RESOLVING ESTATE, WILL AND TRUST CONTESTS

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ONE-DAY SEMINAR

Long Island, New York

August 19, 2010

FACULTY

Jeffrey A. Asher
David C. Jacobson
Avi Z. Kestenbaum
Alan E. Rabunski
James D. Reddy

CONTINUING EDUCATION

CLE - 7.0
Guardian - 6.0
PACE - 7.0
See inside for details!

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SEMINAR OUTLINE

I. CONTEST GROUNDS

9:00 - 10:00, David C. Jacobson

A. Case Selection Tips
B. Incompetence
C. Undue Influence
D. Fraud or Mistake of Fact
E. Revocation
F. Inadequate Formalities
G. Construction Actions (Petitioning the Court for Instructions)
H. Other

II. PURSUING AND DEFENDING CLAIMS AGAINST FIDUCIARIES

10:00 - 11:00, Avi Z. Kestenbaum

A. Fiduciary Accounting Issues
B. Fiduciary Misconduct
C. Fiduciary Removal
D. Surcharge Actions

III. PROCEDURE

11:15 - 12:00, James D. Reddy

A. Statutory Scheme
B. Equity
C. Limitation of Actions

IV. ETHICAL CONSIDERATIONS

1:00 - 2:00, Jeffrey A. Asher

A. Avoiding Conflicts of Interest
B. Get Written Retainer
C. Be Professional

V. GATHERING THE EVIDENCE

2:00 - 2:45, Alan E. Rabunski

A. Medical Records
B. Social Security Records
C. Bank Records
D. Tax Returns
E. Depositions

VI. LITIGATION FORMS

2:45 - 3:15, Alan E. Rabunski

A. Discovery in Probate Court Limited (Get a Broad Order – Model Request)
B. Use of Subpoena Duces Tecum
C. Citations to Discover Assets
D. Citations to Recover Assets
E. Interrogatories – Model
F. Request for Admissions
G. Notice to Produce/Inspect
H. Depositions

VII. ALTERNATE DISPUTE RESOLUTION (ADR)

3:30 - 4:30, Jeffrey A. Asher

A. Mediation by Agreement
B. Arbitration by Agreement
C. FRCP Rule 16 Conference

*If needed, the above agenda may be changed to best accommodate all of our attendees.

SEMINAR OVERVIEW

ABOUT THIS SEMINAR

Get the Tools You Need to Effectively Resolve Estate Contests

After the testator's death, testamentary documents are the ruling force behind administering and closing the estate. But what if a mistake has been made or fraud committed? Our seasoned faculty will guide you through all the basic elements of probate litigation to prepare you for such a contingency. Don't spend years collecting precious bits of expertise - compress them into a day of engaging learning. *Register today!*

7 BENEFITS OF ATTENDING

- Get practical tips for careful case selection and save time and resources.
- Learn to detect valid grounds for contesting a bequest, especially when incompetence and/or undue influence are involved.
- Avoid missing vital steps with a refresher on the will contest procedure.
- Maintain your impeccable reputation with tips for ethical legal conduct.
- Understand what evidence you'll need to collect during the investigation and how to use it.
- Review sample litigation forms to ensure their enforceability.
- Learn to use available ADR options to reach a quicker and more amiable resolution.

WHO SHOULD ATTEND

This **basic-to-intermediate level seminar** will provide a detailed overview of probate litigation practice for:

- Attorneys
- Guardians
- Paralegals
- Personal Representatives

CREDIT INFORMATION

The specific continuing education credit(s) listed are for attending the live seminar. The credits may or may not apply for the audio version of this seminar. Please check with your credit board for details.

For additional questions regarding continuing education credits, please contact us at **866-240-1890**.

CLE - 7.0 - This course has been approved in accordance with the requirements of the New York State Continuing Legal Education Board for a maximum of 7.0 credit hours, of which 6.0 hours can be applied to the areas of professional practice requirement and 1.0 hour can be applied toward the ethics and professionalism requirement. This live format program is appropriate for newly admitted and experienced attorneys. This activity has been approved as a nontraditional format activity (self-study) and is appropriate for experienced attorneys only.

Guardian - 6.0 - This activity has been approved by the Center for Guardianship Certification for 6.0 credit hours including 1.0 hour of ethics continuing education credit.

PACE - 7.0 - This seminar qualifies for 7.0 PACE (Professional Achievement in Continuing Education) credit hours for ChFC.

