



Estate Planning Council of Greater Miami
5th Annual Estate Planning Symposium ♦ Thursday, February 9, 2017
University of Miami Watsco Center, 1245 Dauer Drive, Coral Gables, Florida

AGENDA

8:00 – 8:30am **Breakfast, Registration and Networking with Sponsors**

8:30 – 8:45am **Welcome and Introductions**

8:45 – 9:35am **TRANSFERRING FAMILY VALUES IN ESTATE PLANS**

JOAN K. CRAIN, CFP®, CTFA, TEP ♦ Senior Director, Global Family Wealth Strategist, BNY Mellon ♦ Ft. Lauderdale, FL

Much has been written about the importance of “family governance” to the successful intergenerational wealth transfer. However, there is still a dearth of practical techniques to address this idealistic concept. Moreover, since professional estate planning advisors tend to view this area as the purview of psychologists and family coaches, there is a disconnect between the implementation of “soft side” ideas and traditional estate planning based on legal contracts and tax minimization. This leads to various degrees of dysfunction and often undermines the best laid planning. This session will explore practical ways to integrate family dynamics with traditional estate planning structures and practices which will lead to better long term success in preserving and growing all aspects of a family’s wealth.

9:35 – 9:45am **Break**

9:45 – 10:35am **INTEGRATING ASSET PROTECTION AND ESTATE PLANNING**

BARRY A. NELSON, ESQ. ♦ Shareholder, Nelson & Nelson, P.A. ♦ North Miami Beach, FL

This presentation will highlight how advisors should assist clients to integrate estate and asset protection planning. Are fully funded revocable trusts appropriate? The discussion will include use of inter vivos QTIP trusts to enhance asset protection planning and achieve income tax basis step ups with terminally ill clients and why Florida third party created trusts are not safe from garnishment in favor of former spouses.

10:35 – 10:55am **Break and Networking with Sponsors**

10:55 – 11:45am **TRUSTS AS IRA BENEFICIARIES: THE MORE THINGS CHANGE, THE MORE THEY STAY THE SAME**

KRISTEN M. LYNCH, ESQ. ♦ Partner, Lubell Rosen ♦ Fort Lauderdale, FL

IRAs have always been a bit of a challenge to work with in estate planning due to the income tax consequences. Although there have been very favorable rules in place for almost the last 15 years, there continue to be a number of common but costly avoidable mistakes made when naming a trust as the beneficiary of an IRA. The purpose of this presentation is to point out the obvious, the not-so-obvious, and the avoidable pitfalls associated with leaving IRAs in trust.

11:45am – 1:00pm **Luncheon and Networking with Sponsors**

1:00 – 2:40pm **RECENT DEVELOPMENTS IN FEDERAL ESTATE, GIFT, AND INCOME TAXATION**

PROF. SAMUEL A. DONALDSON, J.D., LL.M. (TAXATION) ♦ Georgia State University College of Law ♦ Atlanta, GA

This informative and entertaining session will cover the significant federal income, estate, and gift tax cases, rulings, regulations, and legislation from the past twelve months of interest to estate planning professionals. We will identify recent federal tax developments affecting attendees’ practices; and apply recent developments in the federal tax field to matters affecting your clients.

2:40 – 3:00pm **Break and Networking with Sponsors**

3:00 – 3:50pm **IMPACT OF THE NEW DOL FIDUCIARY RULES ON WORKING WITH QUALIFIED RETIREMENT ASSETS**

AL KINGAN, JD, LL.M, CLU, CHFC ♦ Asst. VP, Estate and Business Planning Dept., MassMutual Financial Group ♦ Phoenix, AZ

The new Department of Labor Fiduciary Rules will have a significant impact on the operations and compensation of financial advisors. The presentation will review the DOL justification for creating the rules, provide an overview of the rules, and the broad scope of the rules. The presentation will also review and define the regulatory exemptions that will allow advisors to continue to be able to be compensated when working with qualified dollars. This will include defining the “Best Interest Standard” and the “Best Interest Contract” or “BIC”, the revised exemption standards under 84-24, and what eliminating conflicts of interest will actually entail. Finally, we’ll look at how the industry is responding to these requirements and changes.

