Featuring: Concerns that will always arise, even for families with a net worth below $10,000,000

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Fortieth Annual

NOTRE DAME
TAX & ESTATE PLANNING INSTITUTE

Notre Dame® Tax & Estate Planning Institute

UNIVERSITY OF NOTRE DAME

Century Center
South Bend, Indiana
November 13-14, 2014

Fortieth Annual Notre Dame® Tax and Estate Planning Institute

Total for Thursday and Friday: *17 hours (including 2 hours of ethics*), depending on the accrediting body*

WEDNESDAY, NOVEMBER 12, 2014

3:30 p.m. - 5:30 p.m. **Wednesday Afternoon Informal Bonus *(No Credits)*: Running the Numbers for Commonly-Used Estate Planning Techniques and Products: How to Evaluate if They are Financially Viable .... Recital Hall**
Kenneth Crotty; Christopher Denicolo; Alan Gassman, Clearwater, Florida

THURSDAY, NOVEMBER 13, 2014

8 hours
1 hour ethics

8:00 a.m. **Welcoming Ceremonies.. Hall A**
Nell Jessup Newton, Joseph A. Matson Dean and Professor of Law, Notre Dame, Indiana
Jerome M. Hesch, Miami, Florida

8:10 a.m. – *Session 1 (60 mins)*
NIIT Picking: Trusts, Retirement Benefits and the 3.8% Surcharge.......................... Hall A
Natalie B. Choate, Boston, Massachusetts

A *Choose from the following sessions which are scheduled to run concurrently* B

9:10 a.m. – *Session 2A (60 mins)* ethics*
Asset Protection Due Diligence: What Lawyers Must do to Protect Themselves
Jeff Verdon, Newport Beach, California

10:10 a.m. – *Break*

10:25 a.m. – *Session 3A (60 mins)*
The IRS's Recent Attacks on Private Annuities, SCINs and Installment Sales to Grantor Trusts: How to Properly Structure these Techniques
Jonathan G. Blattmachr, New York, New York

11:25 a.m. – *Session 4A (60 mins)*
Changing the Unchangeable? Modifying Irrevocable Trusts by Reformation, Construction, Decanting or Early Termination
Diana S.C. Zeydel, Miami, Florida

9:10 a.m. – *Session 2B (60 mins)* ethics*
The New Circular 230 Guidelines: Ethical Guidelines and How to Minimize Potential Professional Liability
Howard Fisher, Beverly Hills, California
Alexander Fisher, Beverly Hills, California

10:10 a.m. – *Break*

10:25 a.m. – *Session 3B (60 mins)*
Evaluating Captive Insurance Proposals: Business Uses, Pressure Points and IRS Hot Spots
Chaz Lavelle, Louisville, Kentucky

11:25 a.m. – *Session 4B (60 mins)*
Planning for Art as Unique Assets: Key Issues for Collectors, Their Heirs, and Advisors
Richard Horwood, Chicago, Illinois

12:25 p.m. **Luncheon - No Speaker .... Great Hall**

A *Choose from the following sessions which are scheduled to run concurrently* B

1:45 p.m. – *Session 5A (60 mins)*
Evaluating the Different Forms of Life Insurance Policies and Complexities in How They are Valued
Don Jansen, Austin, Texas

2:45 p.m. – *Session 6A (60 mins)*
The Ascendancy of Income Tax Planning Using Estate Planning Techniques
Neill McBryde, Charlotte, North Carolina

3:45 p.m. – *Break*

4:00 p.m. – *Session 7A (60 mins)*
"Blinking Trusts:" When Grantor Trusts Become Complex Trusts or Complex Trusts Become Grantor Trusts: The Income Tax Conundrum
Laura Peebles, Washington D.C.

5:00 p.m. – *Session 8A (60 mins)*
Evaluating Mistakes and Risks with Commonly Used Planning Techniques
David Handler, Chicago, Illinois
Professor David Herzig, Valparaiso, Indiana

1:45 p.m. – *Session 5B (60 mins)*
Maintaining and Obtaining Income Tax Basis Using Illustrative Examples: Part 1
Turney Berry, Louisville, Kentucky
Paul Lee, New York, New York

2:45 p.m. – *Session 6B (60 mins)*
Maintaining and Obtaining Income Tax Basis Using Illustrative Examples: Part 2
Turney Berry, Lousiville, Kentucky
Paul Lee, New York, New York

3:45 p.m. – *Break*

4:00 p.m. – *Session 7B (60 mins)*
Reproductive Rights of Parents, Genetic Material and Inheritance Rights for Posthumously Conceived Children
Joan Burda, Lakewood, Ohio

5:00 p.m. – *Session 8B (60 mins)*
Section 1411: The Net Investment Income Tax as Applied to Trusts and Estates
David Kirk, Washington D.C.

