

THURSDAY, SEPTEMBER 7, 2017

8:30am - 10:00am Registration

10:00am Welcome

10:15am - 11:45am Breakout Sessions

Session A1 - Fundamentals Track
**FINANCIAL DURABLE POWERS OF ATTORNEY AND
 ADVANCE HEALTH CARE DIRECTIVES**

Liza Hanks, Esq. | GCA Law Partners LLP

Barbara Small, Esq. | GCA Law Partners LLP

Tish Loeb, Esq. | GCA Law Partners LLP

Durable Powers of Attorney and Advance Health Care Directives are essential parts of every estate plan, but are not often the stars of the show, getting scant attention from lawyers who are focused on drafting living trusts and wills. And that's unfortunate, because it is often the case that these relatively straight-forward documents prove to be the most valuable ones in a crisis. In this presentation, we will take a look at the statutory basis for each document, the drafting choices that attorneys make in creating them and share some real-life stories about what does, and doesn't, work when we try to help clients plan for incapacity or the unexpected. Because it is a fundamental course, all questions are welcome and there will be time for a collective discussion.

Session A2

**CLEAR, COORDINATED, CREATIVE: WHAT EVERY ESTATE
 PLANNING ADVISOR SHOULD KNOW ABOUT PRACTICAL
 LIFE INSURANCE POLICY DESIGN AND MAINTENANCE**

Gregory W. Holmgren, CLU, ChFC | New York Life

Life insurance can be an important element of a well-designed estate plan, but life insurance policies are not one-size-fits all. Designing the proper life insurance solution requires considering client objectives and shaping the policy to enhance the overall plan. This session will explain the differences between types of policies an Advisor will encounter focusing on how client objectives impact policy design and selection; best practices for monitoring and maintaining existing policies to make sure they function as intended; and consider creative policy design that can enhance the plan results.

Session A3

**NEW TAX LEGISLATION: REALITY OR MERELY A FIGMENT
 OF SOMEONE'S IMAGINATION**

Michael J. Jones, CPA | Thompson Jones LLP

Tax reform (Federal and California) remains a topic of much conversation and speculation but will require more consensus than has been evident recently. In this session, Michael Jones, CPA, will discuss various proposals for income, gift and estate tax modification (and, of course, if any major tax legislation is on the President's desk (or passed) by the time of the Symposium, Michael will provide a summary of that legislation).

Session A4

EVOLVING USES OF FLPs IN TIMES OF CHANGE

Paul S. Lee, Esq. | Northern Trust

Family limited partnerships are the only planning tool that can transform its uses and applications regardless of the form that "tax reform" will take. This presentation will discuss how partnerships (and disregarded entities) can be used to (i) create, shift, change, and concentrate tax basis where it can be of most benefit; (ii) maximize the "step-up" in basis, if there is one; (iii) defer and shift tax items; (iv) diversify concentrated stock positions with little or no tax; and (v) dispose of those pesky installment notes sitting in the grantor's estate.

Bootcamp I**REAL ESTATE TRANSFER DOCUMENTS**Discussion Leader: **Brian L. Shetler, Esq.** | Berliner Cohen

This will be a forms-driven discussion of transfers (a) in and out of trusts, (b) in and out of partnerships and limited liability companies, and (c) as gifts directly to children or grandchildren, including documentary transfer tax statements and forms for Prop 58, PCOR, SBOE 100-B and other informational filings.

12:00pm – 1:00pm Lunch

1:15pm – 2:45pm Breakout Sessions

Session B1 – Fundamentals Track**ABCs OF CHARITABLE PLANNING: AN INTRODUCTION TO ACHIEVING CLIENTS' PERSONAL AND PHILANTHROPIC GOALS**

Anne LeClair, Esq. | Santa Clara University, Office of Planned Giving

Megan Mills, Esq. | Santa Clara University, Office of Planned Giving

This session will introduce a variety of charitable planning tools and techniques, such as bequests, beneficiary designations, charitable gift annuities, charitable trusts, gifts of life insurance and gifts of real estate. We will explore at a high level the ways that individuals and charities can benefit from charitable planning, including tax avoidance and tax deductions, the creation of new income streams, and providing for loved ones.

Session B2**QSBS – NOT JUST ANOTHER ACRONYM: THE BENEFITS AND PLANNING OPPORTUNITIES WITH QUALIFIED SMALL BUSINESS STOCK**

Benetta P. Jenson, Esq. | J. P. Morgan Private Bank

Stuart J. Kohn, Esq. | Levenfeld Pearlstein, LLC

Section 1202 of the Internal Revenue Code offers investors in C corporations significant tax benefits through the Qualified Small Business Stock ("QSBS") exclusion. However, planners and their clients often are unaware not only of the existence of the QSBS exclusion, but also the planning opportunities available to maximize the use of the QSBS exclusion. This panel will provide an overview of the QSBS rules and explore the myriad of planning opportunities available, as well as common pitfalls, with respect to the Section 1202 exclusion. The panel will address the nuances of the exclusion through the use of examples and case studies throughout the presentation.

