

The 22nd Annual Estate and Charitable Gift Planning Institute

NEW PARADIGMS IN ESTATE AND CHARITABLE PLANNING

September 16, 2014

Presented by
Ann B. Burns and Samuel A. Donaldson

The increase in federal estate and gift tax exclusion amounts and rising income tax rates have caused estate planners to rethink traditional strategies. The competing concerns of estate and gift taxation, basis step-up, income tax considerations, and asset protection now more than ever call for a team-based approach to estate planning. The presenters will explore traditional and new planning techniques for the small, medium, and large estate to address the new paradigm.

9:30 a.m. to 10:15 a.m. – Registration & Welcome

10:15 a.m. to 11:30 a.m. - Ethics Session

Ann Burns

Representing Families and Fiduciaries

The new planning paradigm requires advisors and fiduciaries to consider the estate and income tax consequences of a particular strategy to the family as a whole. Ann will discuss ethical issues arising from the representation of multiple members of a family, fiduciaries who owe duties to diverse beneficiaries and charitable organizations. The ethics session will include a review of current case law regarding:

- Undue influence and lack of capacity
- Conflicts of interest of attorneys and the clients they represent
- Confidentiality and the client relationship
- *In terrorem* clauses
- Duties of loyalty and confidentiality

11:30 a.m. to 1:00 p.m. - Session I - Current Developments and Updates

Sam Donaldson

New Paradigms: Understanding What's New

Estate planning is constantly changing as income taxes increase, estate taxes are reduced, portability takes hold, and the economy recovers. Sam will help advisors understand what's new and how it impacts their clients.

- Estate, gift and income tax changes
- Charitable income tax deduction cases and rulings
- Trusts and the 3.8% surcharge
- Recent valuation cases
- Business planning update
- Planning after the over-turn of DOMA

1:00 p.m. to 1:45 p.m. – LUNCH

**1:45 p.m. to 4:00 p.m. – Session II - Where Do We Go From Here?
Ann Burns and Sam Donaldson**

Planning Strategies for the Small, Medium and Large Estate

Choosing the technique or strategies for each individual client requires a careful analysis of the estate, gift and income tax consequences to the client and the family as a whole. Asset protection, simplification, and controlling costs are also important considerations. Ann and Sam will discuss how to approach this analysis and explore examples of useful strategies in various circumstances.

- When is it wise to rely on portability?
- Maximizing basis step-up under section 1014.
- Impact of 3.8% surcharge on trusts.
- State death tax considerations in decoupled states.
- Partnerships and the section 754 election.
- GST planning and the lack of portability.
- Planning for future flexibility.

**4:00 p.m. to 4:30 p.m. – Session III - Wrap-up Discussion/Q&A
Ann Burns and Sam Donaldson**

4:30 p.m. – Conclusion & Certificate Pick-Up