – Landlord and Tenant Strategies

**1:45 - 3 P.M.** A Fresh Start: Funding Sources to Redevelop Affordable Housing | Legal Opinions: Liability of Opinion Giver and Other Topics

**3:15 - 4:30 P.M.** Lease or Cell: 21st Century legal issues in leases and easements for cell tower facilities | Law Professors Update

## FRIDAY, MAY 15

**8 - 9 A.M.** Advising Tenants in Co-Working Space "Leases" | Statutory Trusts: Tools You can use in 1031s, CMBS & RMBS Transactions

**9:15 - 10:15 A.M.** Drones Fly Over Trespass, Nuisance, Privacy and Data Security Issues: What You Need to Know | Commercial Title Endorsements: What Do You Really Need?

**10:30 - 11:30 A.M.** **ETHICS CREDIT**  
Bordering on the Edge: Multijurisdictional Practice Issues for Real Estate and Trust and Estate Lawyers | Understanding Title III of the Americans with Disabilities Act – Places of Public Accommodation

**11:45 A.M. - 1:15 P.M.** Real Property Division CLE Program and Lunch (ticketed event) – Climate Change Relocations: A Current Case Study That Could Soon Come to You

**1:30 - 2:30 P.M.** **JOINT DIVISION**  
You Don't Have to Be A Superhero: Ethical Implications of Stress, Burnout and Substance Abuse | **JOINT DIVISION**  
Not Mine, Not Yours, Heirs: Exploring the Movement to Transform Heirs' Property Laws

**2:45 - 3:45 P.M.** **JOINT DIVISION**  
Upgrading the Drafting Processes for Complex Documents | **JOINT DIVISION**  
Women Rainmakers: How Did She Do That?

# TRUST AND ESTATE CLE PROGRAMS AT-A-GLANCE

## WEDNESDAY, MAY 13

**1:30 – 4:45 P.M.** *Abandoned Property: Addressing the Real Estate and Probate Issues*

## THURSDAY, MAY 14

**8 - 9:15 A.M.** **Non-Tax Estate Planning Considerations Group:** Estate Planning for Millennials, Gen X'ers and Boomers: A View from the Neutral Ground; Your Annual Non-Tax Hot Topics

**Employee Plans and Executive Compensation Arrangements Group:** Big Benefits for Small Employer

**9:30 - 10:45 A.M.** **Trust and Estate Practice Group:** Family Governance: Generational Continuity through Risk Mitigation

**Income and Transfer Tax Planning Group:** Part I - Planning with an Estate's Fine Art and Collectibles that Contain Cultural Property or Restricted Animal Material

**11 A.M. - 12:15 P.M.** **Litigation, Ethics and Malpractice Group and Charitable Planning Group:** Do's and Don'ts of Donor Intent: Managing Disputes over Restricted Charitable Gifts, Donor Intent and Changed Circumstances

**Income and Transfer Tax Planning Group:** Part II - Grantor Trust Rule Refresher—Almost as Exciting as Mardi Gras

**1:45 - 3 P.M.** **Charitable Planning and Organizations Group:** Caring Is Sharing: Interactions Between Family Offices and Family Foundations

**Elder Law and Special Needs Planning:** Hot Topics in Special Needs Planning

**3:15 - 4:30 P.M.** **Business Planning Group:** Tax Planning for Closely Held Business Interests Before a Liquidity Event

**Litigation, Ethics & Malpractice Group and Joint Legal Education and Uniform Laws Group:** Toss the Blue-Backs and Sealing Wax, Electronic Wills Are Here! Or Are They?

## FRIDAY, MAY 15

**8 - 9 A.M.** Mom Liked Me Better and She Will Prove It: Pre-Mortem Validation - Permanent Solution or Fad?

Valuable Valuation Developments for Closely Held Businesses

**9:15 - 10:15 A.M.** Ten Things I Hate About U...TC

The Big Easy: Techniques for Overcoming Transfer Obstacles and Finding Innovative Ways to Plan with Traditionally Undesirable Assets

**10:30 - 11:30 A.M.** Paying for Life Insurance- When the Premiums Get Big, It Ain't So Easy

**ELIMINATION OF BIAS CREDIT**

Exploring Religion and Diversity in Estate Planning (Elimination of Bias CLE Credit)

**11:45 A.M. - 1:15 P.M.** **ETHICS CREDIT**

Trust and Estate Division CLE Program and Lunch (ticketed event) – Client Service Secrets from Five-Star Hotels

**1:30 - 2:30 P.M.** **JOINT DIVISION**  
You Don't Have to Be A Superhero: Ethical Implications of Stress, Burnout and Substance Abuse

**JOINT DIVISION**

Not Mine, Not Yours, Heirs: Exploring the Movement to Transform Heirs' Property Laws

**2:45 - 3:45 P.M.** **JOINT DIVISION**  
Upgrading the Drafting Processes for Complex Documents

**JOINT DIVISION**

Women Rainmakers: How Did She Do That?

## REAL PROPERTY PROGRAMS

THURSDAY, MAY 14

### THURSDAY, MAY 14, 2020

8 - 9:15 AM | GRAND CHENIER

#### ***The Forever Chemicals and Other Emerging and Not-So-New Environmental Issues***

Learn from the experiences of a real estate lawyer, an environmental lawyer and an environmental consultant who work with clients to evaluate potential risks associated with issues including:

- PFAS, PFOA, and other so-called Forever Chemicals
- Vapor Intrusion
- Historic Property Contamination
- Drinking Water
- Mold
- Wetlands

**Program Chair:** Nancy J. Rich, *Katten Muchin Rosenman LLP*, Chicago, IL  
**Moderator:** Kyle R. Johnson, *Brown Rudnick LLP*, Hartford, CT  
**Speakers:** George P. Bernhardt, *Baker Hughes Company*, Houston, TX; Leslie Nicholas, *BBJ Group*, Chicago, IL

8 - 9:15 AM | BALLROOM B

#### ***Red Flags in Appraisals - What the Savvy Lawyer Can Spot in Appraisal Reports***

A collaborative program between RPTE and The Appraisal Institute.

Appraisers of real property are subject to conflicting pressures from buyers, sellers, lenders, and attorneys in litigation concerning property value. Consequently, written appraisals are, at times, developed using inflated, deflated or irrelevant data so as to fit the needs of the requesting party. This program will identify problematic data and flawed valuation methods contained in written appraisals and identify other appraisal report issues that may prove harmful to clients.