3:50 – 4:00pm **Break**

4:00 – 4:50pm **ESTATE, GIFT, GST AND INCOME TAX PLANNING ISSUES & COMPLIANCE REQUIREMENTS FOR ASSET PROTECTION TRUSTS**

JONATHAN GOPMAN, ESQ. ♦ Chair, Trusts, & Estates Practice, Akerman LLP ♦ Naples, FL

The creation, funding and annual administration of both domestic and foreign asset protection trusts often presents complex tax issues for practitioners to consider and may require the preparation and filing of one or more tax forms. This complexity also breeds opportunity when practitioners understand these rules and enables clients to achieve far broader planning objectives.

4:50 – 5:00pm **Conclusion**

ABOUT OUR SPEAKERS



JOAN K. CRAIN, CFP®, CTFA, TEP

Joan Crain has over 25 years of experience working with large multi-generational families and their advisors to provide comprehensive wealth planning. She specializes in family governance, philanthropic planning and multinational tax and estate planning. Joan also helps families customize and implement transition plans for their family businesses, real estate, marketable securities and family philanthropy. Joan is frequently invited to speak to client and professional groups such as the American Bar Association, the American Institute of CPAs, the Hong Kong American Chamber of Commerce and numerous estate planning organizations throughout the United States, Canada, the Middle East and Asia. Her unique style is highly interactive, emphasizing real life examples and practical tools. Joan is a frequently quoted fiduciary and family governance expert and author of articles in business publications, including most recently *The Wall Street Journal*, the *New York Times*, *Trust & Estates* magazine and *Fortune*. In addition, she is past Chair of the Board of Directors of the Community Foundation of Broward and a member of the Executive Committee of the Florida Bankers Trust Division. Joan earned a master of business administration from Rollins College, a bachelor of education from Queens University and a bachelor of music from McGill University. She is a Certified Financial Planner® and has earned the designations of Certified Trust and Financial Advisor from the American Bankers Association and Trust & Estates Practitioner from the international Society for Trust & Estate Practitioners.



PROF. SAMUEL A. DONALDSON, J.D., LL.M. (TAXATION)

Sam Donaldson [J.D. University of Arizona; LL.M. (Taxation) University of Florida] is a Professor of Law at Georgia State University in Atlanta, Georgia. Prior to joining the Georgia State faculty in 2012, he was on the faculty at the University of Washington School of Law for 13 years. During his tenure at the University of Washington, he was a five-time recipient of the Philip A. Trautman Professor of the Year award from the School of Law's Student Bar Association. Professor Donaldson served for two years as Associate Dean for Academic Administration and for six years as the Director of the law school's Graduate Program in Taxation. He teaches a number of tax and estate planning courses, as well as courses in the areas of property, commercial law and professional responsibility. Professor Donaldson is an Academic Fellow of the American College of Trust and Estate Counsel (ACTEC) and a member of the Bar in Washington, Oregon, and Arizona. Among his scholarly works, he is a co-author of the popular West casebook, *Federal Income Tax: A Contemporary Approach*, and a co-author of the *Price on Contemporary Estate Planning* treatise published by Wolters Kluwer. Professor Donaldson has served as the Harry R. Horrow Visiting Professor of International Law at Northwestern University and a Visiting Assistant Professor at the University of Florida Levin College of Law. An amateur crossword constructor, his puzzles have been published in *The New York Times*, *The Los Angeles Times*, *The Washington Post*, *The Wall Street Journal*, and other outlets. A perennial contender for *People Magazine's* "Sexiest Man Alive" honor, Professor Donaldson was recently notified by email of his selection to receive substantial sums of money from high-level Nigerian business officials in exchange for his bank account information.



JONATHAN GOPMAN, ESQ.

