

THE WESTIN BONAVENTURE HOTEL  
LOS ANGELES, CALIFORNIA

FRIDAY  
NOVEMBER 20, 2015

USC Gould  
School of Law

USC GOULD SCHOOL OF LAW

# 41ST ANNUAL **TRUST AND ESTATE CONFERENCE**

AUDIO  
RECORDINGS  
AVAILABLE!

The essential day-long conference for  
**TRUST, ESTATE PLANNING, PROBATE and  
ELDER LAW PROFESSIONALS**



CE credit available for Attorneys (MCLE/Legal Specialization), Accountants (CPE),  
Professional Fiduciaries (PFB) and Financial Planners (CFP® Professionals)

## why attend?

### High-Quality Education

For over 40 years, USC Gould's estate planning conference has provided high-quality continuing education customized for trust, estate planning, probate and elder law professionals.

### Practical and Realistic Solutions

The Conference has a proven track record of teaching practical and realistic solutions to everyday and unexpected problems in estate planning, trust administration, probate, trust and estate litigation, elder law and client relationships. Speakers often share "how-to" techniques and forms used in their practices.

### Networking

Over 400 of your peers typically register for the Conference – learn from both the speakers and your professional colleagues.

## who should attend?

The Conference is specially tailored for attorneys, paralegals, trust officers, accountants, financial institution executives, private professional fiduciaries, wealth management professionals, fiduciary officers, underwriters, insurance advisors and other professionals in the trust, estate planning, probate and elder law fields.

## register now

Registration includes all sessions, breaks, the luncheon presentation, continuing education credit, and the practical Conference Syllabus and popular Resource Guide, a Trust and Estate Professional Directory covering Los Angeles, Orange and San Diego counties (in both print and electronic download formats).

**REGISTER ONLINE AT**

<http://law.usc.edu/cle/te>

## sponsors

The USC Gould School of Law and the Planning Committee of the 41st Annual Trust and Estate Conference gratefully acknowledge the generous contributions of:



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*Special thanks to the Black Women Lawyers Association of Los Angeles and the Los Angeles County Bar Association Trusts and Estates Section for their support.*

# Program

USC GOULD SCHOOL OF LAW

## 41ST ANNUAL TRUST AND ESTATE CONFERENCE

**8:45 AM**

### **Welcome and Introductions**

**Kenneth S. Wolf**

Conference Chair  
Of Counsel  
Hoffman, Sabban & Watenmaker

**Leeanna Izuel**

Conference Executive Director  
Assistant Dean  
Continuing Legal Education  
USC Gould School of Law

**8:50 AM**

### **Annual Update:** Recent Developments in Probate and Trust and their Practical Applications

Join noted Professor Jack Barcal, former CEB author  
Jeffrey Dennis-Strathmeyer and long-time favorite  
David Lane as they review critical recent California  
legislation and case law and Federal tax law.

Encompassing developments in wills, trusts, and  
estate and gift taxation, both new and experienced  
practitioners will benefit from their useful information  
and insights.

**Jack Barcal, Esq.**

Associate Professor of Accounting  
USC Leventhal School of Accounting  
USC Marshall School of Business

**Jeffrey A. Dennis-Strathmeyer**

Attorney at Law  
Lafayette, CA

**David Lane**

Retired from Private Practice of Law  
Adjunct Professor  
USC Gould School of Law

**10:20 AM Networking Break**



### **contact information**

USC Gould School of Law – Continuing Legal Education

1149 South Hill Street, Suite 340, Los Angeles, California 90015

TELEPHONE: (213) 821-3580 FACSIMILE: (213) 821-3575

EMAIL: [cle@law.usc.edu](mailto:cle@law.usc.edu) WEBSITE: <http://law.usc.edu/cle>

Office hours are 9:00 a.m. to 5:00 p.m. Pacific time

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(@USCGouldCLE)

**10:35 AM**

**The Elephant in the Room:** Conflicts of Interest in Estate Planning

As recent cases have shown, lurking in seemingly benign estate planning projects are often hazardous potential conflicts of interest. It can be easy for the attorney to overlook the danger signs in these situations and leave them unaddressed. The expert speakers will look at several common conflict situations and discuss which are tolerable and, for those that are not, the options open to the attorney.