FRIDAY, NOVEMBER 14, 2014

9 hours
1 hour ethics

8:00 a.m. – *Session 9 (60 mins)*
Current Developments of Importance to Estate Planners.. Hall A
Professor Jeffrey Pennell, Atlanta, Georgia

A *Choose from the following sessions which are scheduled to run concurrently* B

9:00 a.m. – *Session 10A (60 mins)*
Third-Party Trusts in a Divorce: Is a Beneficiary's Interest Marital Property?
Professor Jeffrey Pennell, Atlanta, Georgia

10:00 a.m. – *Break*

10:15 a.m. – *Session 11A (60 mins)*ethics*
Scams that Target the Elderly; Exploitation of Seniors by Family Members; How Predators Target Homes of Seniors
Michael Kirtland, Colorado Springs, Colorado
Catherine Seal, Colordao Springs, Colorado

11:15 a.m. – *Session 12A (60 mins)*
Evaluating Portability, Portability Problems, and the Post-ATRA Planning Paradigm
Mickey Davis, Houston, Texas
Mellisa Willms, Houston, Texas

9:00 a.m. – *Session 10B (60 mins)*
Evaluating Commercial Annuities and Reverse Mortgages: Are Deferred Payment Annuities too Good to be True?
Alan Gassman, Clearwater, Florida

10:00 a.m. – *Break*

10:15 a.m. – *Session 11B (60 mins)*ethics*
Fiduciary Duties and Ethical Challenges for Trustees: An Evolving Landscape
Kim Kamin, Chicago, Illinois

11:15 a.m. – *Session 12B (60 mins)*
Maximizing the Chances Your Donor's Charitable Intentions are Followed: Creating Charitable Legacies that are Workable, Sustainable and Sensible
Sanford Schlesinger, New York, New York

12:15 p.m. Luncheon – *Session 13 (60 mins)*
Looking Over the Past 30 Years: Trends that are Changing.. Great Hall
Christine Albright, Chicago, Illinois

A *Choose from the following sessions which are scheduled to run concurrently* B

1:15 p.m. – *Session 14A (60 mins)*
Powers of Appointment Under the New Uniform Powers of Appointment Act: Planning and Drafting Considerations
Professor Ira Bloom, Albany, New York

2:15 p.m. – *Session 15A (60 mins)*
Drafting for Flexibility, Especially if Estate Taxes are No Longer a Concern
Professor William LaPiana, New York, New York

3:15 p.m. – Break

3:30 p.m. – *Session 16A (60 mins)*
Saving for Education: Creating Educational Dynasty Trusts Using 529 Plans
Susan Bart, Chicago, Illinois

4:30 p.m. – *Session 17A (60 mins)*
Fiduciary Income Taxation: Current Critical Issues and Strategies
Robert Keebler, Green Bay, Wisconsin

1:15 p.m. – *Session 14B (60 mins)*
What Every Estate Planner Needs to Know About Cancellation of Indebtedness, Loan Modifications, Foreclosures and Converting Debt into Equity: Part 1
Professor Douglas Kahn, Ann Arbor, Michigan
Professor Jeffrey Kahn, Tallahassee, Florida

2:15 p.m. – *Session 15B (60 mins)*
What Every Estate Planner Needs to Know About Cancellation of Indebtedness, Loan Modifications, Foreclosures and Converting Debt into Equity: Part 2
Professor Doug Kahn, Ann Arbor, Michigan
Professor Jeff Kahn, Tallahassee, Florida

3:15 p.m. – Break

3:30 p.m. – *Session 16B (60 mins)*
Benefit of the Beneficiary: How Trustees Must Serve Their Beneficiaries
Professor Lee-Ford Tritt, Gainesville, Florida

4:30 p.m. – *Session 17B (60 mins)*
Reinvent Yourselves and Staying "Linked" to Your Clients Using Social Media
Henry Lee, Royal Oak, Michigan

5:30 p.m. **Adjournment**

Thursday Night Reception

Thursday, November 13, 2014
6:15 pm - 7:30 pm *—hosted by Stout Risius Ross, Inc.*

Program will be modified to fully reflect any legislative developments affecting the estate tax.

