TBA Estate Planning & Probate Forum

Feb. 24, 2023 – Embassy Suites Cool Springs

Program Producer: Ashley Stearns, Trail Coleman & Stearns
Total Credits: 5 General, 2 Dual

The 2023 Estate Planning & Probate Forum will take place in-person, featuring the insight you need to stay on top of key developments in the practice area. This event provides seven hours of CLE, including two hours of dual credit, focused on timely, relevant topics such as: legislative updates, ethics, the annual clerk & master's panel, real estate in probate court, estate administration and much more. Lunch is provided. Don't miss this chance to meet with colleagues from across the state and hear from top estate planning experts.

8 – 8:30 a.m. CST **Registration/Welcome**

8:30 – 9:30 a.m. DUAL **Drafting Engagement Letters in Planning and Administration**
You know you need an engagement letter, but it just doesn't always happen. Presenters will give you a gentle reminder of the importance as well as cover the important topics that your letter should address.
Rob Malin, Pinnacle Financial Partners
Steele Cantey, Manier & Herod

9:30 – 10:30 a.m. **Special Concerns and Procedures for Handling Real Estate in Probate Court**
For the lawyer practicing in probate court, it is often difficult to navigate such burning questions as: 1) Is the decedent's interest in real estate part of the probate estate?; 2) Does the personal representative have any duty or authority regarding the real estate?; 3) Who pays the expenses of the real estate and for how long?; 4) Who may reside at the real estate and may rent be charged?; 5) When, how, and why would real estate be sold under the supervision of the probate court?; 6) How can an expedited hearing be obtained when there is a closing or foreclosure scheduled to take place before the next available hearing date?; 7) What pleadings, supporting documentation and notice are required when real property is sold by order of the probate court?; 8) Who's name should be listed on the contract for sale?; and 9) Does the contract for sale require court approval? The presenter will explore those questions and more, walking through the most used statutes and rules of court that apply to the handling of real estate in probate court. She will also explain the differences between a full probate, a small estate administration, a muniment of title probate, and an affidavit of heirship as those options do (or in some cases do not) affect interests in real estate.
Judge Andra Hedrick, Circuit Court Judge - Davidson Co.

10:30 – 10:45 a.m.	**Break**
10:45 – 11:45 a.m.	**Dispatches from the Front: What Estate Planning Lawyers Need to Know about Estate Administration** Estate planning should be viewed (and reviewed) through a real-life lens. An estate plan should be tax efficient and compliant with legal requirements, but it should also serve your clients' specific needs and family dynamics. In this presentation, experienced estate and trust practitioners review practical considerations (and provide suggestions for implementation) when creating and personalizing an estate plan to yield more effective estate and trust administration consistent with the decedent's wishes while mitigating the risk and expense of conflict. Elizabeth Hickman, Pendleton Square Trust Company Jill Mastroianni, Waller Lansden Dortch & Davis
11:45 a.m. – 12:45 p.m.	**Lunch (provided)**
12:45 – 1:45 p.m.	**Probate Panel** This annual favorite will feature a panel of Clerk & Masters discussing best practices, and answering questions posed by attendees. Charles Frazier, Law Offices of Charles R. Frazier (Moderator) Amy Anderson, Fayette County Chancery Court Brian Kahrs, Chief Deputy Clerk, Davidson Co. Circuit Court Robin Miller, Clerk & Master Hamilton Co.
1:45 – 2:45 p.m.	**Tennessee Franchise & Excise Taxes** Estate plans often involve the creation and administration of various business entities. For estate planners in Tennessee, the use of business entities gives rise to the application of various Tennessee taxes, most notably Tennessee's Franchise and Excise Tax. This presentation will provide a brief overview of Tennessee's F&E Tax and its application to those business entities commonly employed by planners. Aaron Flinn, Waller Lansden Dortch & Davis
2:45 – 3 p.m.	**Break**
3 – 4 p.m. DUAL	**Ethics** This presentation will focus upon ethical issues commonly encountered by estate and probate lawyers, including conflicts of interest, confidentiality, and communication with unrepresented parties. Steven Christopher, Tennessee Board of Professional Responsibility

4 – 5 p.m. **Legislative Actions and Interest Items**

This presentation will report on 2022 legislative actions of the Tennessee Legislature and the US Congress and proposed 2023 Tennessee Legislative action and cases and other interest items affecting estate planning, estate administration, trusts and conservatorships.

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