 **1 hour of MCLE legal ethics credit available**

**11:35 AM**

**Relationships between Trustees and Beneficiaries:** How to Avoid Conflicts

Many factors impact the relationship dynamics between a trustee and beneficiary. The exercise of discretion (or perceived abuse of discretion) over distributions and asset management are often fertile grounds for potential fiduciary conflict. Using hypothetical fact patterns, these frontline speakers will explore the pro and cons of various planning options and provide recommendations to ease potential tensions between trustees and beneficiaries.

**12:35 PM**

**Luncheon Presentation**

**A Family History of Wills in the Antebellum South**

Terry Franklin went looking for evidence that would answer the question whether there was love in the relationship between his great-great-great-great grandfather, John, a white slaveholder in the Antebellum South, and his great-great-great-great grandmother, Lucy, who was John's "mulatto slave" and the mother of John's children. The 1846 will Terry found helped answer that question, but his search also revealed a fascinating discovery, perfect for a trust and estate litigator.

**Robert Barton**

Holland & Knight LLP

**Arnold D. Kahn**

Holland & Knight LLP

**Elizabeth A. Bawden**

Withers Bergman LLP

**Stephen C. Minana**

Senior Vice President

General Counsel

First American Trust

**Kenneth E. Petersen, Jr.**

Senior Vice President

Wealth Management Advisor

First American Trust

**Terrence M. Franklin**

Sacks, Glazier, Franklin & Lodise LLP

## can't attend?

Purchase the 2015 Conference audio recording and downloadable syllabus for **\$199** (delivered post-program) and receive self-study continuing education credit! The Conference Syllabus is a volume of outlines, articles, forms and practical information prepared by our speakers, including the Resource Guide, a Trust and Estate Professional Directory covering Los Angeles, Orange and San Diego counties. Print versions of the syllabus are also available for purchase.

For more information or to purchase online, visit our website at <http://law.usc.edu/cle/te>.

**1:45 PM**

**The Post-Nuclear Family:** Defining Spouses and Descendants in the 21st Century

As social norms continue to evolve and reproductive technology continues to advance, our clients' definitions of "family" continue to expand. To avoid accidentally disinherit children or spouses, the definitions that we use in estate planning documents must keep up with this expansion. In this brave new world, attorneys must not only draft for the family relationships of today, but also for future generations of a client's family. Formulating definitions that encompass all of the permutations of family can be a challenge. This session will help drafters adapt their definitions for terms such as "child" or "spouse" beyond the traditional notions of a family.

**Nicole M. Pearl**  
McDermott Will & Emery

**2:45 PM Networking Ice Cream Break**

Hosted by Jack Barcal, Esq.

**3:00 PM**

**The "No Contest Clause" in California:**  
Fact or Fiction?

In 2010, California's long standing no contest law was replaced by new Probate Code Sections 21310-21315. These new sections raise serious questions as to the continued viability of no contest clauses.

Very few published decisions have attempted to provide answers. The expert panelists will examine the current state of the law, the questions that remain unanswered, and the alternatives available to the drafter responsible for ensuring that a client's wishes are carried out.

**Jeryll S. Cohen**  
Hoffman, Sabban & Watenmaker

**Kenneth S. Wolf**  
Of Counsel  
Hoffman, Sabban & Watenmaker

**4:00 PM**

**My Client Has Issues!** Dealing with Diminished Capacity and Undue Influence

Given the state of the law and ethics opinions in California, what are the best practices in the face of diminished capacity or undue influence? The in-the-know panelists will discuss current developments in the law and factors that estate planners, drafters of certificates of independent review, PVP counsel, and litigators should consider.

