NEW YORK STATE BAR ASSOCIATION

NYSBA CLE

Thursday, May 14, 2009
Syracuse

Wednesday, May 20, 2009
Albany

Wednesday, May 20, 2009
Melville, L.I.

Wednesday, May 27, 2009
Buffalo

Wednesday, June 3, 2009
Rochester

Tuesday, June 9, 2009
New York City

Friday, June 12, 2009
White Plains

7.5 MCLE Credits

INCLUDES 1.0 ethics credits

See inside for more details.

Everything You Wanted to Know About Estate Planning for the Middle Class Client

(But Were Afraid To Ask)

Including Coverage of New York's New Power of Attorney Statute and Form

Register Now!

Save Money, and Guarantee Your Seat at the Program!!!

Co-sponsored by the Trusts and Estates Law Section and the Committee on Continuing Legal Education of the New York State Bar Association

NYSBA

Program Description

While what qualifies as a "middle class family" may be a moving target in today's economy, such families quite often have substantial issues requiring careful and expert planning. This program will not emphasize tax issues, but rather will educate the attorney on the details of recognizing, addressing and solving some of the commonly arising non-tax situations and problems. For example, how do you coordinate planning for Medicaid and long term care insurance with the general estate plan? Or, what are the best ways to address subsequent marriages and "blended" families and "equalize" assets for all concerned? Or, how and when should you use revocable trusts in your estate plans?

Of special note is that the program will review the new Power of Attorney statute scheduled to go into effect in September that is drastically different than the current statute and form. Finally, the faculty at each session will discuss ethical issues of specific concern to trusts and estates practitioners.

Program Faculty

Overall Planning Chairs and Coordinators

Jennifer N. Weidner, Esq.
Harter Secrest & Emery LLP
Rochester
(Chair, CLE Committee, Trusts and Estates Law Section)

Frank W. Streng, Esq.
McCarthy Fingar LLP
White Plains
(Vice-Chair, CLE Committee, Trusts and Estates Law Section)

Local Panels

Syracuse Session: Martin A. Schwab, Esq., Bond, Schoeneck & King, PLLC, Syracuse (Chair and Moderator) * **Cora A. Alsante, Esq.**, Hancock & Estabrook, LLP, Syracuse * **Joseph A. Greenman, Esq.**, Bond, Schoeneck & King, PLLC, Syracuse * **Brian K. Haynes, Esq.**, Bond, Schoeneck & King, PLLC, Syracuse * **Virginia A. Hoveman, Esq.**, Green & Seifter, Attorneys, PLLC, Syracuse * **Ami S. Longstreet, Esq.**, Mackenzie Hughes LLP, Syracuse * **Carol Currie Olech, Esq.**, Delaney & O'Connor, LLP, Syracuse * **Ellen S. Weinstein, Esq.**, Chief Clerk, Onondaga County Surrogate's Court, Syracuse.

Albany Session: Thomas J. Collura, Esq., Tuczinski, Cavalier, Gilchrist & Collura, P.C., Albany (Chair, Moderator and Speaker) * **Carl T. Baker, Esq.**, Fitzgerald Morris Baker Firth PC, Glens Falls * **Richard D. Cirincione, Esq.**, McNamee, Lochner, Titus & Williams, P.C., Albany * **Bonnie McGuire Jones, Esq.**, Jones Wilcenski & Pleat PLLC, Clifton Park * **Deborah S. Kearns, Esq.**, Visiting Assistant Clinical Professor, Director, Taxpayer Clinic, Albany Law School, Albany * **Patricia J. Shevy, Esq.**, The Shevy Law Firm LLC, Albany.

Melville, L.I. Session: Stephen B. Hand, Esq., Jaspan Schlesinger Hoffman LLP, Garden City (Chair and Moderator) * (Full faculty to be announced.)

