

20th Annual

# Estate Planning and Probate Drafting Course



**LIVE** Dallas  
October 29-30, 2009

**VIDEO** Houston  
December 3-4, 2009

- Forms From Around the State: When and How to Use Them (and When Not To)
- Drafting to Win: Winning the Will Contest on the Front End
- How to Undo What the Client Has Done
- Pleading, Discovery Requests for the Will Contest, Trust Disputes, and Fiduciary Litigation
- Electronics and Paperless Impact on the Drafting Process



Course materials available on a USB flash drive



# Estate Planning and Probate Drafting Course

## **LIVE Dallas**

October 29-30, 2009  
Hilton Park Cities

## **VIDEO Houston**

December 3-4, 2009  
Norris Houston CityCentre

## PURPOSE AND SCOPE

The planning committee for this year's course has organized the program to re-emphasize the focus of the initial 1990 Drafting Course: forms, drafting issues and solutions. The estate planning and probate landscape has changed significantly since 1990. The estate tax exemption equivalent has increased from \$600,000 to \$3.5 million. The complex \$7 million family estate is now, properly drafted, within the non-taxable range. What was "advanced" testamentary planning in 1990 is now standard; however, we are more than ever conscious of the potential litigation we face over the plans we produce for our clients. The Drafting Course is designed to analyze the lifetime and testamentary forms estate planners use for basic testamentary planning and complex wealth migration and offer practical solutions and guidance on how to use these forms, when to use them and when not to use them. Topics have been selected so that speakers can engage in a dialogue with each other to enable attendees to sit in on the drafting process. The goal of the speakers is to provide attendees drafting and form solutions they can take back to the office for all their clients, not just a select few. The Drafting Course will bridge the gap between the estate planning and probate topics outlined in the State Bar's Annual Estate Planning and Probate Course and the planning ideas discussed in the Annual Advanced Estate Planning and Probate Strategies Course.

## **MCLE CREDIT**

### **13 HOURS (1.75 ETHICS) | MCLE COURSE NO: 901182277**

Applies to the College of the State Bar of Texas and to the Texas Board of Legal Specialization in Estate Planning and Probate Law and Tax Law.

## **Thursday**

7 hours including .5 hour ethics

7:30 **Registration and Continental Breakfast Sponsored by Encore Trust**

**ENCORETRUST**  
An Affiliate of EncoreBank

8:30 **Welcoming Remarks and Program Introductions**  
**Course Director**

Jeffrey N. Myers, *Fort Worth*  
Bourland, Wall & Wenzel

8:45 **Drafting to Win: Winning the Will Contest on the Front End**  
.75 hr (.25 hr ethics)

- Deterrent provisions
- No contest
- Fee allocation
- Administration

Philip M. Lindquist, *Dallas*  
K & L Gates

9:30 **Pleadings, Discovery Requests for Will Contests, Trust Disputes, and Fiduciary Litigation** .75 hr  
Stephanie Loomis-Price, *Houston*  
Baker Botts

10:15 **Break**

10:30 **Marital Deduction and Other Funding Formulas** .75 hr  
Matthew J. White, *Houston*  
Bracewell & Giuliani

11:15 **Addressing Special Management and Succession Situations Involved with Family Businesses** .75 hr

- Key employees
  - 409A
  - Stimulating stock ownership
- James M. Mincey, Jr., *Dallas*  
Mincey Carter

12:00 **Break (lunch provided)**

Sponsored by the Real Estate, Probate and Trust Law Section of the State Bar of Texas

12:15 **Luncheon Presentation:  
Electronics and Paperless Impact  
on the Drafting Process**  
.75 hr (.25 hr ethics)  
Marjorie J. Stephens, *Dallas*  
Smith & Stephens

Rhonda H. Brink, *Austin*  
Law Offices of Rhonda H. Brink

1:00 **Break**

1:15 **Forms from Around the State:  
When and How To Use Them  
(and When Not To)** 1 hr  
C. Stephen Saunders, *Austin*  
Saunders, Norval, Nichols & Atkins

Karen S. Gerstner, *Houston*  
Karen S. Gerstner & Associates

2:15 **Non-Citizens/Non-Residents**  
.75 hr  
R. Glenn Davis, *El Paso*  
Scott & Hulse

3:00 **Ice Cream Break  
Sponsored by  
Howard Frazier  
Barker Elliott Inc.**



3:15 **Ancillary Documents Beyond the  
Statutory Forms** .75 hr  
Brooke Hardie, *Austin*  
Law Offices of Brooke Hardie