**Margaret G. Lodise**  
Sacks, Glazier, Franklin & Lodise LLP

**Cynthia R. Pollock**  
The Law Offices of Cynthia R. Pollock

 .5 hour of MCLE legal ethics credit available

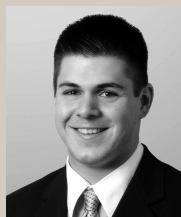
**5:00 PM adjournment<<<**

# CONFERENCE faculty



**JACK BARCAL, ESQ.** is an associate professor of accounting at the USC Leventhal School of Accounting, where he teaches courses in Estate and Gift Taxation, Family Wealth Preservation, Advanced Estate Planning and Tax Theory. Professor Barcal assisted in writing the text *Willis on Partnership Taxation* and has acted as an expert witness in tax, malpractice and related matters. Professor Barcal is certified as a specialist in Taxation Law and Estate Planning, Trust and Probate Law by the State Bar of California Board of Legal Specialization. Previously, he was a partner at Willis, Butler, Scheffly, Leydorf & Grant. His current practice focuses on estate planning and taxation. He is also a member of the planning committee of this Conference.

Professor Barcal received his B.S. degree, *summa cum laude*, in Accounting from DePaul University, and his J.D. degree from Stanford University Law School. He received his Certified Public Accounting certificate from Illinois.



**ROBERT BARTON** is an attorney in the Private Wealth Services Group at Holland & Knight LLP and focuses on complex trust and estate litigation, trust and estate administration, and conservatorship and guardianship matters for individuals, families and charities. Mr. Barton represents trustees, executors and beneficiaries in administration matters and handles breach of fiduciary duty matters, wills and trusts disputes, and contested conservatorships and guardianships. His practice covers elder abuse and the administration and probate of tribal member estates.

He is a graduate of the University of Wisconsin-Madison and the University of Minnesota Law School.



**ELIZABETH A. BAWDEN** is a partner in the U.S. Trust, Estate and Charitable Planning Group of Withers Bergman LLP. She focuses her practice on estate planning, planned giving and tax-exempt organizations. Ms. Bawden is certified by the California Board of Legal Specialization as a specialist in Estate Planning, Trust and Probate Law and is a fellow in the American College of Trust and Estate Counsel (ACTEC). Ms. Bawden clerked for Judge Wiley Y. Daniel of the Federal District Court in Colorado. She serves as an adjunct faculty member at the UCLA School of Law, teaching Estate and Gift Tax.

She is a graduate of Wheaton College in Illinois and the UCLA School of Law.



**JERYLL S. COHEN** is a member of the law firm of Hoffman, Sabban & Watenmaker practicing in the areas of estate planning, litigation and dispute resolution concerning trusts and estates, conservatorships and guardianships. Her practice often involves fiduciary and inter-generational family controversies as well as trust and estate administration. Ms. Cohen is the co-author of the current *Rutter Group Probate Practice Guide*. She has been repeatedly listed by *Los Angeles Magazine* and *Law & Politics* magazine as a *Southern California Super Lawyer* and is rated *AV® Preeminent™* by LexisNexis Martindale-Hubbell. She is a former co-chair of the Executive Committee of the Trusts and Estates Section of the Beverly Hills Bar Association.

Ms. Cohen received her B.A. degree, *magna cum laude*, from the University of California, Los Angeles and her J.D. degree, *cum laude*, from Loyola Law School, Los Angeles.



**JEFFREY A. DENNIS-STRATHMEYER** practices law in Lafayette, California. From 1984 through 2011 he was the primary author and “publisher editor” of the *CEB Estate Planning and California Probate Reporter*, then edited by Professor Edward C. Halbach, Jr. He has authored more than 60 published articles on estate planning topics and authored and co-authored numerous chapters of various CEB estate planning books. He is certified as a specialist in Estate Planning, Trust and Probate Law by the State Bar of California Board of Legal Specialization.

He is a graduate of Stanford University and the University of California, Davis School of Law, King Hall.



**TERRENCE M. FRANKLIN** is a partner at Sacks, Glazier, Franklin & Lodise LLP with more than two decades of experience handling trust and estate litigation, disputes and appeals, and probate and estate administration. He has extensive trial and appellate experience, including successful published appeals and the landmark *Moeller* case, which was brought before the California Supreme Court.