Session B3**IT'S A GREAT PLAN (FOR MY PARENTS), BUT HOW DOES THE "CRUMMEY" AND "DEFECTIVE" PLAN WORK FOR ME?**

Justin T. Miller, J.D., LL.M., TEP, AEP®, CFP® |

National Wealth Strategist, BNY Mellon

Often parents set up an estate plan with lots of bells and whistles, and then ask their advisors to describe the plan to the children at a family meeting. Not only do advisors need to prepare the money for the family, but they also should help prepare the family for the money. This presentation will address how advisors can communicate the ultimate impact of the plan on the kids in a manner that is easy to understand, including the difference between income and distributions, the difference between discretionary and ascertainable standards, the tax consequences of various trusts, family limited partnerships, family LLCs, and charitable structures, and the best process for healthy family governance.

Session B4**TAX PLANNING CONSIDERATIONS FOR NON-U.S. PERSONS WITH U.S. ASSETS**

Diana M. Hastings, Esq. | Withers LLP

Wenli Wang, CPA | Moss Adams

In this presentation, the speakers will discuss US and California income taxation of non-resident aliens of the US, including those deemed to be "residents" of California, as well as estate, gift and generation skipping transfer tax planning strategies to use with passive US investments of non-resident aliens. Potential income tax implications of such gifts and bequests to US beneficiaries will be discussed.

Bootcamp II

BENEFICIARY DESIGNATION FORMS

Discussion Leader: Michael J. Jones, CPA | Thompson Jones LLP
 Tax reform (Federal and California) remains a topic of much conversation and speculation but will require more consensus than has been evident recently. In this session, Michael Jones, CPA, will discuss various proposals for income, gift and estate modification (and, of course, if any major tax legislation is on the President's desk by then, he will provide a summary of that legislation).

3:00pm - 4:30pm

First General Session

CURRENT CALIFORNIA DEVELOPMENTS IN ESTATE PLANNING AND ADMINISTRATION

Robert E. Temmerman, Jr., Esq. | Temmerman, Cilley & Kohlmann, LLP
 Patrick A. Kohlmann, Esq. | Temmerman, Cilley & Kohlmann, LLP
 Robert E. Temmerman, Jr. and Patrick A. Kohlmann will discuss new developments in California case law and legislation that impact your estate planning and administration practice. Case law developments include conservatee rights, trustee duties, attorney liability, and creditor's rights; legislative developments include litigation procedures, and modification or termination of trusts.

4:30pm - 6:00pm

**First Day Program Round Up & Program Highlights
 Networking Reception w/Exhibitors**

FRIDAY, SEPTEMBER 8, 2017

7:00am - 8:20am

Registration

8:20 am

Welcome

8:30am - 10:00am

Breakout Sessions

Session C1 - Fundamentals Track

ASSIGNMENTS, DEEDS AND OTHER TRANSFER DOCUMENTS

Brian L. Shetler, Esq. | Berliner Cohen
 This presentation will cover the basic legal considerations involved in the transfer of assets and the forms accomplish them. The talk will cover transfers of real property, businesses, accounts, tangible personal property, and beneficial ownership. Included in the discussion will be the basic tax considerations driving the forms and the disclosures involved in many of the transfers.

Session C2

TRUMPING TAXES: ELEVATED PLANNING IN EVOLUTIONARY ENVIRONMENTS

Julie Miraglia Kwon, Esq. | McDermott Will & Emery
 Carlyn S. McCaffrey, Esq. | McDermott Will & Emery
 Our speakers will discuss the planning implications of existing tax proposals we consider most likely or feasible to be adopted and any tax reform changes enacted prior to our program, the priority and effectiveness of estate planning techniques in an environment of legislative and regulatory uncertainty, and increasing importance of non-tax planning issues unaffected by changes in federal tax law. Our speakers will be prepared to address any late-breaking tax law developments affecting the drafting and administration of estate plans.