Carolyn Ostrom, *Austin*  
Collins Ostrom  
Attorneys and Counselors

Robert L. Fine, MD, FACP, *Dallas*  
Director, Office of Clinical Ethics  
and Palliative Care  
Baylor Health Care System

4:00 **Legislative Update** .75 hr  
William D. Pargaman, *Austin*  
Brown McCarroll

4:45 **Adjourn**

## Friday

6 hours including  
1.25 hours ethics

7:30 **Continental Breakfast**

8:00 **Checklist for Client Interview in  
Light of Substantial Estate Tax  
Revisions**

- .75 hr (.5 hr ethics)
- Systems
  - Correspondence to the client
  - Engagement letter
  - Correspondence conveying the draft
  - Documents for follow-up
- Michael V. Bourland, *Fort Worth*  
Bourland, Wall & Wenzel

8:45 **Selection and Drafting of  
Trustee Provisions**

- .75 hr (.25 hr ethics)
- Appointment
  - Removal
  - Resignation
  - Fees and compensation
  - Exoneration and indemnity
- Sarah Patel Pacheco, *Houston*  
Crain Caton & James

Lisa H. Jamieson, *Fort Worth*  
Shannon Gracey Ratliff & Miller

9:30 **Documenting Your IDGT Sale**  
.75 hr

Michael D. Allen, *Tyler*  
Allen-Lottmann

Thomas C. Baird, *Temple*  
Baird, Crews, Schiller & Whitaker

10:15 **Break**

10:30 **Drafting Down**  
.75 hr (.25 hr ethics)

- Non-tax alternatives
  - Disclaimer
  - Revocable trusts
  - Unused exemption
- Bernard E. Jones, *Houston*  
Attorney at Law

11:15 **Trust Drafting: Dispositive  
Provisions for Children and  
Trustee Control Provisions** .75 hr  
Toby M. Eisenberg, *Dallas*  
Bisignano and Harrison

12:00 **Lunch (on your own)**

1:30 **Collection of Solutions When  
the "Plan" Fails or There is a  
Failure to Plan** .75 hr

- Judicial
- Family settlement
- Affidavit
- Powers of appointment
- Disclaimer

Kristi N. Elsom, *Houston*  
Fizer Beck Webster Bentley &  
Scroggins

Linda L. Kelly, *Houston*  
Dinkins, Kelly, Lenox, Lamb &  
Walker

2:15 **Dusting Off Your Boilerplate:  
The Allocation of Debts, Taxes  
and Expenses in Wills and  
Revocable Trusts** .75 hr  
Tina R. Green, *Texarkana*  
Patton Roberts

Robert W. Goff, Jr.,  
*Kerrville/Wichita Falls*  
Sherrill, Crosnoe & Goff

3:00 **Where the Rubber Meets the  
Road: How Drafting Affects  
Discretion in Action**  
.75 hr (.25 hr ethics)

R. Hal Moorman, *Brenham*  
Moorman, Tate, Moorman,  
Urquhart & Haley

3:45 **Adjourn**

Thank you to our sponsors. —

**ENCORETRUST**  
An Affiliate of EncoreBank



### Ways to Save on This Course!

#### Beat the "Register By" Deadline and Save \$50

because early registrations help us ensure that sufficient course books, seating, and refreshments are available. No confirmation will be sent. Course materials and seating will be reserved for pre-registrants until the start of the first topic.

#### Real Estate, Probate and Trust Law Section Members Can Save \$75

by registering by the "Register By" deadline (thereafter, save \$25); see the registration form. Not a member? To join, contact the State Bar's Sections Coordinator, Kathy Casarez, at 800-204-2222, x1420. Please do not send Section membership payment with your registration fee.

#### Earn Discounts by Registering Five or More

from your firm or agency. Contact Firm and Group Sales Representative Laura Angle of TexasBarSolutions at 512-250-5575 or langle@texasbar.com

**State Bar Policy Manual §7.03.06 Allows Some Judges to Attend Free** provided (1) the course is directly related to their tribunal's jurisdiction, (2) they are full-time judges or judges retired under the Texas Judicial Retirement System and (3) space is available for all paying registrants. This privilege does not extend to receivers, trustees, court staff, or persons serving part-time in any judicial capacity. NOTE: Judges must actually attend to receive course materials.