**Program Chair and Speaker:** C. Scott Schwefel, *Shipman, Shaiken & Schwefel, LLC*, West Hartford, CT  
**Moderator and Speaker:** R. Marshall Grodner, *McGlinchey Stafford PLLC*, Baton Rouge, LA  
**Speaker:** Paula K. Konikoff, *Paula K. Konikoff, Inc.*, Los Angeles, CA

9:30 - 10:45 AM | GRAND CHENIER

#### ***Ground Leases--An Old Product with New Possibilities***

The ground lease is an old concept that has been used over the centuries as a means for land owners to generate income while preserving wealth – historically, the ground lease was not a financing tool. This panel will discuss today's trend of utilizing the ground lease as a financial product in commercial transactions. The panel will explore the risks, rewards and potential roadblocks in taking advantage of this structuring approach from the perspectives of the owner/landlord, tenant, lenders and investors.

**Program Chair:** Cynthia Langelier Paine, *Blank Rome LLP*, Washington, DC

**Moderator:** John D. Muir, *Katten, Muchin, Rosenmann LLP*, Washington, DC  
**Speakers:** Christopher R. Clark, *Terra Nova Title & Settlement Services*, Washington, DC; David Eyzenberg, *Eyzenberg & Company*, New York, NY; Karen M.T. Nashiwa, *Nashiwa Law, LLC*, Lake Oswego, OR; Andrew Weiss, *Sapphire Capital Group*, Bethesda, MD

9:30 - 10:45 AM | BALLROOM B

#### ***Transfer of Property Needing Continuous Operation: The Hospitality Example***

We may not all buy and sell hotels, resorts or restaurants in our practices, but there are a number of common hospitality transaction issues that can impact a variety of real estate transactions:

- Transfer of government licenses, including liquor licenses, dock and marina permits and discharge permits
- Allocating of responsibility for sales and use taxes (including hotel taxes) for ongoing businesses
- Accounting for advance and security deposits, potential refunds, and credit card chargebacks
- Casualty damage or natural disasters which will not allow the property to be reconstructed with the same setbacks or height and size as originally developed, or on the same ground lease
- Other issues involved in the transfer of a property with an ongoing business that must remain operational throughout the closing

**Program Chair and Moderator:** Steven H. Mezer, *Becker & Poliakoff P.A.*, Tampa, FL  
**Speakers:** Anne-Thérèse Béchamps, *Venable LLP*, Baltimore, MD; Elizabeth A. DeConti, *GrayRobinson, P.A.*, Tampa, FL; Tara K. Gorman, *Loeb & Loeb LLP*, Washington, DC; John McGuire, Jr., *Marsh LLC*, New Orleans, LA

11 AM - 12:15 PM | GRAND CHENIER

#### ***The Big and Easy Concepts Every Real Estate Lawyer Should Know About LLCs***

The panel will discuss issues that practitioners need to know in setting up a limited liability company, the primary vehicle in today's world for real estate transactions. The program will contain both basic information for those new to the area and more advanced concepts for experienced attorneys. In particular, panelists will cover:

- How to form a limited liability company
- State limited liability company laws
- Key issues in operating agreements, including how to put money in, take money out and exit strategies
- Recent Delaware law developments

**Program Chair, Moderator and Speaker:** Stephen A. Linde, *Sills Cummis & Gross P.C.*, New York, NY  
**Speakers:** Joseph A. Dane, *Goodsill Anderson Quinn & Stifel LLP*, Honolulu, HI; Joshua J. Novak, *Richards Layton & Finger P.A.*, Wilmington, DE; Sara T. Toner, *Richards, Layton & Finger P.A.*, Wilmington, DE

## REAL PROPERTY PROGRAMS

THURSDAY, MAY 14

11 AM - 12:15 PM | BALLROOM B

### **Negotiating Critical Lease Provisions – Landlord and Tenant Strategies**

This program is a review of commercial lease provisions from the perspective of both the landlord and tenant focusing on each party's starting point for negotiations and common compromises. The panelists will discuss key provisions in retail, office and industrial leases, such as:

- Operating expenses
- Maintenance obligations
- Tenant improvements/work letters
- SNDAs
- Expansion rights
- Contraction rights
- Relocation rights
- Rights of first refusal
- First offer, exclusives, permitted uses and environmental issues

**Program Chair, Moderator and Speaker:** Joseph M. Saponaro, FisherBroyles, LLP, Cleveland, OH

**Speakers:** Lori Pittman Haas, Ulmer & Berne LLP, Cleveland, OH; David J. Lindner, Buckingham, Doolittle & Burroughs, LLC, Cleveland, OH

1:45 - 3 PM | GRAND CHENIER

### **A Fresh Start: Funding Sources to Redevelop Affordable Housing**

Panelists, who have represented the interests of developers, investors, and housing authorities in affordable housing transactions, will present case studies on recent transactions in which affordable housing projects was preserved and refreshed. The panelist will describe the funding sources used, the process undertaken, legal issues that arose, and how they advised their respective clients throughout the deals. Each panelists' case studies will focus on different funding sources, such as RAD, CDBG, and LIHTC, so that the audience walks away with a broad overview of the types of funding options available and the general process for each. The program will be interactive, with Q&A from the audience.

**Program Chair:** Bryanna Frazier, New Orleans, LA

**Moderator:** Bomopregha A. Julius, The Northern Law Group, P.C., New York, NY

**Speakers:** Jennifer Adams, The Housing Authority of New Orleans, New Orleans, LA; Molly L. Stanga, Coats Rose, P.C., New Orleans, LA; Chrysa Long, Klein Hirning, LLP, Boston, MA; Shawn Richard, Elkins PLC, New Orleans,

1:45 - 3 PM | BALLROOM B

### **Legal Opinions: Liability of Opinion Giver and Other Topics**

This program's panelists will discuss various opinion letter topics, including:

- Top ten unreasonable opinion requests (from both sides of the deal)
- Litigation against opinion givers
- Legal opinions on common law trusts
- Legal opinions on Delaware entities

**Program Chair:** Daniel H. Devaney, Cades Schutte LLP, Honolulu, HI

**Speakers:** Joy A. Barrist, Potter Anderson & Corroon LLP, Wilmington, DE; Mark T. Drooks, Bird, Marella, Boxer, Wolpert, Nessim, Drooks, Lincenberg & Rhow, P.C., Los Angeles, CA; James Gadsen, Carter Ledyard & Milburn LLP, New York, NY; Matthew J. O'Toole, Potter Anderson & Corroon LLP, Wilmington,