Buffalo Session: Lisa J. Allen, Esq., Harris Beach PLLC, Buffalo (Chair, Moderator and Speaker) * **Robert W. Constantine, Esq.**, First Vice President and Head of Regional Trust Administration, HSBC Private Bank, Buffalo * **Dale B. Demyanick, CPA**, Lumsden & McCormick, LLP, Buffalo * **Thomas F. Hewner, Esq.**, Cole, Sorrentino, Hurley, Hewner & Gambino P.C., Buffalo * **Edward C. Northwood, Esq.**, Attorney at Law, Buffalo * **Bruce D. Reinoso, Esq.**, Magavern Magavern Grimm LLP, Buffalo * **John C. Spitzmiller, Esq.**, Phillips Lytle LLP, Buffalo.

Rochester Session: Timothy Pellittiere, Esq., Woods Oviatt Gilman LLP, Rochester (Chair and Moderator) * **Rene H. Reixach, Jr., Esq.**, Woods Oviatt Gilman LLP, Rochester * **Miles P. Zatkowsky, Esq.**, Dutcher & Zatkowsky, Rochester (Additional speakers to be announced).

New York City Session: Jonathan J. Rikoon, Esq., Debevoise & Plimpton LLP, New York City (Chair and Moderator) * **David J. Bloom**, Regional Wealth Advisor, J. P. Morgan, New York City * **Ronni G. Davidowitz, Esq.**, Katten Muchin Rosenman LLP, New York * **Bernard A. Krooks, Esq.**, Littman Krooks LLP, New York City * **Michael S. Kutzin, Esq.**, Goldfarb Abrandt Salzman & Kutzin LLP, New York City * **Naftali T. Leshkowitz, Esq.**, Debevoise & Plimpton LLP, New York City * **Cristine M. Sapers, Esq.**, Debevoise & Plimpton LLP, New York City * **David J. Stoll, Esq.**, Kaye Scholer LLP, New York City * **Austin T. Wilkie, Esq.**, Holland & Knight LLP, New York City.

White Plains Session: Charles T. Scott, Esq., Chief Clerk, Westchester County Surrogate's Court, White Plains (Chair and Moderator) * **Gary E. Bashian, Esq.**, Bashian & Farber, LLP, White Plains * **Hon. Edward P. Borrelli**, Court Attorney/Referee, Supreme Court Westchester County, White Plains * **Arlene G. Dubin, Esq.**, Moses & Singer LLP, New York City * **Anthony J. Enea, Esq.**, Enea, Scanlan & Sirignano, LLP, White Plains * **Jeremy R. Feinberg, Esq.**, Statewide Special Counsel for Ethics, NYS Office of Court Administration, New York City * **Ira Langer, Esq.**, Danziger & Markhoff LLP, White Plains * **Michael Markhoff, Esq.**, Danziger & Markhoff LLP, White Plains * **Lisa Newfield, Esq.**, McCarthy Fingar LLP, White Plains * **Susan B. Slater-Jansen, Esq.**, Kurzman Eisenberg Corbin & Lever, LLP, White Plains.

Coursebook Authors (in alphabetical order)

Carl T. Baker, Esq., Fitzgerald Morris Baker Firth PC, Glens Falls * **Karin J. Barkhorn, Esq.**, Bryan Cave LLP, New York City * **Rose Mary K. Bailly, Esq.**, Executive Director, New York Law Revision Commission, Albany * **Willard H. DaSilva, Esq.**, DaSilva, Hilowitz & McEvily LLP, Garden City * **Salvatore M. DiCostanzo, Esq.**, Attorney at Law, Larchmont * **William R. Dunlop, Esq.**, Schnader Harrison Segal & Lewis LLP, New York City * **Jamie R. Dyce, Esq.**, Attorney at Law, New York City * **Anthony J. Enea, Esq.**, Enea, Scanlan & Sirignano, LLP, White Plains * **Barbara S. Hancock, Esq.**, Counsel, New York State Law Revision Commission, Albany * **Bernard A. Krooks, Esq.**, Littman Krooks LLP, New York City * **William P. LaPiana, Esq.**, Rita and Joseph Solomon Professor of Wills, Trusts, and Estates, New York Law School, New York City * **Michael E. O'Connor, Esq.**, DeLaney & O'Connor LLP, Syracuse * **David A. Pratt, Esq.**, Professor of Law, Albany Law School, Albany * **David C. Reid, Esq.**, Attorney at Law, Rochester * **Bruce D. Reinoso, Esq.**, Magavern Magavern Grimm LLP, Buffalo * **Sanford J. Schlesinger, Esq.**, Schlesinger Gannon & Lazetera LLP, New York City * **Frank W. Streng, Esq.**, McCarthy Fingar LLP, White Plains * **Edward V. Wilcenski, Esq.**, Jones Wilcenski & Pleat PLLC, Clifton Park.