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VIDEO WEBCASTS

Video webcasts offer attendees the opportunity to gain continuing education training through streaming audio and video.

You will also be able to view and print the reference manual, and submit questions electronically for live responses! Check out some of these upcoming video webcasts!

May 25	Trusts 101 (52513ER)
May 26	Preparing Your Case For Trial In Federal Court (52518ER)
June 15	Handling Divorce Cases From Start to Finish (52512ER)
June 30	22nd Annual Advanced Estate Planning Techniques (53716ER)

To register, visit us online at **www.nbi-sems.com** or call **800-930-6182**.

TELECONFERENCES

Can't leave the office for an entire day?

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May 25	Handling Insolvent Estates in Estate Administration (52996ER)
May 27	Domestic or Foreign Asset Protection (53095ER)
May 27	Legal Ethics (53007ER)
June 3	Marital Deduction and Credit Shelter Planning (53000ER)
June 3	Adversary Proceedings and Contested Matters in Bankruptcy (53696ER)
June 8	Police Liability Claims (53156ER)
June 9	A View From the Bench: Top 10 Mistakes Attorneys Make in the Courtroom (54520ER)
June 9	Navigating a Short Sale (53327ER)

To register, visit us online at **www.nbi-sems.com** or call **800-930-6182**.

BOOKSTORE

To order any of the audio and reference materials below, please order online or call **800-930-6182**. For more topics, visit us online — **www.nbi-sems.com**

manual — $99 cd and manual — $199

Note: *Prices may vary by topic when looking online.*

THE PROBATE PROCESS FROM START TO FINISH
© May 2009 - 504 Pages (FP48366)
By: Eric D. Cherches, Steven A. Kass, Alan S. Laufer and Eileen D. Stier.

TRUST ADMINISTRATION:
OVERCOMING CHALLENGES BEFORE AND AFTER THE GRANTOR'S DEATH
© February 2010 - 204 Pages (FP51997)
By: Eric D. Cherches, Steven A. Kass and Sharon Kovacs Gruer.

PROBATE: BEYOND THE BASICS
© August 2009 - 145 Pages (FP48558)
By: David A. Dorfman, Alan E. Rabunski, Michael J. Schaffer and Eileen D. Stier.

TOP 10 ESTATE PLANNING TECHNIQUES
© July 2009 - 310 Pages (FP49530)
By: Sandra N. Busell, Ronald Fatoullah and Avi Z. Kestenbaum.

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OUR DISTINGUISHED FACULTY

JEFFREY A. ASHER is a partner in the law firm of Eaton & Van Winkle LLP. He concentrates primarily in the areas of estate planning, asset protection, estates and trusts administration, elder law and Medicaid planning. Mr. Asher's impeccable reputation for honesty, compassion and diligence has earned him the trust and respect of the ever-growing number of attorneys, financial advisors and accounting professionals who consult with him regularly. He is a frequent lecturer for various financial institutions, civic groups and community organizations, and is often presented by the New York State Bar Association as a community educator on various estate planning topics. Mr. Asher also is a legal commentator on trusts and estates, and elder law matters for *Court TV*, *CNN Headline News* and *The CBS Early Show*. In addition, he is approved as a continuing education credit provider by the Certified Financial Planner Board of Standards, Inc. and the Connecticut Department of Insurance. Mr. Asher is admitted to practice in New York and Connecticut; is a peer-elected member of the Estate Planning Council of New York City; and a member of the Trusts and Estates Section and Elder Law Section of the New York State Bar Association and the Connecticut Bar Association. He is a graduate of Clark University in Worcester, Massachusetts, and earned his J.D. degree from Touro Law School in Huntington, New York.

DAVID C. JACOBSON has nearly two decades of experience in estate planning, taxation and tax-exempt organizations. Prior to establishing The Law Offices of David C. Jacobson, LLC, Mr. Jacobson was a member of the estate planning team at UBS Private Wealth Management in Manhattan, where he provided estate planning services exclusively to the firm's ultra-high net worth clients throughout the United States. Mr. Jacobson was previously a member of the wealth planning group and also trust counsel at Deutsche Bank Trust Company in Manhattan, and a trusts and estate attorney with the law firm of Carter, Ledyard & Milburn in Manhattan. He lectures and writes frequently on estate planning topics. Mr. Jacobson is an adjunct professor at New York University, New York, New York. He earned his B.A. degree from the University of Oklahoma, his J.D. degree from the University of Miami School of Law, and his L.M. degree in taxation from Georgetown University Law Center. His bar admissions include Florida and New York. Mr. Jacobson is a member of the Estate Planning Council of New York City, Inc., the American Bar Association, and the New York State Bar Association (member, Estate Planning Committee). He is also a previous member of the New York City Bar Association's Estates and Surrogate Court Committee, and Gift and Estate Tax Committee.