#### Parking Information for Attendees Not Staying at the Hotel

is subject to change without notice and is not a guarantee of available space. DALLAS: Self-parking for \$8/daily and \$18/overnight. HOUSTON: Parking is complimentary.

#### If You Need Special Accommodations to Attend,

please contact us as soon as possible at 800-204-2222, x1797.

#### Registered But Can't Attend? Still Earn Participatory Credit

and receive course materials by (1) calling 800-204-2222, x1574 to transfer your registration to a later presentation or (2) taking the course online later, in which case you'll automatically be sent the course materials; see "FREE TO OUR REGISTRANTS!" below. However, if you wish to receive a refund instead, mail or fax (512-427-4111) your request so that we receive it at least one business day before the program.

#### FREE TO OUR REGISTRANTS!

#### Online Videos of the Presentations & PDFs of the Course Materials

will be available to registrants 6-8 weeks after the course. Provide us your email address when registering and we'll alert you when these benefits are available and how to access them. (Note: Presentation lengths may vary from that which was advertised.) There's no extra charge; as a registrant, you're already entitled!

#### Policy of Impartiality

The State Bar of Texas does not endorse political candidates. When a candidate for public office is included in promotion for or participates in a TexasBarCLE event, the State Bar is not taking a position for or against anyone's candidacy.

### Reserve Your Hotel Room by October 8.

Hotel rooms have been blocked at special rates on a space available basis. To make a reservation, contact the hotel and indicate that you will be attending this State Bar of Texas Course.

#### Dallas LIVE

Hilton Park Cities  
5954 Luther Lane  
Dallas, TX 75225  
214-368-0400  
\$179/night  
Deadline: October 8, 2009



#### Houston VIDEO

Norris CityCentre  
803 Town and Country Lane  
Houston, TX 77024  
281-940-7014



No rooms have been booked for this showing

#### Course Director

Jeffrey N. Myers ..... Fort Worth

#### Planning Committee

Michael D. Allen ..... Tyler  
Rhonda H. Brink ..... Austin  
R. Glenn Davis ..... El Paso  
Toby M. Eisenberg ..... Dallas  
Robert W. Goff Jr. .... Wichita Falls  
Tina R. Green ..... Texarkana  
Shannon G. Guthrie ..... Dallas  
Lisa H. Jamieson ..... Fort Worth  
James M. Mincey Jr. .... Dallas  
R. Hal Moorman ..... Brenham  
Sarah Patel Pacheco ..... Houston  
C. Stephen Saunders ..... Austin

#### TexasBarCLE Planning Team

Hedy Bower ..... Sr. Program Attorney  
Kathy Reese ..... Sr. Program Coordinator

#### Real Estate, Probate and Trust Law Section of the State Bar of Texas

Harry W. Wolff, Jr. .... Chair  
David A. Weatherbie ..... Chair-Elect/Secretary  
Craig Adams ..... Treasurer  
David W. Tomek ..... Immediate Past Chair

#### State Bar of Texas

Roland Johnson ..... President  
David Fisher ..... Chair of the Board  
Terry Tottenham ..... President-Elect  
Harper Estes ..... Immediate Past President  
Cori Harbour ..... TYLA President  
F. R. "Buck" Files, Jr. .... Chair, CLE Committee  
John Sloan ..... Chair, Board PDP Committee  
Michelle E. Hunter ..... Executive Director  
Patrick A. Nester ..... Director, TexasBarCLE

## Online

TexasBarCLE.com  
credit card only

## Phone

800-204-2222, x1574  
during business hours  
credit card only

## Fax

512-427-4111  
credit card only

## Mail

State Bar of Texas - CLE  
LB #972298  
P. O. Box 972298  
Dallas, TX 75397-2298  
check or credit card

## Registering

### five or more?

Email Laura Angle at  
laura.angle@texasbar.com  
for group discount  
information.