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INTRODUCTION

The 40th Annual Institute will present topics relevant for all individuals, even those not exposed to the estate tax because of the high exemptions. Several sessions are designed to evaluate financial products and planning techniques so that one can better understand and evaluate these products and proposals in determining not only the tax and financial advantages they offer, but also their limitations. In addition, the Institute offers topics not found in most estate planning CE programs such as protecting the elderly from scams and exploitation. As part of the objective of refreshing areas that can expand one's practice, a session will review the income tax consequences of debt cancellation, foreclosures, and debt restructuring. Recognizing the importance of the income tax, the Institute will continue to devote sessions to income tax planning techniques clients can use immediately.

FACULTY

Christine L. Albright: Holland & Knight, Chicago, IL; ACTEC Fellow

Susan Bart: Sidley Austin, LLP, Chicago, IL; ACTEC Fellow

Turney Berry: Wyatt, Tarrabt & Combs, LLP, Louisville, KY; ACTEC Fellow; Adjunct Professor of Law

Jonathan Blattmachr: Pioneer Wealth Partners, Alaska Trust Co., New York, NY; ACTEC Fellow, Elected to NAEPC Estate Planning Hall of Fame

Ira Bloom: Professor of Law Albany Law School, Albany, NY; ACTEC Fellow

Joan M. Burda: Attorney at Law, Lakewood, OH

Natalie Choate: Nutter, McCleannen & Fish, LLP, Boston, MA; ACTEC Fellow

Gregory Crawford: Alliance Trust Company, Reno, NV

Jennifer A. Davis: Cook Islands Financial Services; Development Authority, Raratonga, Cook Islands

Mickey R. Davis: Davis & Willms, PLLC, Houston, TX; ACTEC Fellow

Howard S. Fisher: Law Offices of Howard S. Fisher, Beverly Hills, CA

Alan S. Gassman: Gassman Law Associates, PA, Clearwater, FL

David Handler: Kirkland & Ellis, Chicago, IL; ACTEC Fellow; Elected to NAEPC Estate Planning Hall of Fame

David Herzig: Professor of Law, Valparaiso University, Valparaiso, IN; Visiting Professor, University of Louisville

Jerome M. Hesch: Berger Singerman LLP, Miami, FL; Adjunct Professor; Elected to NAEPC Estate Planning Hall of Fame; ACTEC and ACTC Fellow

Richard M. Horwood: Horwood, Marcus & Berk, Chartered, Chicago, IL; ACTEC Fellow

Donald Jansen: Senior Tax Counsel, University of Texas, Austin, TX; ACTEC and ACTC Fellow

Christopher Jones: Moore & Van Allen, Charlotte, NC; ACTEC Fellow

Douglas Kahn: Professor of Law, University of Michigan, Ann Arbor, MI

Jeffrey Kahn: Professor of Law, Florida State University, Tallahassee, FL

Kim Kamin: Gresham Partners, LLC, Chicago, IL; ACTEC Fellow; Adjunct Professor of Law

Robert Keebler: Keebler & Associates, CPAs, Green Bay, WI

David Kirk: Ernst & Young, LLP, Washington, DC; Drafter of the §1411 Regulations

Michael A. Kirtland: Kirtland & Seal, LLC, Colorado Springs, CO

William P. LaPiana: Professor of Law, New York Law School, New York, NY; ACTEC Fellow

Charles J. Lavelle: Bingham Greenbaum Doll, LLP, Louisville, KY

Henry P. Lee: Howard & Howard, PC, Royal Oak, MI

Paul Lee: Alliance Bernstein Global Wealth Management, New York, NY

Neill G. McBryde: Moore & Van Allen, Charlotte, NC; ACTEC Fellow

Laura H. Peebles: Deloitte Tax LLP, Washington, DC

Jeffrey Pennell: Professor of Law, Emory University, Atlanta, GA; ACTEC Fellow; Associate Reporter, Restatement of Trusts, 3d.

Sean Reeves: Southpac Trust International, Inc., Cook Islands

Neal Rubin: City National Rochdale Investment Management, New York, NY

Jack Sawyer: Alston & Bird, LLP, Atlanta, GA; ACTEC Fellow

Sanford J. Schlesinger: Schlesinger Gannon & Lazetera, LLP, New York, NY; Director, NYU Institute on Federal Taxation

Catherine Seal: Kirtland & Seal, LLC, Colorado Springs, CO

Lee-Ford Tritt: Professor of Law, University of Florida, Gainesville, FL; ACTEC Fellow

Jeffrey M. Verdon: Jeffrey M. Verdon Law Group, LLP, Newport Beach, CA

Aen Webster: Buchanan, Ingersoll & Rooney, PC, Washington, DC

Melissa Willms: Davis & Willms, PLLC, Houston, TX; ACTEC Fellow

Diana S.C. Zeydel: Greenberg Traurig, P.A., Miami, FL; ACTEC Fellow

PROGRAM LOCATION

The Institute will be held November 13-14, 2014, at South Bend's Century Center on the banks of the St. Joseph River in downtown South Bend, Indiana, at 120 South St. Joseph Street.