Jonathan Gopman is a partner in Akerman's Naples office and also spends substantial time in the Fort Lauderdale office. Jonathan's practice focuses on sophisticated wealth accumulation and preservation planning strategies for entrepreneurs. He assists entrepreneurs with their personal and business planning needs at all phases of the wealth accumulation and preservation cycle. In his practice Jonathan takes a four part approach to wealth preservation planning by assisting individuals in implementing sophisticated estate planning, tax deferral, tax-favored investment and asset protection structures. Jonathan's personal practice emphasizes international wealth preservation planning. Jonathan has substantial experience in assisting high net worth families with international and domestic estate planning, implementing foreign trust structures, business planning and general tax planning. Jonathan is an adjunct professor in taxation at Ave Maria Law School in Naples, Florida. Jonathan is a commentator on asset protection planning matters for Leimberg Information Services, Inc. ("LISI"), a member of the legal advisory board of Commonwealth Trust Company in Wilmington, Delaware, and a member of the Society of Trust and Estate Practitioners ("STEP"). He is AV rated by Martindale Hubbell. Jonathan is a member of the Board of Trustees of the Lee Memorial Health System Foundation. Jonathan is also a member of the University of Miami Citizens Board having previously served on its executive committee and is a past chairman of the Naples Chapter of the Citizens Board. Jonathan serves on the professional advisory committee of The Humane Society of Naples and on the Collier Advisory Council for the Children's Hospital of Southwest Florida. Jonathan is also on the Naples Advisory Board of the Cystic Fibrosis Foundation – Tampa Chapter. Jonathan is the co-author of the revised version of the *BNA Tax Management Portfolio on Estate Tax Payments and Liabilities*. Jonathan has been interviewed for, and quoted in, numerous articles in well-known publications such as the *New York Times*, *Bloomberg Magazine*, *Forbes Magazine*, *Wealth Manager Magazine* and *Elite Traveler*. In 2009, 2010, 2011 and 2012 Jonathan was selected for inclusion in *The Best Lawyers in America*® in the specialty of trusts and estates, he was selected as a *Florida Super Lawyer* for 2010, 2011 and 2012 and he was included in the *Florida Trend Legal*

Elite for 2010 and 2011. In the December 2005 and 2007 issues of *Worth Magazine* Jonathan was recognized as one of the top one hundred estate planning attorneys in the country. Jonathan is considered one of the leading experts in the world on asset protection planning. Jonathan also serves on the professional advisory boards of TitleAuction LLC, a Florida limited liability company, Peninsula Lifestyle Capital, PLLC, a Florida limited liability company, and Insightion, LLC, a South Carolina limited liability company, all privately held companies in various lines of business. Jonathan is the originator of the idea for the statutory tenancy by the entirety trust (commonly referred to as a "STET," a term he coined) that is set forth in § 3574(f) of Title 12 of Chapter 35 of the Delaware Statutes. This statute was enacted into law in Delaware in July of 2010 and became effective on August 1, 2010. Jonathan's articles, commentaries and presentations have also served as the impetus for changes to the trust laws of several states. In 2011 and 2012, Jonathan assisted the government of Nevis in revising its trust laws (including the Nevis Rule Against Perpetuities) set forth in the Nevis International Exempt Trust Ordinance by rewriting almost the entire Ordinance. He was the only attorney in the United States selected by the government of Nevis to work and consult on this project.



AL KINGAN, JD, LLM, CLU, CHFC

Al Kingan has been with MassMutual for over 23 years. Before joining MassMutual, Al spent almost seven years in the Tax Department of Coopers & Lybrand (now PriceWaterhouseCoopers) in Springfield, Massachusetts. During his time at C&L, Al obtained an LL.M from Boston University, and passed the Massachusetts CPA exam. Al is admitted to practice law in Massachusetts and Pennsylvania. Prior to relocating to Phoenix, Arizona in early 2014, Al was the Immediate Past President of the Hampden County Massachusetts Estate Planning Council and a Member of the Western Massachusetts Society of Financial Service Professionals. A native of Western Pennsylvania, Al received his undergraduate degree from Waynesburg College in 1983 and graduated from the University of Pittsburgh School of Law in 1986. Al is a frequent author in the MassMutual *Advanced Underwriter* and other company publications; he has written for industry publications by the American Association of Life Underwriters, and *Estate Planning* magazine and the *Journal of the Society of Financial Service Professionals*.



KRISTEN M. LYNCH, ESQ.

Kristen M. Lynch is a Partner at the law firm of Lubell Rosen, where she works with clients regarding probate matters, guardianship, and estate and retirement planning. Ms. Lynch is an Accredited Estate Planner® as designated by the National Association of Estate Planners & Councils, and has been named among "Women Leaders in the Law" and "Top Rated Lawyers" by Martindale-Hubbell®. Since 2008, she has been AV® Preeminent™ Peer Review Rated by Martindale-Hubbell. Ms. Lynch began her career in the trust banking industry, where she served more than 15 years as a vice president and trust officer with SunTrust Bank. During that time, she was the divisional manager of IRA Services within the Trust Department for the South Florida region. Ms. Lynch previously worked at several South Florida law firms in the capacity of partner, shareholder and attorney. She has represented clients in regard to probates, guardianships, estate planning, asset protection, philanthropic planning and charitable giving, and retirement planning. She has attained and held the designations of Certified Trust & Financial Advisor and Certified IRA Services Provider during her career as well. She sits on several planned giving committees and boards within the University of Miami and Nova Southeastern University communities. She is also actively involved in the local chapter for the American Lung Association. Ms. Lynch is a frequent lecturer for professional organizations and Continuing Legal Education events, and has been published multiple times in *The Florida Bar Journal*, *Journal of Retirement Planning*, *Leimberg Financial Services* and *Trusts & Estates* magazine. She lives in Boca Raton with her rescue dog Hairy Houdini, and enjoys music and giving back to others and the community whenever possible.