Save up to **\$75!**

## Estate Planning and Probate Drafting Course 2009

5055

### 1 Here is my choice:

#### Estate Planning & Probate Drafting Course [5055]

☐ Dallas LIVE, October 29-30 . . . . . \$645

**Take \$50 off: Register by October 15**

☐ Houston VIDEO, December 3-4 . . . . . \$545

**Take \$50 off: Register by November 19**

#### Course includes:

- continental breakfast both days
- buffet lunch on Thursday
- ice cream break on Thursday
- electrical connections available in the conference room

### 2 I want my course materials format to be:

- ☐ Electronic materials (PDFs on a USB drive)
- ☐ Hard-copy materials (1 notebook)
- ☐ BOTH so I'll **ADD \$80**

### 3 I'm entitled to 1 or 2 discounts on the course:

- ☐ **\$50 OFF** because I'm registering by the "Register By" deadline. (If by mail, date of postmark will be determinative.)
- ☐ **\$25 OFF** because I'm a member of the Real Estate, Probate and Trust Law Section, the State Bar College, or the Legal Administrators or Paralegal Division -OR- I am licensed 2 years or less.

**\$ \_\_\_\_\_ is my total for course(s) and materials.**

- ☐ **As a judge, I AFFIRM I qualify under §7.03.06 (State Bar Policy Manual) for complimentary admission (see pg 4.)**

### 4 I can't attend. Just send course materials.\* **FREE Shipping & Handling**

- ☐ Advanced Course book . . . . . \$155 each<sup>†</sup>
- ☐ Advanced Course audio MP3 speeches on CD<sup>††</sup> . . \$150 per set<sup>†</sup>
- ☐ Advanced Course materials on USB drive . . . . . \$155 each<sup>†</sup>
- ☐ Advanced Course audio CDs . . . . . \$230 per set<sup>†</sup>

### 5 I am paying by:

☐ Check (enclosed) payable to the State Bar of Texas for \$ \_\_\_\_\_

☐ Visa      ☐ MasterCard      ☐ AMEX      ☐ Discover

Account No. \_\_\_\_\_ Exp. Date \_\_\_\_\_

Name on card (Please print) \_\_\_\_\_

Signature \_\_\_\_\_

**State Bar Membership No.** \_\_\_\_\_

Name \_\_\_\_\_ Badge Name \_\_\_\_\_

Firm Name/Court \_\_\_\_\_

Address for Bar-Related Mail \_\_\_\_\_

City/State \_\_\_\_\_ Zip \_\_\_\_\_

Phone (    ) \_\_\_\_\_ Fax (    ) \_\_\_\_\_

E-Mail: \_\_\_\_\_

*\*PDFs of course materials will be available for purchase 6-8 weeks after the course in the Online Library at TexasBarCLE.com. Registrants receive access to the PDFs at no additional charge (see "Free to Our Registrants" in this brochure).*

*<sup>†</sup>Plus 8.25% sales tax on total. Please include sales tax or attach an exemption certificate. Book, USB, and audio CD orders are filled 4-6 weeks after the live event and are shipped separately. A bill will be sent unless a credit card charge is authorized on this form.*

### QUESTIONS?

**800-204-2222, x1574 • 512-427-1574**

State Bar of Texas  
P.O. Box 12487  
Austin, TX 78711-2487

## 20th Annual Estate Planning and Probate Drafting Course

LIVE October 29-30, 2009 Dallas  
VIDEO December 3-4, 2009 Houston

NON PROFIT ORGANIZATION  
U.S. POSTAGE  
**PAID**  
PERMIT NO. 1804  
AUSTIN, TEXAS



taking less time to  
**find the law**  
means more time to  
**practice it**

**S**earch over **11,000 CLE articles online, for free.**  
That's what the State Bar of Texas has in mind with its Online Library, an ongoing collection of high-quality course articles available at [TexasBarCLE.com](http://TexasBarCLE.com).

Imagine having access to the analyses, experience and insights of some of the best legal minds in Texas. Just enter keywords into the Library's search engine and get results in seconds. View any article's Table of Contents or the "hits"—places where the keywords appear. Then purchase and download your choices on the spot. Single articles are \$29 each, plus tax.

Better yet, *subscribe* to the Library and download all you want. An annual subscription is just \$295 plus tax; pay in full or bill your credit card \$27 per month — less than the cost of a single article! The Library will continue to grow during your subscription, as more new articles come online.

Think of the advantages. You could:

- ▶ Do research quickly and efficiently.
- ▶ Stop storing shelves of CLE materials.
- ▶ Collect articles relevant to a specific topic, practice area, or author.
- ▶ Access what you want anytime, anywhere.

You've always heard that time is money. More to the point, *your* time is money.

So spend less time finding the law, and more time practicing it. Get the Online Library.

**The Online Library**  
Searchable CLE Articles

**TexasBarCLE.com**

Education by the Bar, for the Bar<sup>SM</sup>