3:15 - 4:30 PM | GRAND CHENIER

### **Lease or Cell: 21st Century Legal Issues in Leases and Easements for Cell Tower Facilities**

This presentation will address various real property-related issues that commonly arise in connection with the development of cellular network towers, as well as key concepts that practitioners should be aware of in drafting, reviewing, or negotiating documents and transactions concerning the same. Topics will include:

- Types of property interests chosen
- Typical key provisions
- Factors to be considered in developing sites, zoning battles, development of 5G networks
- Use of public rights of way

**Program Chair:** Manuel Farach, McGlinchey Stafford, PLLC, Ft. Lauderdale, FL

**Moderator:** Christina Jenkins, Asurity Mortgage Group, LLC, Dallas, TX

**Speakers:** Travis Beaton, Sher Garner Cahill Richter Klein & Hilbert, L.L.C., New Orleans, LA; Brandon Johnson, Perkins Coie, Washington, D.C.; Stephen R. Romine, Williams Mullen, Virginia Beach, VA

3:15 - 4:30 PM | BALLROOM B

### **Law Professors Update**

Real estate faculty experts will discuss current hot topics.

**Program Chair:** Shelby D. Green, Elisabeth Haub School of Law, White Plains, NY

**Speaker:** G. Kristen Barnes, Syracuse University College of Law, Syracuse, NY;

Melissa T. Lonegrass, Louisiana State University, Baton Rouge, LA; Sally Brown Richardson, Tulane University School of Law, New Orleans, LA

## REAL PROPERTY PROGRAMS

FRIDAY, MAY 15

FRIDAY, MAY 15, 2020

8-9 AM | GRAND CHENIER

### **Advising Tenants in Co-Working Space “Leases”**

Co-working space has become an important alternative to traditional office space leases. While there are many benefits to these arrangements, there are also significant downsides in entering into these non-lease “memberships,” which are typically non-negotiable. The panel will review Regus and WeWorks membership agreements and discuss the risks and advantages of co-working space over traditional office leases.

**Program Chair and Speaker:** George P. Bernhardt, *Baker Hughes Company*, Houston, TX

**Moderator:** Colleen R. MacRae, *Nyemaster Goode, P.C.*, Des Moines, IA

**Speakers:** Helen M. Mittelman, *Sonn & Mittelman, PA*, Aventura, FL; Melissa S. Vandewater, *Seyfarth Shaw LLP*, Chicago, IL

8-9 AM | BALLROOM B

### **Statutory Trusts: Tools You Can Use in 1031s, CMBS & RMBS Transactions**

This program will provide real estate lawyers with an overview of the Delaware Statutory Trust Act and a primer on the governing agreements under which property is held, managed and administered. This program will provide real estate lawyers with basic to intermediate training on how a statutory trust is formed and used in an array of real estate transactions and will provide lawyers with important take-aways they can use in their practices. The panel will cover such matters as the use of DSTs in CMBS and RMBS transactions as well as the application and use of a DST in a 1031 tax deferred exchange.

**Speakers:** Richard J. Facciolo, *Richards, Layton & Finger, PA*, Wilmington, DE; David M. Gorenberg, *Wilmington Trust*, Wilmington, DE; Kristin Moore, *Christiana Trust*, Wilmington, DE

9:15 - 10:15 AM | GRAND CHENIER

### **Drones Fly Over Trespass, Nuisance, Privacy and Data Security Issues: What You Need to Know**

Unmanned Aerial Systems (“UAS” or “drones”) hold vast potential in the real estate industry for the following purposes:

- Aerial review, mapping, and documentation of property and structures
- Building maintenance
- Supervision and monitoring of construction in real time
- Safe review of structures to troubleshoot problems without endangering workers

A host of legal issues are associated with the use of drones, but the future of drone regulation is always evolving. This program will address common legal issues associated with drones and provide an update on the ever-changing regulatory scene.

**Program Chair:** Karla Chaffee, *Robinson & Cole*, Boston, MA

**Moderator:** Hunter Edwards, *Womble Bond Dickinson (US) LLP*, Charlotte, NC

**Speakers:** Virginia K. Trunkes, *Robinson & Cole LLP*, Providence, RI; Neil C. Johnston, *Hand Arendall, LLC*, Mobile, AL; Barry B. Nekritz, *Lawrence Kamin, LLC*, Chicago, IL

9:15 - 10:15 AM | BALLROOM B

### **Commercial Title Endorsements: What Do You Really Need?**

This program will examine how title endorsements work and how/when to effectively use them to your client's advantage. Panelists will tackle this from both the title insurance company and the private practitioner perspectives including:

- A quick review of the most commonly used endorsements
- Risk v. Cost analysis of endorsements
- Which endorsements to obtain in specific circumstances

**Program Chair:** Ryan T. Christiansen, *Liskow & Lewis*, New Orleans, LA

**Moderator:** Neal A. Coleman, *Nyemaster Goode, P.C.*, Des Moines, IA

**Speakers:** Paul Kitziger, *Liskow & Lewis*, New Orleans, LA; Orlando Lucero, *Fidelity National Title Group*, Albuquerque, NM; Kelly Quam, *Old Republic National Title Insurance Company*, Minneapolis, MN

10:30 - 11:30 AM | GRAND CHENIER

### **Bordering on the Edge: Multijurisdictional Practice Issues for Real Estate and Trust and Estate Lawyers**

Transactional lawyers exist to do deals. We usually do this from the confines of our offices, using land-lines, email, the Internet, smart-phones, and all the accoutrements of modern practice. Yet, though we sit in our offices, our deals often extend around the country and sometimes around the globe. We tend to think that we are fully conversant with the Rules of Professional Conduct that apply within our own state and that nothing we do violates these Rules, but can we really rely on our understanding of our local state's Rules when our deals are interstate or international? This fast paced program will cover:

- Doing multistate deals
- Retention of local counsel
- Clients hiring lawyers and lawyers getting clients during conventions held in states where the lawyers are not licensed to practice
- Doing legal work while “on the road,” while you're on vacation out of state, or at a convention
- Multistate ethics issues involving the use of Facebook, LinkedIn, Twitter, blogs, “blawgs” (law blogs), and other social media sites
- Ethical issues involved in telling “war stories” at meetings
- What Rule 5.5 expressly permits, what it seems to permit, and what it doesn't permit