7.5 TOTAL CREDITS

5.0 credit hours of practice management and/or professional practice;
1.5 credit hours in skills; 1.0 credit hours in ethics

This **basic-to-intermediate-level** course may be used for New York MCLE credit by all attorneys, including those who are newly admitted (less than 24 months).

This program has been approved for MCLE credit by the **State Bar of California** in the amount of **6.0** hours, of which **1.0** will apply to ethics; and by the **Pennsylvania Continuing Legal Education Board** for **5.0** credit hours of substantive law and **1.0** credit hours in ethics. All inquiries regarding MCLE credits may be directed to **(518) 487-5606**.

The New York State Bar Association's Committee on Continuing Legal Education has been certified by the New York State Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York.

IMPORTANT NOTICE: PARTIAL CREDIT FOR PROGRAM SEGMENTS NOT ALLOWED. Under the New York State Continuing Legal Education Board Regulations and Guidelines, attendees at CLE programs cannot receive MCLE credit for a program segment unless they are present for the entire segment. Persons who arrive late, depart early, or are absent for any portion of the segment will not receive credit for that segment.

Agenda

8:30-9:00 a.m. **REGISTRATION (outside meeting room)**

9:00-9:45 **I. DEALING WITH SECOND OR TROUBLED MARRIAGES**

* Pre-marital agreements * Spousal right of election * Structuring assets and plan to discourage election * Discouraging children of first marriage from influencing later changes * Equalizing assets between spouse and children from prior marriages with probate and non-probate property * Joint Representation Issues (Ethical)

9:45-10:30 **II. TAXES IN A NUTSHELL**

* Overview on New York and Federal Estate Tax * New York Estate Tax Planning *Applicable Exemption Planning * Drafting of the disclaimer will for flexibility * Income Tax Considerations (Tax Basis)

10:30-10:45 **Coffee Break**

10:45-11:45 **III. MEDICAID AND LONG-TERM PLANNING**

* Gifting strategies for Medicaid *Current issues affecting Medicaid qualification * Gifts of real property with retained life use * Medicaid trusts (drafting issues) * Long-term care insurance * Use of long-term care insurance with gifting plan * Third party supplemental needs trust * SNT payback trusts

11:45-12:30 p.m. **IV. DRAFTING THE WILL**

* Providing testamentary life use to real property * Gifts to charity * Drafting for disposition of tangibles * Simultaneous death provision * Trusts or other provisions for minors or disabled in will * Choice (and replacement) of fiduciaries * Trusts for Surviving Spouses (Nontax planning)

12:30-1:45 **LUNCH (on your own)**

1:45-2:45 **V. IRAs and QUALIFIED PLANS—TAX AND NONTAX ISSUES**

* Choosing beneficiaries * Income and estate taxation * Infant beneficiaries * Using trusts as beneficiaries * Spousal Consent Issues * Qualified v. Nonqualified Plans

2:45-3:15 **VI. REVOCABLE TRUSTS**

* Advantages and Potential Disadvantages * Execution Requirements * Effective Transfers of Assets into Trusts * Income tax issues * Estate tax issues (disclaimer) * Consistent pour-over will

3:15-3:30 **Coffee/Soft Drink Break**

3:30-4:20 **VII. ETHICAL CONSIDERATIONS**

* New Canons of Ethics: An Intro * Conflict of Interests Rules * Letters of Engagement and Other Retainer Issues * Attorney-Fiduciary Issues * SCPA 2307a Disclosure Forms * Representing Clients on Power of Attorney Issues

4:20-5:00 **VIII. POWERS OF ATTORNEY**

* New Power of Attorney Statute * Springing Power of Attorneys * Alternatives for gift-giving authority * Best Interest of Principal and Matter of Ferrara

5:00 **ADJOURNMENT**

Information and Policies

Pre-registration Strongly Advised: You can save money and guarantee your seat and course materials by registering early. Registrations received or postmarked within 10 days of the event, or at the door, are subject to a higher registration fee. Seating is limited in all locations and registrations are taken on a first-come, first-served basis. If you plan to pre-register within 10 days of the program or to register at the door, please call the CLE Registrar's Office at **(800) 582-2452** to verify that the program is not sold out or that the date or location has not been changed. Pre-registrants are guaranteed a seat and set of course materials, and will automatically be notified if there are any such changes in the date or location of the program.

