

Trusts and Estates Law Section Newsletter

A publication of the Trusts and Estates Law Section
of the New York State Bar Association

A Message from the Section Chair

Thank you.

It just seems to be the most appropriate way to begin my year as the Chair of our Section.

Thank you to our many committee members who take time from their practices and private lives to contribute to the work of our committees that improve our practices, and support and educate our Section Membership.



Carl T. Baker

Thank you to our Committee Chairs, Vice-Chairs and District Representatives who make up our Executive Committee (listed on pages 33 and 34 of this newsletter) for their guidance and dedication that keep our committees and Section moving forward.

Thank you to Gary Freidman, Elizabeth Hartnett, Ilene Cooper and all the Chairs who have preceded me

for their leadership and inspiration (...I have developed a new found appreciation for their service).

Thank you to our current officers, Ron Weiss, Marion Hancock Fish and Meg Gaynor, for their past, present and future contributions to our Section.

Thank you to the many members who have approached me with the offer "if there is anything I can help with, just ask."

Thank you to the NYSBA staff, most importantly Lisa Bataille and Kathy Heider, who keep us on track and so competently support our efforts.

Thank you to...well, it is simply not possible to properly thank all the people who make our Section successful; in fact, "it takes a village" to address all the active matters we have before us, and we have a great village.

As we begin another year we have a lot to look forward to and a lot to accomplish.

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Once again, our legislative agenda has been refined and organized by the efforts of our Legislation and Governmental Relations Committee. Our Lobby Day was March 12 and Committee Chairs Ian MacLean and Rob Harper, supported by Jennifer Hillman and Natalia Murphy, presented our affirmative legislative proposals to key legislators and representatives of the governor's office. This year's agenda consisted of proposals dealing with: (1) interest on legacies; (2) posthumous annulment; (3) exoneration clauses; (4) trustee commissions and the power to adjust; and (5) technical amendments to the Marriage Equality Act. For further information on these items, and to check the status of our various legislative proposals, log in to the NYSBA website and go to: http://www.nysba.org/statewatch/SBA_TRST.HTM.

By the time you receive this *Newsletter*, our Spring meeting in Bermuda will be over. I know the program, organized by the Co-Chairs, Phil Burke and Mike Suprunowicz, and the presentations of all the speakers who volunteered their time and expertise, will have been immensely valuable and informative. Hopefully the weather cooperated enough for all to have a chance to enjoy the beauty and peacefulness of Bermuda.

As to programs, a great strength of our Section is our commitment to the education of our members. The CLE Committee, led by Frank Streng, quickly organized for February a webcast program dealing with the new Federal Estate Tax law, entitled *The American Taxpayer Relief Act of 2012 in the Transfer Tax Context: What Does 'Permanency' Mean?* and presented by former Section Chair Sanford ("Sandy") J. Schlesinger. Upon our return from Bermuda our Statewide Spring seminar will be "Contested Accounting Proceedings in Surrogate's Court." And once again, past Chair Josh Rubenstein will organize our now 11th Annual *Sophisticated Trusts and Estates Institute* to take place in New York City this fall, along with our regular, basic to intermediate, statewide Practical Skills program.

The Diversity Committee, chaired by Ashwani Prabhakar and Anta Cisse-Green, is planning its second sponsored program in the basics of our practice area for young and newly admitted attorneys who may want to pursue a career in the Trusts and Estates field, or simply provide better services to their clients in our practice area. That program will run in New York City the evenings of September 17 and 24.

On October 9th and 10th (mark your calendars) we'll be returning to Binghamton for our Fall Section Meeting at the Binghamton Riverwalk Hotel. Former Section Chair Eugene Peckham and past NYSBA President Kate Grant Madigan, and their firm of Levene Gouldin & Thomson, LLP, are preparing to host, entertain and educate us. In light of the new federal tax

exemption and the portability election, what are the planning needs of our clients who now find themselves exposed only to the New York State estate tax? What is appropriate tax planning for this segment of the population? This program will be topical, addressing planning for medium-sized estates.

Watch your email for further announcements regarding these and other Section program offerings.

While the above highlights some scheduled events and programs taking place this year, it represents only a small portion of our Section's activities. Consider the *Newsletter* that you are reading and the wealth of information included. Edited and organized by the Newsletter and Publications Committee Chair, Jackie D'Agostino, a multitude of authors and contributors provide us with timely and topical information to keep us current and knowledgeable.

If you have not done so recently, check our Section's web site at www.nysba.org/trusts and note the plethora of materials and information that it offers. And as you explore, be sure to give us your feedback as to your experience using it. Does it meet your needs? Is it easy and intuitive to navigate? Do you have suggestions for improvements, as to content or navigability? Let us hear from you as our goal is to provide the support and information that our members need and look for.

In that light, check out our Listserve and note the matters of current concern that are explored there. To make this connection to our community more valuable, the officers are looking into and working on an additional web offering that will provide an opportunity to have more complex practice questions addressed by experienced practitioners. Stay tuned for information on this topic as we roll it out later this year, and we will look forward to your feedback on that as well.

Finally, each of our 16 Committees has important and independently active agendas. In addition, special Ad Hoc committees address matters requiring special attention. One significant example is the Uniform Trust Code Committee headed by past Chair Ira Bloom. It is charged with reviewing, analyzing and making recommendations on the adoption of a form of the New York Uniform Trust Code for New York State. The committee's extensive efforts, coordinated with many other stakeholders, will eventually result in significant, new statutory provisions that will affect all of us.

It is the overriding goal of our Section's leadership to make sure that we constantly improve the laws governing Trust and Estate work in our State and that we provide our members with the skills, tools and knowledge to best serve their clients. To accomplish this we need your input. We need your feedback as to how best

to assist you. And we need your contributions of time and effort in the ongoing challenge.

I can assure you that if you become active in our Section, you will enjoy those you meet and will grow professionally. By far, the best way to become involved, to meet other practitioners, and to actively assist in the improvement of this area of practice is to join and contribute to a committee. The list of available committees, and ability to join one, is online at www.nysba.org/trusts (contact NYSBA State Bar Service Center if you need your website login information: 518-463-3200/

800-582-2452, or sbsc@nysba.org). Attending meetings and our CLE programs provides additional benefits. Finally, simply letting us know how we are doing will help focus and guide our future planning and make sure our efforts best support our members needs.

As the year progresses, if you have any questions, ideas, suggestions or concerns, please feel free to contact me directly at any time. I can be reached by phone at 518-745-1400, or by email at ctb@fmbf-law.com.

Carl T. Baker

Upcoming Events

Fall Section Meeting

October 9-10, 2013

Binghamton Riverwalk Hotel
Binghamton, New York

The Basics of the Trusts and Estates Field for Young and Newly Admitted Attorneys

September 17 and September 24, 2013

New York Law School
New York City

11th Annual Sophisticated Trusts and Estates Institute

November 2013
New York City

For more information visit our website at:
www.nysba.org/trusts