**Program Chair:** R. Marshall Grodner, *McGlinchey Stafford PLLC*, Baton Rouge, LA

**Speaker:** Michael H. Rubin, *McGlinchey Stafford PLLC*, Baton Rouge, LA

# New Orleans

## REAL PROPERTY PROGRAMS

### FRIDAY, MAY 15

10:30 - 11:30 AM | BALLROOM B

#### ***Understanding Title III of the Americans with Disabilities Act – Places of Public Accommodation***

Title III of the Americans with Disabilities Act prohibits discrimination on the basis of disability in places of public accommodation, specifically places that are privately owned, leased, or operated, and those that affect commerce. Compliance with Title III and standards for accessibility can be difficult to understand and even slight technical violations can expose property owners to significant litigation risk and public relations damage. This program will cover:

- Title III, generally
- Compliance issues, including measures that a property owner should take to prevent a claim
- Defending against claims for non-compliance

**Program Chair and Moderator:** **Scott C. Schwefel**, *Shipman, Shaiken & Schwefel, LLC*, West Hartford, CT

**Speakers:** **Michael R. Dodson**, *Fishman Haygood, LLP*, New Orleans, LA; **Alexandra Navarre-Davis**, *The Kullman Firm*, New Orleans, LA

RP LUNCH

11:45 AM - 1:15 PM

#### ***Climate Change Relocations: A Current Case Study That Could Soon Come to You***

This presentation will address the displacement of residents and facilities immediately following natural disasters, and displacement as part of long-term planning to address climate change and to avoid destruction by future natural disasters. The focus of this program will be the displacement of residents of Isle de Jean Charles, Louisiana and Pecan Acres, Louisiana. In this presentation, the lawyers and other professionals working on this ground-breaking relocation project will discuss legal relocation issues, tribal issues, condemnation issues, and other related topics.

**Program Chair:** **Cynthia Langelier Paine**, *Blank Rome*, Washington, D.C.

**Moderator:** **Nick Laurent**, *Barron Adler*, Austin, TX

**Speakers:** **Portia Johnson**, *Louisiana Division of Administration - Office of General Counsel*, Baton Rouge, LA; **Christina Peck**, *Daigle Fisse & Kessenich*, Baton Rouge, LA



# TRUST & ESTATE PROGRAMS

THURSDAY, MAY 14, 2020

## THURSDAY, MAY 14, 2020

### 8 - 9:15 AM | GRAND COUTEAU NON-TAX ESTATE PLANNING CONSIDERATIONS GROUP

#### *Estate Planning for Millennials, Gen X'ers and Boomers: A View From the Neutral Ground; Your Annual Non-Tax Hot Topics*

Part I: This program will identify and explore estate planning issues and considerations in light of evolving social norms and shifting demographics. Specifically, the panel will address planning issues applicable to Millennial, Generation X and Baby Boomer clients.

- Considerations for the Millennial generation: cohabitation arrangements; postponing marriage and children; assisted reproductive technology and family design; digital assets and electronic wills; and, attitudes regarding employment tenure and the “gig economy”
- Considerations for Generation X: exercising powers of appointment and disclaimers; planning for blended families; accepting or declining fiduciary appointments; and family meetings and intergenerational communication
- Considerations for the Baby Boomer generation: property division and “gray divorce”; marital planning (pre- and post-) for “gray marriages”; cohabitation and companionship (non-marital) arrangements for the newly single; and, retirement, disability, and health care planning in a time of increasing lifespans

**Program Chair and Moderator:** **Carole M. Bass**, *Moses & Singer, LLP*, New York, NY

**Speaker:** **Renee Salley**, *The Salley Firm, LLC*, Atlanta, GA; **Alex Tanouye**, *The Northern Trust Company*, Washington, DC; **Lee-Ford Tritt**, *University of Florida Levin College of Law*, Gainesville, FL; **Suzanne Brown Walsh**, *Murtha Cullina LLP*, Hartford, CT

### 8 - 9:15 AM | BALLROOM E EMPLOYEE PLANS AND EXECUTIVE COMPENSATION GROUP

#### *Big Benefits for Small Employers*

Small businesses have unique challenges in sponsoring health and retirement plans for their employees. These programs can be crucial in attracting and retaining talented employees, but the employer can face significant penalties and loss of tax advantages as a result of noncompliance, which can result in costly and time-consuming burdens to correct problems. This panel will discuss the top five compliance concerns for small employers:

- Internal Revenue Code requirements for common qualified retirement plans, such as Simple Employer Plans (SEPs), 401(k) plans, profit sharing plans and defined benefit plans
- ERISA fiduciary rules for employee benefit plans, and a discussion of the personal liability and penalties that can be assessed for violations of such rules
- Prohibited transactions for retirement plans (e.g.; delinquent contributions, use of plan assets for personal investment), and a discussion of the penalties and excise taxes that can apply for such transactions

- Significant compliance concerns for health plans, including under the Affordable Care Act and the Health Insurance Portability and Accountability Act of 1996
- ERISA reporting and disclosure rules for all employee benefit plans, including a discussion of increased penalties for noncompliance

**Program Chair and Moderator:** **Lori T. Oliphant**, *Winstead PC*, Dallas, TX  
**Speakers:** **Tara Silver-Malyska**, *Willis Towers Watson*, Dallas, TX; **Jason P. Lacey**, *Foulston Steiflin LLP*, Wichita, KS; **José M. Jara**, *Archer Law*, New York, NY; **Cynthia Marcotte Stamer**, *SolutionsLawyer, PC*, Dallas, TX

### 9:30 - 10:45 AM | GRAND COUTEAU TRUST AND ESTATE PRACTICE GROUP

#### *Family Governance: Generational Continuity through Risk Mitigation*

The pattern that families go from ‘shirtsleeves to shirtsleeves in three generations’ persists in many cultures around the world. Why are ultra-wealthy families continuing to see their wealth fail to last? What is a practitioner to do when the tax planning strategy is clear—but the family dynamics are muddier than the Mississippi River? This program will present an overview of strategies for implementing successful family governance arrangements and systems. Panelists will discuss the use of trusts and philanthropic structures, incorporating family systems into an estate plan, navigating disruption, risk mitigation and litigation avoidance, and integrating family advisors into the overall plan. Attendees will learn successful approaches to family governance and how to help clients preserve family wealth and defeat the ‘shirtsleeves to shirtsleeves’ pattern.