South Bend uses Eastern Time (same as New York City)

Continuing Education Certification

For those attendees desiring certification of attendance at the program, the Institute will provide attendance logs and will issue certificates of attendance. The program will afford up to 17.00 actual hours of continuing education, including up to 2.00 hours of ethics. Each continuing education accrediting agency determines the number of continuing education hours (including ethics hours) it will accept for accreditation.

Registration

If you register online prior to the start of the Institute, the fee is $710.00. The fee for the Institute is $740.00 if you submit a paper application and pay in advance (refundable if written notice of cancellation is received not later than October 16, 2014, by the Notre Dame Conference Center, 115 McKenna Hall, Notre Dame, Indiana 46556), and $750.00 if paid at the time of the Institute. Single day registration is $430.00 (or $440.00 at the door.) The fee includes continental breakfasts, refreshments, luncheons, the reception following the program on Thursday and the lecture outlines. Questions? Telephone (574) 631-6691; FAX (574) 631-8083; email, dboulac@nd.edu.

Audio CDs and Lecture Outlines

Audio CDs and lecture outlines may be ordered for $740.00 by writing in advance to the Notre Dame Conference Center, 115 McKenna Hall, Notre Dame, Indiana 46556. Lecture outlines alone may be ordered for $135.00 (and will be filled at the conclusion of the program based on availability).

Confirmations

Confirmations will be emailed.

Lodging

Limited lodging is available at group rates. Contact the hotels directly and ask for the Institute's group block rate. For lodging assistance and alternatives, call 1-800-828-7881 (the Convention and Visitors Bureau). ***Note: Conference registration is required for hotel group rates.***

Downtown

Double Tree 574-234-2000
Residence Inn by Marriott 574-289-5555
The Oliver Inn 574-232-4545
Ask for the preferred rate of 15% off

University Mall (Mishawaka)

Country Inn & Suites 574-271-1700
Courtyard by Marriott 574-273-9900
Hyatt Place 574-258-7777
Spring Hill Suites by Marriott 574-271-0832
Varsity Club 800-946-4822

Suburban (North)

Comfort Suites 574-272-1500
Hampton Inn & Suites 574-277-9373
Hilton Garden Inn 574-232-7700
Inn at St. Mary's 800-947-8627
Ivy Court 574-277-6500
Quality Inn 574-277-3211
Suburban 574-968-4737
Waterford Estate Lodging 574-272-5220

Suburban (South)

Comfort Suites 574-291-3100

SAVE MONEY AND TIME, REGISTER ONLINE AT:

http://law.nd.edu/alumni/continuing-legal-education

REGISTRATION FORM

FORTIETH ANNUAL NOTRE DAME TAX & ESTATE PLANNING INSTITUTE

JEROME M. HESCH
Adjunct Professor of Law , University of Miami
School of Law, Graduate Program in Estate Planning
Of Counsel, Berger Singerman, LLP, Miami, Florida

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Thursday and Friday, November 13-14, 2014

We appreciate your interest in the Notre Dame program and wanted you to have this priority notice of the program for 2014. There are concurrent sessions. All sessions will be audio recorded and available for purchase.

PLEASE USE THIS PORTION TO ACCOMPLISH EARLY MAIL-IN REGISTRATION
YOU MUST PROVIDE COMPLETE INFORMATION FOR REGISTRATION TO BE PROCESSED
TO SAVE MONEY & TIME, REGISTER ONLINE INSTEAD AT http://law.nd.edu/alumni/continuing-legal-education

REGISTRATION FEE: ☐ Both Days $740.00 ($750 at door - $710 if you register online instead of using this form)

SINGLE DAY REGISTRATION: $430 ($440 at door) Indicate Date: ☐ Thurs. ☐ Fri.