AVI Z. KESTENBAUM is a partner with the Mineola, New York law, firm of Meltzer, Lippe, Goldstein & Breitstone, LLP, where he practices in the areas of domestic and international trusts and estates, taxation, asset preservation, business planning, charitable planning and tax-exempt organizations. He is also an adjunct tax professor at Hofstra University School of Law and the Baruch College MBA Program, teaching courses in federal income taxes, gift and estate taxes, and state and local taxes. Mr. Kestenbaum is a well-known author and lecturer, and provides tax and estate planning for CEOs of major corporations, high net worth individuals, multinational businesses, and many private foundations and public charities. He has written many articles in leading national estate planning and tax journals, including but not limited to: "Risk Assessment," *Trusts and Estates*, April 2010; "It's Personal," *Trusts and Estates*, April 2009; "True Counselors," *The New York Law Journal, Special Trusts and Estates Section*, January 2009; "Numerous Pension Act Changes Affect Charitable and Estate Planning," *Practical Tax Strategies*, April 2007; "Know the Differences: A Guide to Charitable Contribution Deductions," *Trusts and Estates*, May 2006; "The New Age of Corporate Governance for Nonprofit Organizations," *Journal of Taxation of Exempts*, August 2005; "Use Disclaimers to Add Flexibility and Hindsight to Estate Plans," *Practical Tax Strategies*, June 2005; "Proposed Revisions to the Uniform Management of Institutional Funds Act," *Estate Planning Journal*, February 2005; and "Duties and Liabilities of Nonprofit Directors and Officers," *Estate Planning Journal*, May 2004. Several additional articles will be published soon in leading national tax and estate planning journals. He has lectured for many prestigious trade, business and nonprofit organizations, including the New York City Estate Planning Council and New York State CPA Society. Mr. Kestenbaum has also previously lectured for National Business Institute on many topics in his field, including, but not limited to: advanced tax and estate planning, asset protection, international tax and estate planning, exempt organizations and charitable planning, business planning, trusts and estates, state and local taxes. He has earned his B.S. degree, summa cum laude, from Touro College, his J.D. degree from Brooklyn Law School and his LL.M. degree in taxation from the University of Miami School of Law, and he received academic scholarships at each of these universities. Mr. Kestenbaum is a member of the New York State (sections on Taxation, Trusts and Estates) and American (sections on Taxation, Business Entities Committee and Exempt Organizations Committee, and Real Property, Probate and Trust Law, Partnerships and Limited Liability Companies and Organizational and Operations Issues of Exempt Organizations) bar associations.

ALAN E. RABUNSKI has more than 30 years of experience in the areas of taxation, estate planning, probate, trusts and estates, and corporate and partnership law. He spoke for the New York University School of Continuing Education, where he lectured on law and taxation. Mr. Rabunski is a member of the Association of the Bar of the City of New York, and the New York State (member, Trusts and Estate Law Section, Elder Law Section, Estate Litigation Committee and Tax Section) and the American (member, Tax Section and Real Property, Probate and Trust Law Section) bar associations. He received his B.A. degree from the City College of the City University of New York, his J.D. degree, with honors, from John Marshall Law School and his LL.M. degree in taxation from the New York University School of Law. Mr. Rabunski is an AV rated attorney in Martindale-Hubbell.

JAMES D. REDDY is a sole practitioner in Lindenhurst, where his main areas of practice are trusts and estates, matrimonial law, family law, bankruptcy and real estate. Mr. Reddy has presented in-house seminars on estate planning. He received his B.S.B.A. degree from Georgetown University and his J.D. degree, cum laude, from St. John's University School of Law, where he was editor of the *St. John's Law Review*. He was a recipient of the CALI Award, Drafting Wills and Trust Instruments. Mr. Reddy is a member of the New York State Bar Association (member, Trust and Estate Section, and Family Law Section) and the Suffolk County Bar Association.

LONG ISLAND (Hotel located in Melville)
AUGUST 19

Melville Marriott Long Island
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SCHEDULE

Registration 8:30 — 9:00 am
Seminar 9:00 am — 4:30 pm
Complimentary snacks and refreshments are provided.
Lunch is on your own.

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