**Program Chair and Speaker:** **Carly Doshi**, *HSBC Private Bank*, New York, NY

**Moderator:** **Laura J. Lattman**, *McLaughlin & Stern LLP*, New York, NY  
**Speaker:** **William J. Kambas**, *Withers Bergman LLP*, New Haven, CT;  
**Michael S. Schwartz**, *Curtis, Mallet-Prevost, Colt, & Mosle LLP*, New York, NY;  
**Melisa Seyhun**, *Merrill Lynch*, Chicago, IL

### 9:30 - 10:45 AM | BALLROOM E INCOME AND TRANSFER TAX PLANNING GROUP PART I

#### *Planning with an Estate's Fine Art and Collectibles that Contain Cultural Property or Restricted Animal Material*

A panel of art industry legal and commercial professionals will discuss estate administration issues that arise when fine art and collectible objects in an estate are found to contain cultural property or restricted animal material. Panelists will discuss the U.S. and international legal framework governing the possession, transit, sale, transfer and gifting of such items and how planning with respect to such property should be undertaken during lifetime. Examples of materials that will be discussed include: ivory, feathers, Native American objects, wood types, etc.

**Moderator and Speaker:** **Ryan Walsh**, *Hamilton Thies & Lorch LLP*, Chicago, IL

**Speakers:** **Margaret J. Hoag**, *Christie's Inc.*, New York, NY; **Rebecca Lockwood**, *Sotheby's*, New York, NY; **Amanda A. Rottermund**, *Withers Bergman LLP*, New York, NY; **Ramsay Slugg**, *Bank of America*, Fort Worth, TX

## TRUST & ESTATE PROGRAMS

THURSDAY, MAY 14, 2019

### 11 AM - 12:15 PM | GRAND COUVEAU LITIGATION, ETHICS AND MALPRACTICE GROUP

#### *Do's and Don'ts of Donor Intent: Managing Disputes over Restricted Charitable Gifts, Donor Intent and Changed Circumstances*

Restricted charitable gifts can raise challenges in the face of changing times and circumstances. An academic professor and practitioners will discuss litigated and other disputes where the practicability of adhering to restrictions and the meaning of the donor's intent came into conflict. The panel seeks to offer guidance to practitioners concerning:

- Lessons that can be learned from high profile disputes involving donor-imposed restrictions on charitable gifts, including the Pearson Family Foundation's dispute with The University of Chicago over its \$100 million pledge, *Robertson v. Princeton* and the *Barnes Foundation* case
- What is the current state of the law governing restricted gifts and charitable trusts when circumstances change?
- What risks do trustees, board members, and charitable organizations face if they fail to comply with donor-imposed restrictions?
- Who has standing to seek to enforce or modify restrictions on charitable gifts?
- What tools are available to modify restrictions when circumstances warrant under the common or statutory law?
- What is the role of the state Attorney General in enforcing charitable gifts and donor intent, what are their practices and capacities (noting significant variations from state to state), and how should lawyers advising charities, donors, and donors' families deal with state AG's?
- What do drafting lawyers need to know and consider to better help charities and donors draft gift agreements that reduce the chances of future controversy and better address possible changed circumstances?

**Program Chair, Moderator and Speaker:** David E. Lieberman, *Levin Schreder & Carey Ltd.*, Chicago, IL

**Speakers:** Melissa O. Dibble, *Archer & Greiner, PC*, Haddonfield, NJ; Sandra D. Glazier, *Lipson Neilson, PC*, Bloomfield Hills, MI; Nancy Assaf McLaughlin, *University of Utah*, Salt Lake City, UT

### 11 AM - 12:15 PM | BALLROOM E INCOME AND TRANSFER TAX PLANNING GROUP SESSION

#### *Part II: Grantor Trust Rules – Almost as Exciting as Mardi Gras*

Grantor trusts can be as important to estate planning as beads and doubloons are to Mardi Gras. This program will provide a refresher on the grantor trust rules and highlight planning tips and traps including:

- Which grantor trust powers are best to use?
- Provide sample language for the commonly used grantor trust powers
- Explain toggling of grantor trusts – and should we be able to toggle back on?
- Highlight potential pitfalls of grantor trust planning

**Moderator and Speaker:** Ryan A. Walsh, *Hamilton Thies & Lorch LLP*, Chicago, IL

**Speakers:** Jeanne L. Newlon, *Venable LLP*, Washington, D.C.; Raj A. Malviya, *Miller Johnson*, Grand Rapids, MI

### 1:45 - 3 PM | GRAND COUVEAU CHARITABLE PLANNING AND ORGANIZATIONS GROUP

#### *Caring Is Sharing: Interactions Between Family Offices and Family Foundations*

Family offices and family foundations commonly interact with each other for many valid reasons, including achieving economies of scale. Unfortunately (and sometimes counter-intuitively), if not properly structured, these interactions may implicate the private foundation excise taxes or have other negative consequences for a family foundation. This program will discuss specific examples of these common interactions, examine the potential hazards associated with each example, and provide recommendations for structuring these interactions to avoid the imposition of excise taxes or other negative consequences. The specific examples include:

- Co-investing (a topic currently on the IRS priority guidance plan)
- Sharing of office and other space
- Sharing of equipment and supplies
- Sharing of employees
- Personal services arrangements
- Cautions about satisfaction of pledges by family members
- Who should use event tickets and gala tables purchased by the family foundation?

**Program Chair, Moderator and Speaker:** Jessica A. Cohan, *Djuric Spratt P.A.*, Atlanta, GA

**Speakers:** Michelle Michalowski, *PwC*, Washington, DC; Victoria Pambianco Ose, *McDermott Will & Emery LLP*, Chicago, IL

### 1:45 - 3 PM | BALLROOM E ELDER LAW AND SPECIAL NEEDS PLANNING GROUP

#### *Hot topics in Special Needs Planning*

Many of the recent tax law changes that are touted to produce economic benefits have unexpected consequences in special needs planning. This presentation will cover new issues in special needs planning that have arisen from changes in tax law and regulations stemming from the Affordable Care Act, the Tax Cuts and Jobs Act and more recent developments. Participants attending this program should have some basic knowledge of the different types of government benefits and their application process (Medicare, Medicaid, SSI, and SSDI).