MEDIA OPTIONS PLEASE SELECT ONE: ☐ Outline Book ☐ Flash Drive ☐ Text CD

☐ All Three Options (additional $60) ☐ Outline Book with Flash Drive (additional $50)

☐ Outline Book with Text CD (additional $50) ☐ Flash Drive with Text CD (additional $40)

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☐ Outline Book, Flash Drive, and Text CD ($190) ☐ Outline Book with Flash Drive ($180)

☐ Outline Book with Text CD ($180) ☐ Flash Drive with Text CD ($150)

MAKE CHECKS PAYABLE TO: UNIVERSITY OF NOTRE DAME. *Refundable in full if written notice is received on or before October 16, 2014*

Mail to: Notre Dame Conference Center, 115 McKenna Hall, Notre Dame, Indiana 46556 Please Include Me on Roster: ☐ Yes ☐ No

Name ____________________ Phone ____________

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Email ____________________ Number of Years Attending Conference (including this year) ______

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Accrediting Agency & State ____________________ Lic # ____________

Dietary Restrictions (please list, if any) ____________________

Wednesday, Nov. 12th

☐ 3:30 – 5:30 pm - Commonly-Used Estate Planning Techniques and Products - Crotty/Denicolo/Gassman - Please note, no CE available for this informal bonus session.

Concurrent Sessions -- Pre-registration required:
Thursday, Nov. 13th (indicate choice)

☐ 9:10–10:10 am - Asset Protection Due Diligence (2A) - Verdon
☐ 9:10–10:10 am - The New Circular 230 Guidelines (2B) - Fisher/Fisher

☐ 10:25–11:25 am - The IRS's Recent Attacks on Private Annuities, SCINs and Installment Sales to Grantor Trusts (3A) - Blattmachr
☐ 10:25–11:25 am - Evaluating Captive Insurance Proposals (3B) - Lavelle

☐ 11:25–12:25 pm - Changing the Unchangeable? (4A) - Zeydel
☐ 11:25–12:25 pm - Planning for Art as Unique Assets (4B) - Horwood

☐ 12:25-1:25 pm - Luncheon

☐ 1:45–2:45 pm - Evaluating the Different Forms of Life Insurance (5A) - Jansen
☐ 1:45–2:45 pm - Maintaining and Obtaining Income Tax Basis (5B) - Berry/Lee

☐ 2:45–3:45 pm - The Ascendancy of Income Tax Planning (6A) - McBryde
☐ 2:45–3:45 pm - Maintaining and Obtaining Income Tax Basis (6B) - Berry/Lee

☐ 4:00–5:00 pm - "Blinking Trusts" (7A) - Peebles
☐ 4:00–5:00 pm - Reproductive Rights of Parents (7B) - Burda

☐ 5:00–6:00 pm - Evaluating Mistakes and Risks with Commonly Used Planning Techniques (8A) - Handler/Herzig
☐ 5:00–6:00 pm - The Net Investment Income Tax (8B) - Kirk

Concurrent Sessions -- Pre-registration required:
Friday, Nov. 14th (indicate choice)

☐ 9:00–10:00 am - Third-Party Trusts in a Divorce (10A) - Pennell
☐ 9:00–10:00 am - Evaluating Commercial Annuities and Reverse Mortgages (10B) - Gassman

☐ 10:15–11:15 am - Scams that Target the Elderly (11A) - Kirtland/Seal
☐ 10:15–11:15 am - What it Means to be a Fiduciary (11B) - Kamin

☐ 11:15–12:15 pm - Evaluating Portability (12A) - Davis/Willms
☐ 11:15–12:15 pm - Maximizing the Chances Your Donor's Charitable Intentions are Followed (12B) - Schlesinger

☐ 12:15-1:15 pm - Luncheon: Looking Over the Past 30 Years (13) – Albright

☐ 1:15–2:15 pm - Powers of Appointment Under the new Uniform Powers of Appointment Act (14A) - Bloom
☐ 1:15–2:15 pm - What Every Estate Planner Needs to Know: Part 1 (14B) - Kahn/Kahn

☐ 2:15–3:15 pm - Drafting for Flexibility (15A) - LaPiana
☐ 2:15–3:15 pm - What Every Estate Planner Needs to Know: Part 2 (15B) - Kahn/Kahn

☐ 3:30–4:30 pm - Creating Educational Dynasty Trusts Using 529 Plans (16A) – Bart
☐ 3:30–4:30 pm - How Trustees Must Serve Their Beneficiaries (16B) - Tritt

☐ 4:30–5:30 pm - Fiduciary Income Taxation (17A) - Keebler
☐ 4:30–5:30 pm - Reinvent Yourselves and Staying "Linked" to Younger Clients (17B) - Lee

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