An active member of the trusts and estates legal community, Mr. Franklin serves on the Diversity Task Force for ACTEC, is working with ACTEC to develop strategies to make the trusts and estates practice area more attractive to minority law students and young attorneys, and was instrumental in developing a diversity mission statement for ACTEC. He has been named to the list of *Southern California Super Lawyers* every year since 2005, and has been included on the list of the *Best Lawyers in America* every year since 2011. He is also a member of the planning committee for this Conference.

He is a graduate of Northwestern University and Harvard Law School.

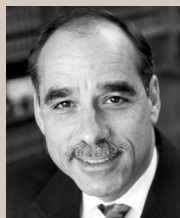


**ARNOLD D. KAHN** is of counsel at Holland & Knight LLP. He concentrates his practice on sophisticated estate planning strategies for high net worth individuals and families, including the formation of family limited partnerships and family limited liability companies and the transfer of interests in those entities by gift or sale to lower generation family members or to trusts for their benefit. He frequently works on other estate tax saving strategies, including qualified personal residence trusts and grantor retained annuity trusts.

Mr. Kahn handles the estates of deceased clients and others, focusing on tax issues, including valuation of estate assets and IRS estate tax audits. He has represented family members in disputes over estate assets and the interpretation of wills, trusts or other estate plan documents. Mr. Kahn is also involved in the drafting of basic estate planning documents, including revocable trusts, wills, powers of attorney and advance healthcare directives.

He is also a member of the planning committee for this Conference.

He is a graduate of the University of California, Los Angeles and the University of California, Berkeley School of Law.



**DAVID LANE** is retired from the private practice of law. His practice emphasized estate planning and trust law. Mr. Lane is the author of several articles dealing with economic analysis of law and evaluating deposit insurance premiums. He is an Adjunct Professor of Law at the USC Gould School of Law where he teaches courses in gifts, wills and trusts, and estate planning. He previously taught at the University of California, Berkeley, and was a Senior Research Associate at the National Bureau of Economics Research at Stanford University and at the Federal Reserve Board in Washington, D.C.

Mr. Lane received his B.A., Masters and Doctorate degrees from the University of California, Berkeley and his J.D. degree from the University of California, Berkeley School of Law.



**MARGARET G. LODISE** is a partner at Sacks, Glazier, Franklin & Lodise LLP specializing in estate, trust and conservatorship litigation. She is an adjunct professor at Loyola Law School.

Ms. Lodise is a fellow of ACTEC and chair of ACTEC's Fiduciary Litigation Committee. She is past chair of the State Bar of California's Trusts and Estates Section Executive Committee and the Los Angeles County Bar Association's Trusts & Estates Section and past president of the Woman's Lawyers' Association.

Ms. Lodise graduated *cum laude* from Pomona College, received her J.D. degree from the University of California, Los Angeles and received her LL.M. in Taxation from Loyola Law School, Los Angeles.





**STEPHEN C. MINANA** brings more than 30 years of experience in administering estates and complex trusts to his current role as Senior Vice President and General Counsel of First American Trust. He manages the legal affairs of the company, plays an integral advisory role at First American Trust board meetings, and manages client service teams that oversee all administrative trusts and estates for First American Trust.

Mr. Minana received his B.A. degree from Pennsylvania State University, his Master's degree from the University of Miami School of Law, and his J.D. degree from Washington & Lee University School of Law.



**NICOLE M. PEARL** is a partner at McDermott Will & Emery. Ms. Pearl focuses her practice on estate planning, wealth transfer planning, marital property agreements, business succession planning and post-death administration. She also has extensive experience in estate and tax planning for gay, lesbian and unmarried couples.

Ms. Pearl is a fellow of ACTEC. She has been named a *Southern California Rising Star* in estate planning and probate by *Law & Politics Super Lawyers* eight years in a row (2006-13), as a *Southern California Super Lawyer* (2014-15), by *The Best Lawyers in America* as a leading lawyer in the practice area of Trusts and Estates, and by *Los Angeles Magazine* in their *Top Women Attorneys – Southern California's Outstanding Young Lawyers* issue. She is also a member of the planning committee of this Conference.

She is a graduate of the University of Illinois at Urbana-Champaign and the University of California, Berkeley School of Law.