- Topics that will be covered in this presentation include planning opportunities with
- New tax laws
- New POMS
- Minimum wage laws
- Special needs trusts; and
- ABLE accounts

**Program Chair and Speaker:** Benjamin Rubin, *Rubin Law, A Professional Corporation*, Chicago, IL

**Moderator:** Zisl Edelson, *Edelson Law, LLC*, Skokie, IL

**Speakers:** Carole Cukell Neff, *Sessions, Fishman, Nathan & Israel*, New Orleans, LA; Kyle A. Moore, *Weems Schimpf Haines Shemwell & Moore*, Shreveport, LA

## TRUST & ESTATE PROGRAMS

THURSDAY, MAY 14 & FRIDAY, MAY 15

3:15 - 4:30 PM | GRAND COUVEAU  
BUSINESS PLANNING GROUP

### *Tax Planning for Closely-Held Business Interests Before a Liquidity Event*

This presentation will discuss a range of tax planning strategies to raise with clients before a sale or IPO of a closely-held business. Topics include:

- Gift, estate and generation-skipping transfer tax planning
- Income tax planning, including utilizing trusts for state income tax and taking advantage of Section 1202 qualified small business stock tax efficiency
- Maximizing the charitable deduction (or, avoid limitations on income tax charitable deductions)
- Important timing considerations
- Importance of appraisals including a review of the applicable valuation discounts attributable to closely-held business interests
- Implications if the liquidity event does not take place

**Program Chair, Moderator and Speaker: Marissa Dungey**, *Withers Bergman LLP*, Greenwich, CT

**Speaker: Caitlin N. Horne**, *Moore & Van Allen PLLC*, Charlotte, NC; **Christine Quigley**, *Schiff Hardin LLP*, Chicago, IL

3:15 - 4:30 PM | BALLROOM E  
LEGAL EDUCATION AND UNIFORM LAWS GROUP?

### *Toss the Blue-Backs and Sealing Wax, Electronic Wills Are Here! Or Are They?*

The Uniform Law Commission has approved the new Uniform Electronic Wills Act, and at least four states have adopted e-wills statutes in various forms. Websites for will preparation and will registration already exist. Wills signed on phones and tablets have been admitted to probate. Both technology and the laws affecting the validity of wills are changing rapidly, with potential major impacts on attorneys' practices and relationships with clients. The panelists, including the Chair of the ULC Electronic Wills Drafting Committee and the ABA Advisor to the Drafting Committee, will provide an overview of these developments and include a discussion of the new (or not so new) ethics issues that could arise in the attorney-client relationship as e-wills gain in popularity.

**Program Chair, Moderator and Speaker: John T. Rogers, Jr.**, *Rogers Trust Law*, Los Angeles, CA

**Speakers: Melissa O. Dibble**, *Archer & Greiner, P.C.*, Haddonfield, NJ; **Sandra D. Glazier**, *Lipson Neilson, P.C.*, Bloomfield Hills, MI; **Suzanne B. Walsh**, *Murtha Cullina, LLP*, Hartford, CT

FRIDAY, MAY 10, 2019

8-9 AM | GRAND COUVEAU

### *Mom Liked Me Better and She Will Prove It: Pre-Mortem Validation - Permanent Solution or Fad*

In 2013, *Probate & Property* published an article on pre-death Will contests, noting that there were four states that allowed this process. By 2019, at least eight states had statutes that offering a procedure for the pre-mortem probate of a will and four states had statutes offering a procedure for the pre-mortem probate of a revocable trust. Should your state consider such legislation? Should your client consider either process? This program features the thoughts of an estate and trust planning attorney, estate and trust litigation attorney, and chief fiduciary officer of a trust company who will:

- Briefly describe the genesis of these processes
- Note differences in approach among states that allow these processes
- Explain the situations when a pre-mortem proceeding should be initiated
- Explore a case study

**Program Chair and Moderator: Michael A. Sneeringer**, *Porter Wright Morris & Arthur LLP*, Naples, FL

**Speakers: Marve Ann M. Alaimo**, *Porter Wright Morris & Arthur LLP*, Naples, FL; **Daniel F. Hayward**, *Gordon, Fournaris & Mammarella, P.A.*, Wilmington, DE; **Melineh S. Ounanian**, *Brown Brothers Harriman Trust Company, N.A.*, New York, NY

8-9 AM | BALLROOM E

### *Valuable Valuation Developments for Closely Held Businesses*

The valuation of a business can be one of the most complicated and contested parts of the administration of an estate and is often a sensitive aspect of estate tax and gift tax compliance. Recent case law and IRS guidance have provided important developments for valuing closely held businesses. Panelists will cover these developments so attorneys will be well placed to advise clients, communicate effectively with appraisers, review appraisals, prepare effective transfer tax returns, and defend valuations on audit:

- The impact of tax affecting the valuations of companies that are taxed as pass through entities from the *Kress* and *Jones* cases
- Burden shifting under Section 7491 (how courts approach it different ways)
- Section 2703 defense on gift tax audits from *Kress* case
- Impact of pending transaction on valuation (CCA 201939002)
- The "key man" discount (Tax Court's *Cavallaro* decision)

**Program Chair, Moderator and Speaker: James I. Dougherty**, *Withers Bergman LLP*, Greenwich, CT

**Speakers: Timothy K. Bronza**, *Business Valuation Analysts, LLC*, Orlando, FL; **Abigail R. Earthman**, *Winstead, PC*, Dallas, TX; **Todd G. Povlich**, *MPI*, New York, NY

## TRUST & ESTATE PROGRAMS

FRIDAY, MAY 15

9:15 - 10:15 AM | BALLROOM E

### **The Big Easy: Techniques for Overcoming Transfer Obstacles and Finding Innovative Ways to Plan with Traditionally Undesirable Assets**

As clients' balance sheets become increasingly complex, so does the estate planner's job in navigating the obstacles to transfer assets and to come up with inventive ways to plan with assets traditionally thought of as undesirable for planning. In this program, panelists will highlight strategies to navigate these issues by:

- Presenting various techniques to maneuver around common transfer restrictions
- Discussing how best to structure transactions from inception when dealing with highly regulated assets, such as interests in professional sports teams and assets subject to Section 16 reporting and restrictions
- Exploring innovative transactions, such as private derivative contracts, to capture the appreciation on an asset that may be undesirable to transfer for tax and non-tax reasons

**Program Chair, Moderator and Speaker: Dana M. Foley**, *Arnold & Porter Kaye Scholer LLP*, Washington, DC

**Speakers: Nathan Brown**, *McDermott Will & Emery LLP*, Miami, FL; **Emily A. Plocki**, *Venable, LLP*, Washington, DC

9:15 - 10:15 AM | GRAND COUTEAU

### **Ten Things I Hate About U...TC**

The Uniform Trust Code is twenty years old and has been enacted in thirty-five states. Can we save the last fifteen? This panel will offer ten (more or less) observations about the UTC, how it has evolved over the last twenty years, and the unique way the UTC and the Restatement of Trusts relate to each other.