Session C3
**DISPUTE RESOLUTION, COMMUNICATION,
 MEDIATION, LITIGATION**

Lisa Kloppenberg, Dean and Professor of Law | Santa Clara Law
 With Special Introduction by Philip J. Hayes, Esq. | Bessemer Trust
 Kristofer W. Biorn, Esq. | Crist, Biorn, Shepherd & Roskoph
 Steven P. Braccini, Esq. | Hopkins & Carley, A Law Corporation
 Bryan D. Kirk, Esq. | Fiduciary Trust International of California
 The panel, which is comprised of two trust and estate litigators, an attorney with a corporate trustee, and the Santa Clara University Law School Dean, will review case studies (partially taken from real cases) on: (1) techniques for better communication to try to nip the controversy in the bud; (2) current mediation trends; and (3) what to expect in litigation (if neither better communication nor mediation resolve the matter). The attorneys will represent three different hypothetical clients -- the parties to the controversy. While the clients will start out worlds apart in a hotly contested matter, the session is intended to be collaborative in nature (not a mock trial); rather, each side will fairly and candidly discuss the strengths and weaknesses of his case. The audience is not required to have any litigation experience (but presumably will have some familiarity with controversies in estate planning and trust administration). Among other things, the panel will point out early signs of potential trouble, suggest when a litigator might be called in, and identify matters that may lend themselves to resolution by mediation rather than litigation.

Session C4
**CHOOSING THE RIGHT CHARITABLE VEHICLE:
 A GUIDE TO DAFs, PFs, AND SOs**

Barbara A. Murphy, Esq. | Farella Braun + Martel LLP
 "The right charitable vehicle for a donor's philanthropy depends on their goals, needs, and objectives. Each charitable vehicle offers different advantages and should be carefully selected to correctly support a donor and his/her philanthropy."

Session C5
NAVIGATING THE UNCERTAIN WATERS OF PROPOSITION 13

Bradley R. Marsh, Esq. | Greenberg Traurig
 California property taxation is unique among the states. This provides both a series of potential pitfalls and the ability to take advantage of great planning opportunities. This presentation will discuss the largest pitfalls, how to avoid them, and how to fix (some) of them if there was a mistake. The discussion will include issues related to legal entity planning, parent child exclusions, non-pro-rata trust distributions, and step transaction issues.

10:15am - 11:45am	Second General Session FEDERAL TAX UPDATE (AND MORE) Samuel A. Donaldson, Professor of Law Georgia State University Stay up to date with this informative and entertaining recap of the big cases, rulings, regulations, and legislation from the past 12 months in the federal income, estate, and gift tax arenas.
11:45am - 12:45pm	Q & A Session with Patricia A. Cain, Samuel A. Donaldson, Carlyn S. McCaffrey, and John W. Prokey
12:45pm	Symposium Closing Comments
1:00pm	Lunch on Your Own
2:00pm - 3:00pm	BONUS CREDITS **NEW THIS YEAR!!!**

Session D1
ETHICS

Alison P. Buchanan, Esq. | Hoge Fenton Jones & Appel, Inc.
 With a long "tail" and potential exposure that is not always commensurate with the amount of work performed, estate planners face unique ethics issues that can be challenging to navigate. Recently, estate planning has received increased attention in terms of risk management and malpractice liability. Competence and conflicts remain among the most common ethics issues, but there has also been a noticeable increase in third-party claims. Our program will explore these issues and provide practical tips for managing risk.

Session D2

COMPETENCE

Cynthia Chandler, Esq. | Bay Area Legal Incubator (BALI)

Why reducing stress and burnout is so important. Examples and real life stories of how to find balance between a busy legal career and a personal life, including a family life.

Session D3

STARTING YOUR ESTATE PLANNING PRACTICE

Christina M. Kouvaris, Esq. | Law Offices of Christina M. Kouvaris Inc.

Camelia Mahmoudi, Esq. | Law Office of Camelia Mahmoudi

This program will provide attorneys with the basic information needed to consider if they should start their own estate planning practice, whether the attorney is a new graduate or an associate at a firm. The topics will include business planning, insurance, office location, hiring staff, networking, marketing, billing, and office technology. The panelists will also take questions from participants.

3:00pm – 4:00pm

BONUS CREDITS

Session E1

ELIMINATION OF BIAS

Gretchen E. Birkheimer, Esq. | Pierce & Shearer LLP

Everyone's a little bit biased sometimes. "Not me," you say? Well, what you can't admit might be hurting you, not to mention your employees, colleagues, clients, and your bottom line. The truth is, every one of us has a mental map of unconscious bias that governs our employment practices, our professional relationships, and how we interact with customers and potential customers, and it makes good business sense to investigate and mitigate our biases. We will discuss why unconscious bias matters and address how to recognize our own unconscious biases as employers and professionals, the steps we can take to mitigate those biases, and the risks of pretending everything is fine.

Session E2

CLOSING YOUR ESTATE PLANNING PRACTICE

Lynn Stutz, Esq. | Ropers Majeski Kohn Bentley

Whether you are retiring, merging or "just closing shop", closing your Estate Planning Practice requires a well-thought-out plan. This session will cover your options looking closely at each and offering insight as to what may be the best one for you.