**KENNETH E. PETERSEN, JR.** is a Wealth Management Advisor and Senior Vice President at First American Trust. He has more than 15 years of experience advising high net worth individuals and families about the creation and implementation of customized plans in the areas of investment management and wealth advisory and trust planning. Mr. Peterson is a past chairman and current executive committee member of the Orange County Bar Association's Trusts and Estates Section.

He earned his B.S. degree, *magna cum laude*, *Phi Beta Kappa*, from the University of California, Los Angeles and his J.D. degree from the UCLA School of Law.



**CYNTHIA R. POLLOCK** is a seasoned advocate for the elderly and disabled, with over 25 years of experience in elder law, estate planning, probate and special needs trusts. She is a recognized expert on elder law, with experience planning for public benefit programs such as SSI and Medi-Cal as they pertain to the elderly and individuals with special needs. She frequently advises other elder law attorneys on matters pertaining to special needs and disability.

She is a Certified Elder Law Attorney by the National Elder Law Foundation and a Professor of Elder Law at Loyola Law School, Los Angeles. She is one of ten California members of the Council of Advanced Practitioners for the National Academy of Elder Law Attorneys.

She is a graduate of the University of Central Missouri and Loyola Law School, Los Angeles.



**KENNETH S. WOLF** is of counsel at Hoffman, Sabban & Watenmaker where he practices in the areas of estate planning, probate and trust administration, with emphasis in the resolution of probate and trust disputes. In addition, he recently joined the Probate and Trust mediation/arbitration panel of the Alternative Resolutions Center (ARC).

Mr. Wolf is a fellow of ACTEC and a certified specialist in Estate Planning, Trust and Probate Law by the State Bar of California Board of Legal Specialization. He is a former member of the Executive Committee of the State Bar of California's Trusts and Estates Section.

Mr. Wolf is one of the founding members of this Conference and has served as its Chair since 1993. He is listed in the current edition of *The Best Lawyers in America* published by Woodward/White, Inc., Aiken, South Carolina, and has also been designated as a *Super Lawyer* for Los Angeles County in Estate Planning and Trust Litigation in each year from 2004 to the present.

He is a graduate of the University of Cincinnati and Harvard Law School.



# planning committee

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# continuing education credits

**LAWYERS.** Minimum Continuing Legal Education (MCLE): USC Gould School of Law, a State Bar of California-approved MCLE provider, certifies that this activity qualifies for MCLE credit in the amount of 6.5 hours, of which 1.5 hours may apply to legal ethics credit. This event may or may not meet the requirements for continuing legal education in other states. Please check with the bar association or Supreme Court in the state in which you are seeking credit to determine if this event is eligible.

**e** indicates the number of hours of MCLE legal ethics credit available.

**Legal Specialization Credit:** USC Gould School of Law, a State Bar of California-approved Legal Specialization provider, certifies that this activity has been approved for 6.5 hours of Legal Specialization credit in Taxation Law and 6.5 hours of Legal Specialization credit in Estate Planning, Trust and Probate Law.

**ACCOUNTANTS.** Continuing Professional Education (CPE): This program meets the guidelines for Continuing Professional Education credit set by the California State Board of Accountancy in the amount of 6.5 hours.

**FINANCIAL PLANNERS.** CFP® Professionals: The USC Gould School of Law is a registered CFP Board CE Sponsor. Attendance will be reported electronically following the Conference.

**PROFESSIONAL FIDUCIARIES.** This program meets the guidelines for continuing education credit set by the California Professional Fiduciaries Bureau (PFB). The California MCLE credits provided for the program are accepted as meeting the continuing educational requirements of the Professional Fiduciary Association of California.

# upcoming USC Gould programs

- CORPORATE COUNSEL** December 2, 2015 – California Club, Los Angeles  
*(made available courtesy of Club member Edward Garlock)*
- TAX** January 25-27, 2016 – Millennium Biltmore Hotel, Los Angeles
- REAL ESTATE LAW AND BUSINESS** March 10, 2016 - Jonathan Club, Los Angeles



## frequently asked questions

### REGISTRATION

Your registration fee includes all sessions, the luncheon, refreshment breaks, continuing education credit and the Conference Syllabus in both print and electronic download formats. The Conference Syllabus is a volume of outlines, articles, forms and practical information prepared by our speakers, and includes the Resource Guide, a Trust and Estate Professional Directory covering Los Angeles, Orange and San Diego counties.