**Program Chair and Speaker: Stephen Liss**, *Schiff Hardin LLP*, New York, NY

**Speaker: Lee-Ford Tritt**, *University of Florida Levin College of Law*, Gainesville, FL; **Ryan A. Walsh**, *Hamilton, Thies & Lorch LLP*, Chicago, IL

10:30 - 11:30 AM | GRAND COUTEAU

### **Paying For Life Insurance - When the Premiums Get Big, It Ain't so Easy**

Most estate planners recommend holding life insurance in a trust, but with larger policies premium financing can pose challenges. This panel will discuss a range of techniques, from the simple to the sublime, with time spent discussing the best practices for each approach and common pitfalls to avoid.

- Annual exclusion gifts
- Loans from the insured
- Accessing existing trust assets
- Premium financing
- Split dollar arrangements

**Program Chair and Moderator: Stephen Liss**, *Schiff Hardin LLP*, New York, NY

**Speakers: Eric Eklund**, *M Financial Group*, Portland, OR; **Jaclyn G. Feffer**, *Bessemer Trust*, New York, NY; **Stephen Ham**, *Skadden, Arps, Slate, Meagher & Flom LLP*, New York, NY; **Donald O. Jansen**, *University of Texas*, Austin, TX

10:30 - 11:30 AM | BALLROOM E

### **Exploring Religion and Diversity in Estate Planning**

Estate plans are very personal and crafted to fit an individual's assets, family, and values. Understanding the importance of a client's religion to the estate plan is important, especially when the drafting attorney's religious views and background differ from those of the client. This program will offer tips and strategies to help with the discussion of different religious views when preparing an estate plan. This program will explore how religion can inform one's estate planning decisions involving various matters, including:

- Spousal rights
- Order of inheritance
- Living will directions
- Burial directions
- Investment directions
- Estate expenses

**Program Co-Chair and Moderator: Heidi M. Brown**, *Osterhout & McKinney, PA*, Fort Meyers, FL

**Program Co-Chair: Melisa Seyhun**, *Merrill Lynch*, Chicago, IL  
**Speakers: Martin M. Shenkman**, *Shenkman Law, P.C.*, Fort Lee, NJ;  
**Stacy E. Singer**, *The Northern Trust Company*, Chicago, IL

## TE LUNCH

11:45 AM - 1:15 PM

### **Client Service Secrets from Five-Star Hotels**

Most lawyers never get any formal service training on how to take care of clients. Between college and law school I spent four years working for the Four Seasons Hotels & Resorts, primarily as the Night Manager of the Austin property. While there I learned a lot about customer service that lawyers are never taught, and will never learn, working for other lawyers. It's not just "return your e-mails timely" or "don't ignore client requests." It's certainly not bland phrases like "exceed their expectations" or "create a WOW! Moment." Allow me to share what real client service looks like.

**Speaker: John R. Strohmeier**, *Strohmeier Law PLLC*, Houston, TX

FRIDAY, MAY 10, 2019

1:30 - 2:30 PM | GRAND BALLROOM A JOINT PROGRAMS

**You Don't Have to Be A Superhero: Ethical Implications of Stress, Burnout and Substance Abuse**

Burnout and substance abuse are serious problems in the legal community. Our panelists will discuss lawyer burnout, which often leads to substance abuse and suicide, how to avoid it, and resources available to lawyers suffering from burnout and mental health issues.

**Program Chair and Moderator:** Crystal Patterson, Gulfstream Commercial Services, LLC, Louisville, KY

**Speakers:** Jennifer Gros, Louisiana Judges & Lawyers Assistance Program, Mandeville, LA; Claudette W. Patton, Cordell & Cordell P.C., Louisville, KY

1:30 - 2:30 PM | GRAND BALLROOM D JOINT PROGRAMS

**Not Mine, Not Yours, Heirs: Exploring the Movement to Transform Heirs' Property Laws**

For well over 125 years, many Americans have lost their tenancy-in-common property involuntarily in various partition actions. Though partition sales have negatively impacted a broad cross section of people in this country, the sales have particularly impacted poor and disadvantaged African-Americans, Hispanics, white Americans, and in some instances, Native Americans. Within poor and disadvantaged communities, tenancy-in-common ownership has been commonly known as "heirs' property" because such property has normally been transferred from one generation to another to groups of heirs as a result of intestacy because the rate of will-making in those communities has been exceptionally low. In fact, roughly a third of all black-owned land in the south is heirs' property - totaling approximately 3.5 million acres worth roughly \$28 billion. In recent years, a movement has arisen to rewrite states' property and succession laws to help preserve the inheritance of disenfranchised communities by helping them affirm and take control of fractured land titles.

During this session, our panelists will discuss the following topics:

- Brief overview of the history of heirs' property from Reconstruction to present;
- Real-world partition actions and challenges faced by owner of heirs' property and practitioners who have clients with heirs' property; and
- Recent uniform acts and state legislation intended to address the challenges, including the Uniform Partition of Heirs Property Act (UPHPA) and the Farm Bill.

Our panel will explain the serious problems and present doable solutions. Some reading: a wonderful article in *The New Yorker* called: "Kicked off the Land. Why So Many Black Families are Losing Their Land."

**Program and Moderator:** Lee-Ford Tritt, University of Florida Levin College of Law, Gainesville, FL

**Speakers:** Vanesa Browne, Bessemer Trust, Washington, DC; Jami A. Coleman, Williams & Coleman, P.A., Tallahassee, FL; Thomas W. Mitchell, Texas A&M University School of Law, Fort Worth, TX

2:45 - 3:45 PM | GRAND BALLROOM A JOINT PROGRAMS

**Upgrading the Drafting Processes for Complex Documents**

Drafting is a bottleneck and pressure point in almost every law office. Most lawyers draft new documents by finding old documents and modifying them to work for the next case or client. Frankly, this approach has a high margin of error; it's slow, and there are many superior, alternative methods. In this seminar, you'll learn how to find and consolidate the best of your firm's intellectual capital in a way that increases drafting speed and accuracy. Document automation approaches will be presented for trust and estate lawyers as well as real property lawyers. For document-intensive and transactional areas of practice, improved drafting methods directly impact the bottom line and improve client satisfaction.