BARRY A. NELSON, ESQ.

Barry A. Nelson, a Florida Bar Board Certified Tax and Wills and Trusts and Estates Attorney, is a shareholder in the law firm of Nelson & Nelson, P.A. in North Miami Beach, Florida. He practices in the areas of tax, estate planning and administration, asset protection, fiduciary litigation, partnerships and business law. He provides counsel to high net worth individuals and families focusing on income, estate and gift tax planning and assists business owners to most effectively pass their ownership interests from one generation to the next. He frequently serves as a consultant for other attorneys and certified public accountants on complex tax and asset protection issues. As the father of a child with autism, Mr. Nelson combines his legal skills with compassion and understanding in the preparation of Special Needs Trusts for children with disabilities. Mr. Nelson is a Fellow of the American College of Trust and Estate Counsel and served as Chairman of its Asset Protection Committee from 2009 to 2012. He has been a Martindale-Hubbell AV Preeminent® Rated Lawyer for over 25 years. He has been listed in *Best Lawyers in America*® since 1995 and was named their 2015 Miami Trusts and Estates "Lawyer of the Year." Since 2010, he has been listed as one of less than 10 lawyers receiving their highest rating of "Band 1" in the Florida Estate Planning category of *Chambers USA: America's Leading Lawyers for Business* and he is listed as "Band 1" in their inaugural edition of *Chambers High Net Worth Guide* in 2016. As the Founding Chairman of the Asset Preservation Committee of the Real Property, Probate and Trust Law Section of the Florida Bar from 2004-2007 he introduced and coordinated a project to write a treatise authored by committee members entitled *Asset Protection in Florida* (Florida Bar CLE 2008, 2nd Edition 2011). Mr. Nelson wrote Chapter 5 entitled "Homestead: Creditor Issues."

Estate Planning Council of Greater Miami
5th Annual Estate Planning Symposium ♦ Thursday, February 9, 2017
University of Miami BankUnited Center, 1245 Dauer Drive, Coral Gables, Florida

REGISTRATION FORM

FEES

Through 12/31/16: EPC Members - \$180.00 | Non-Members - \$200.00
1/1/17 - 1/31/17: EPC Members - \$200.00 | Non-Members - \$225.00
2/1/17 through event: EPC Members - \$230.00 | Non-Members - \$260.00
Full-time Students: \$95.00

HOW TO REGISTER

TO PAY ONLINE: Please submit registration form *first* by fax or email *without* credit card information.
Then pay online at [EPC of Greater Miami's Event Page](#)

OR

EMAIL: Scan and email registration form with credit card information to info@epcmiami.org

OR

MAIL: Mail registration form with check payable to EPC of Greater Miami or credit card information to
[EPC of Greater Miami ♦ c/o Manageability ♦ 1821 Hillandale Rd., Suite 1B-320 ♦ Durham, NC 27705-2659](#)

OR

FAX: Fax registration form with credit card information to [919-287-2711](tel:919-287-2711)

PLEASE PRINT CLEARLY!

First Name	MI	Last Name	Designations	
Title/Position				
Company				
Mailing Address		City	State	Zip
E-mail		Day Telephone	Nickname for badge	
Credit Card #	Exp. Date	Sec. Code	Amount	
Credit Card Billing Address (if different from above)				
Signature		Date		

Continuing Education

*Approved for 7 hours of CFP CE; 7 hours of CLE from the Florida Bar; 7 hours of CTFA CE;
7 hours of Florida insurance CE; and qualifies for 7 hours of CPE for FL CPAs*

Questions? info@epcmiami.org | www.epcmiami.org | [919-908-6178](tel:919-908-6178)

*Cancellations received in writing by February 5, 2017, will receive a full refund, less a \$25 administrative fee. There will be no refunds after February 5, 2017. All fees must be paid in advance. By your signature above, you hereby authorize Estate Planning Council of Greater Miami to debit your credit card for the total amount, and have read and understand the cancellation/refund policy of this registration agreement. Program subject to change. **Please contact us with any special access or dietary needs.***