### BONUS AUDIO RECORDING

This registration add-on includes Conference session audio recordings (delivered post-program). You may receive CLE self-study credit for sessions you did not attend in person. You cannot claim additional credit for taking the same session in person and by listening to the audio recording. If you register for this option, you will receive a separate email providing you with instructions to access the audio recording. If you are unable to attend the Conference and are interested in purchasing the audio recording, visit our website at <http://law.usc.edu/cle/te>.

### REFUNDS

All refund requests must be in writing and postmarked, emailed or faxed no later than **November 6, 2015** to:

USC Gould Continuing Legal Education  
Trust and Estate Conference Refund  
1149 South Hill Street, Suite 340, Los Angeles, CA 90015  
Email: [clereg@law.usc.edu](mailto:clereg@law.usc.edu) Facsimile: **(213) 821-3575**

Refund requests will be processed following the Conference. A \$100 processing fee (\$25 for student registrations) will be deducted from all refunds.

### CONFERENCE LOCATION AND ACCOMMODATIONS

The Trust and Estate Conference will be held at:

The Westin Bonaventure Hotel & Suites  
404 South Figueroa Street, Los Angeles, CA 90071  
Information: **(213) 624-1000** Reservations: **(888) 937-8461**  
Website: [www.thebonaventure.com](http://www.thebonaventure.com)

For accommodations, please call the hotel's reservation number or visit the hotel's website.

### PARKING

Limited Conference parking is available at the **hotel valet** for **\$24** per day with validation. **Self-parking** is available at the City National Garage (adjacent to the hotel at 400 S. Flower Street) for **\$15** with validation. Validations may be obtained at Will Call.

### BADGE PICK UP

Badges will be held at Will Call, located in the hotel's California Ballroom.

### SPECIAL ACCESS NEEDS OR DIETARY RESTRICTIONS

Email us at [cle@law.usc.edu](mailto:cle@law.usc.edu) or call **(213) 821-3580**.

### EXHIBITORS

Please visit our website at <http://law.usc.edu/cle/te> for information on exhibiting or contact Wendy Wiley Willett at **(213) 821-3579** with questions. *Exhibitor space is limited, so reserve your space as soon as possible!*

### MAILING LIST

Email [clereg@law.usc.edu](mailto:clereg@law.usc.edu) to join our mailing list and keep up to date with our programs.

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**November 20, 2015 | The Westin Bonaventure Hotel**

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## SELECT REGISTRATION TYPE

### Basic Registration

- ☐ \$485 Early-Bird Registration (sent **on or before October 23, 2015**)
- ☐ \$499 Standard Registration (sent **after October 23, 2015**)

### Paralegal Registration

- ☐ \$250 Paralegal Early-Bird Registration (sent **on or before October 23, 2015**)
- ☐ \$275 Paralegal Standard Registration (sent **after October 23, 2015**)

### Professional Fiduciary Association of California (PFAC) Member Registration

- ☐ \$435 PFAC Early-Bird Registration (sent **on or before October 23, 2015**)
- ☐ \$449 PFAC Standard Registration (sent **after October 23, 2015**)

### Student Registration

- ☐ \$150 Full-Time Law Student Registration

## BONUS AUDIO RECORDING OPTION

- ☐ \$100 Registration add-on includes Conference session audio recordings (delivered post-program)

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- 1 Check:** Mail checks payable to **USC Gould School of Law** with the completed registration form to:
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Trust and Estate Conference Registration  
1149 South Hill Street, Suite 340, Los Angeles, California 90015
- ☐ Enclosed Check # \_\_\_\_\_ \$ \_\_\_\_\_
- 2 Credit Card:** Register and pay online at <http://law.usc.edu/cle/te>  
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Questions? Email [cle@law.usc.edu](mailto:cle@law.usc.edu) or call **(213) 821-3580**



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