Cancellations are easy – full refunds are given: Your full registration fee will be refunded if you give us notice no later than the close of business (4:45 p.m. EST) on the day prior to the date of the program for which you registered. To cancel, write the CLE Registrar's Office at One Elk Street, Albany, New York 12207; or fax **(518) 487-5618**; or call **(800) 582-2452**. If you do not cancel and do not attend the program, a complete set of materials will be forwarded to you in consideration of the registration fee. Non-registrants may purchase program materials after the final program date.

MCLE Credit: This program is acceptable for MCLE credit in New York and many other MCLE jurisdictions. Please see inside of this brochure for details.

Discounts and Scholarships: NYSBA members may apply for a discount or scholarship to attend this program, based on financial hardship. Under that policy, any member of our Association who has a genuine financial hardship may apply in writing, not later than two working days prior to the program, explaining the basis of his/her hardship, and, if approved, may receive a discount or scholarship, depending on the circumstances. For more details, please contact our CLE Registrar's Office at **(800) 582-2452**.

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If you wish to join, please contact NYSBA Membership Services at **(518) 487-5577** and an application will be sent to you.

Tape Recording of NYSBA Seminars is not permitted.

Accommodations for Persons with Disabilities: We will make every reasonable effort to ensure that our programs are held in locations with barrier-free access for persons with mobility impairments. If you are planning to attend one of our programs and need assistance relating to some other type of disability, please contact us sufficiently in advance and let us know so that we can be prepared to make reasonable accommodations.

REGISTRATION FORM

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Please enroll me in "Everything You Wanted to Know About Estate Planning for the Middle Class Client"

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☐ **Rochester,** June 3, 2009 (09935) ☐ **New York City,** June 9, 2009 (09934) ☐ **White Plains,** June 12, 2009 (09937)

PROGRAM FEES

Early registrations, received or postmarked 10 days prior to the date of the registered session:

NYSBA members–$150 **non-members–$235** **NYSBA student members–$45**

Late registrations, received or postmarked thereafter, and on-site registrations:

NYSBA members–$165 **non-members–$250** **NYSBA student members–$60**

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One Elk Street, Albany, NY 12207

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Thursday
May 14, 2009
Syracuse

Sheraton Syracuse University Hotel and Conference Center
801 University Avenue
Syracuse, NY 13210-0801
(315) 475-3000

Wednesday
May 20, 2009
Albany

Albany Marriott
189 Wolf Road
Albany, NY 12205
(518) 458-8444

Wednesday
May 20, 2009
Melville, L.I.

Melville Marriott
1350 Old Walt Whitman Road
Melville, L.I., NY 11747
(631) 423-1600

Wednesday
May 27, 2009
Buffalo

Hyatt Regency Buffalo
Two Fountain Plaza
Buffalo, NY 14202
(716) 856-1234

Wednesday
June 3, 2009
Rochester

DoubleTree Hotel Rochester
1111 Jefferson Road
Rochester, NY 14623
(585) 475-1510

Tuesday
June 9, 2009
New York City

The New Yorker Hotel
481 Eighth Avenue at 34th Street
New York, NY 10001
(212) 244-0719

Friday
June 12, 2009
White Plains

Renaissance Westchester Hotel
80 West Red Oak Lane
White Plains, NY 10604
(914) 694-5400

See our Spring 2009 schedule online at www.nysba.org/cle

REGISTER EARLY, SAVE MONEY, AND GUARANTEE YOUR SEAT AT THE PROGRAM!!!

NYSBA CLE *presents*

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