**Program Chair and Speaker:** Barron K. Henley, Affinity Consulting, Columbus, OH

**Moderator and Speaker:** Nancy N. Grekin, GrekinLaw, Honolulu, HI

**Speaker:** V. Lilly Gerontis, Practical Law/Thomson Reuters, New York, NY; Henna Shah, WealthCounsel, Tampa, FL

2:45 - 3:45 PM | GRAND BALLROOM D JOINT PROGRAMS

**Women Rainmakers: How Did She Do That?**

More than 50% of law school graduates are women. Yet, the success at the top is still more difficult to achieve for women lawyers regardless of their practice settings. Women lawyers also have to fight implicit bias going upward in their careers. This session will go over techniques and skills that will help women lawyers to overcome commonly identified hindering factors, and how they can elevate their practice to a higher level using readily available technology and tools.

- Success defined
- Develop book of business
  - Different success models in RPTE areas
  - The art of asking for business
- Elevate your practice to a higher level
  - Effective branding
  - Special marketing tools and technology effective for women lawyers
  - Overcoming implicit bias
  - Beyond overcoming common issues women lawyers face
- Rainmaker attributes

**Program Co-Chairs, and Speakers:** Soo Yeon Lee, Mauck & Baker LLC, Chicago, IL; Mary E. Vandenack, Vandenack Weaver LLC, Omaha, NE

**Moderator and Speaker:** Anne Collier, Arudia, Washington, DC

**Speaker:** Sarah D. Cline, Shulman Rogers Et Al, Potomac, MD; Carol Schiro Greenwald, CSG Marketing Partners, New York, NY

## REGISTRATION AND TRAVEL DETAILS



The registration fee includes access to all CLE programs and their written materials (posted on the meeting app), continental breakfasts on Thursday and Friday, refreshments during scheduled breaks, and a complimentary 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 3 – MARCH 13) \$550 (MARCH 14 – APRIL 10) \$575 (APRIL 11 – MAY 1)	\$625
One Day Conference Admission	\$315	\$365
First Time Attendee	\$400	\$450
Speaker/Academic/Government Attendee	\$325	\$375
Law Student Attendee	\$25	\$75
First Time Attendee of a Minority Bar Association	No Charge	No Charge
Pre-Conference CLE	\$25 – Pre-registration Required	No on-site registration

AS ALWAYS, CHILDREN UNDER 12 ARE FREE TO ATTEND ANY EVENTS RELATED TO THE NATIONAL CLE CONFERENCE.

### Registering Online

Register online at [ambar.org/rptenationalcle](http://ambar.org/rptenationalcle). Online registration closes Friday, May 1, 2020. In order to register 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 10<sup>th</sup> and will be announced no later than April 17, 2020. Complete the application here: [https://americanbar.qualtrics.com/jfe/form/SV\\_0NcMmErYptB04YZ](https://americanbar.qualtrics.com/jfe/form/SV_0NcMmErYptB04YZ)

On-site registration will take place at the Sheraton New Orleans during the following hours:

Wednesday, May 13	<b>1:30 – 5 PM</b>
Thursday, May 14	<b>7 AM – 4:30 PM</b>
Friday, May 15	<b>7 AM – 3:45 PM</b>

Please note that if you are registering onsite, your registration fee will include an additional \$50 onsite fee as reflected above.

For more information regarding registration, please contact Frankie Angelone at 312-988-5346 or [Frankie.Angelone@americanbar.org](mailto:Frankie.Angelone@americanbar.org).

## GENERAL INFORMATION

### TICKETED EVENTS

THURSDAY, MAY 14:

\$30 - Group Box Lunches

\$50 - Conference Reception (\$100 - guest ticket to reception)

FRIDAY, MAY 15:

\$50 - Real Property Division Lunch and CLE Presentation

\$50 - Trust & Estate Division Lunch and CLE Presentation

### Cancellation Policy

Requests for refunds must be made in writing and emailed to Frankie Angelone at [Frankie.Angeone@americanbar.org](mailto:Frankie.Angeone@americanbar.org) by April 14, 2020. A \$75 administrative fee will be deducted from the refund. The Section will gladly accept substitute registrants for cancellations received after April 14, 2020; however, refunds will not be given after that date.

### 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, access to the mobile app, and additional meeting information by email approximately one week 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 conference meetings will take place at the Sheraton New Orleans (500 Canal Street, New Orleans, LA 70130). A block of sleeping rooms has been reserved at the hotel from Wednesday, May 13, 2020, through Sunday, May 17, 2020, at a group rate of \$245 per night for a single or double room (plus taxes).

The group rates are guaranteed until the block is full or until 5 PM CST, Tuesday, April 14, 2020. Reservations received after 5 PM CST on April 14 will be based on availability. If you would like to make a reservation before or after the blocked dates, please call (504) 525-2500.

### To Book Online

Visit: <https://book.passkey.com/e/50054982>

### To Call In

Please call the hotel reservations at (504) 525-2500. When speaking to the agent, please reference "RPTE National CLE Conference" to make a reservation in the block.

### Travel Discounts Information

Discounted fares and car rentals can be found at [https://www.americanbar.org/membership/aba\\_advantage\\_discounts/](https://www.americanbar.org/membership/aba_advantage_discounts/).

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](mailto:travel.services@americanbar.org). Discounted car rentals are offered through Hertz, Dollar and Thrifty.

### 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 [Ambar.org/rptenationalcle](http://Ambar.org/rptenationalcle) or contact Frankie Angelone at [Frankie.Angelone@americanbar.org](mailto:Frankie.Angelone@americanbar.org) or 312-988-5346.

### Conference Attire

Business casual is recommended for conference attendees.

# New Orleans

## SPONSORS

The Section acknowledges the generous support of the following sponsors for their involvement in this year's National CLE Conference:

### GOLD

### SILVER

### BRONZE

### LAW FIRMS

### IN-KIND SPONSOR

#### **MEET OUR CONFERENCE SPONSORS**

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