

**Stand Alone Program**  
**Wednesday, June 21, and Thursday June 22**  
*(Separate registration required.)*

**Much Ado About Clients**  
***Finding, Friending and Firing Clients***

*Program Moderator: Steven K. Mignogna*

This comprehensive 2-day program will chart the challenges and limits of client intake, management, and disengagement – and will be packed with ethics credits. The panels will cover the lifecycle of a client in today's practice, including what Fellows need to know about modern and effective -- but still ethical -- client development, especially with increasing technology coupled with limitations that state bar associations are increasingly imposing. The sessions will also analyze the most crucial aspects of client intake and retention, and feature the latest updates, commentaries and forms issued by ACTEC. Significant (but sometimes controversial) retention terms will be assessed. Along the way, we will learn about the handling of conflicts, and how the courts are more regularly sanctioning lawyers for (mis)management of them. Finally, the programs will address the thorny issues of if and how to end the client relationship, both in the planning/administration and the litigation contexts. This will include crucial developments as to the ethical standards for handling original client documents. In short, anyone who deals with clients – i.e., virtually all Fellows – should plan to attend. A Shakespearian backdrop will frame the stage, since “*Good Counselors lack no clients.*”

**Day 1**

Wednesday,  
June 21

1:00pm – 2:50pm

***Session 1: Modern Marketing of the Trust and Estate Practice (Ethics)***  
***“This above all: to thine own self be true.”***

Initially, the panel will discuss the modern process of marketing, whether individually or as part of a firm, the most effective options for marketing, and knowing what works best for you and your practice. Should you hire a marketing coach? Do you want to do a podcast? Can you say you are a Super Lawyer? What resources does ACTEC provide?

The panel will also discuss the ethics of marketing, including a discussion of the Model Rules, such as: Rules 7.1, 7.2 and 7.3 regarding communications with and solicitation of clients; Rule 1.1 on competence; Rule 1.6 as to confidentiality of information; and Rule 1.14 on clients with diminished capacity. The speakers will also survey state model rules and recent state opinions updating their model rules, such as rulings on the use of superlatives in attorney advertising.

The program will feature the latest updates, commentaries and forms issued by ACTEC. The art of the client intake will be covered, including strategies for pre-screening clients and evaluating whether you are right for the client and the client is right for you. The panel will also address options for handling initial conflict checks and related challenges with representation of spouses, multiple family members, individuals, and business entities.

*Robert Barton, Los Angeles, CA*  
*Craig M. Frankel, Atlanta, GA*  
*Wendy S. Goffe, Seattle, WA*  
*Jill Lebowitz, Morristown, NJ*

## Stand Alone Program

### Much Ado About Clients: Finding, Friending and Firing Clients

#### Day 1 continued

Wednesday,  
June 21

3:05pm – 5:00 pm

#### ***Session 2: Setting the Table for Successful Retention & Billing (Ethics)*** ***“To be or not to be, that is the question.”***

The session will focus on the nuts and bolts of drafting an effective engagement letter using ACTEC’s “Engagement Letters - A Guide for Practitioners” as a springboard for discussion of several important issues and considerations. The panel will start with an evaluation of the importance of identifying the client and carefully defining the scope of the proposed representation, including clarity as to the separate responsibilities of the lawyer and client.

That discussion will continue into ways to structure the relationship from a billing perspective, including an analysis of different types of hourly, fixed fee, and contingency arrangements and the important considerations of each for estate planning, administration, and litigation. The panelists will address the importance of including standard provisions relating to routine issues such as the selection of a fiduciary, gifts to charities, and other routine planning topics which could give rise to disclosure obligations on the part of the lawyer.

A substantial portion of the discussion will also focus on the ethical and professional responsibility issues in an engagement letter, including conflicts under Model Rules 1.7 and 1.9, expectations as to client confidentiality under Rules 1.6 and 1.14 in the event of diminished capacity or death of a client, and the importance of protecting and preserving privileges, especially with fiduciaries. The panel will share proposed forms and checklists for use in your practice.

*Peter T. Mott, Southport, CT (Moderator)*

*Adam T. Gusdorff, Conshohocken, PA*

*William Thomas Hennessey, III, West Palm Beach, FL*

*Anita J. Siegel, Morristown, NJ*

#### Day 2

Thursday,  
June 22

8:00am – 9:50am

#### ***Session 3: Maintaining the Client Relationship (Ethics)***

Now that the client has formally retained you, the next challenge is to properly maintain and protect the client relationship. This presentation will analyze counsel’s ongoing duty to preserve the confidentiality of the client’s information and the details of the representation under Model Rule 1.5, including how to manage a client who may tend to “over-share” information on social media or otherwise, and strategies for preserving privilege when communicating with a client’s agent.

Additionally, while many attorneys have lost sleep (or their clients) due to unforeseen conflicts arising during the representation, the panel will discuss how to navigate these conflicts in accordance with Model Rules 1.7 and 1.8, and the circumstances that may dictate the need to engage co-counsel in another jurisdiction or with subject-matter expertise.

Finally, the panel will explore proper billing practices under Model Rule 1.5, the art of entering time in both transactional and litigation matters, and strategies for ethically getting paid for legal services.

*Crystal West Edwards, Morristown, NJ*

*Robert M. Harper, Uniondale, New York*

*Daniel Hayward, Wilmington, DE*

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**Day 2, continued**

Thursday,  
June 22

10:05am – 12:00pm

***Session 4: Breaking Up is Hard to Do.... Sometimes (Ethics)***

***“All’s well that ends well.”***

No one really enjoys “breaking up.” That includes attorneys and the termination of their client relationships.

This program will explore the termination of the attorney-client relationship and the issues we as practitioners should consider when the attorney-client relationship has, should, or must come to an end. Different considerations can apply in different settings, such as estate planning, estate administration, trust and estate litigation and others. This session will address the ethical rules, particularly Model Rule 1.16 on declining or terminating representation and Rules 1.7 through 1.9.

The panel will also include ACTEC advice and practical considerations on topics such as: the practitioner’s (and his/her/their firm’s) retention or provision of original documents; conflicts arising among spouses, siblings or other co-clients or separate clients; and troubling conduct by the client (such as billing issues, refusal to follow advice or abhorrent or criminal conduct).

*Brian J. Felcoski, Coral Gables, FL*

*Cynthia G. Lamar-Hart, Birmingham, AL*

*Warren K. Racusin, Roseland, NJ*

## Summer Seminars

Saturday, June 24 / 8:00am – 12:05pm

*(Separate registration required.)*

8:00am – 9:15am **Ethics and the Future of Practicing Law Remotely: Working from the Beach, the Ranch, the Slopes, etc. (Ethics)**

Lawyers occasionally live and work, part-time or full-time, in a jurisdiction in which they are not licensed to practice. Working remotely is now an integral part of many firms, large or small. It may be part of your plan to adjust your work-life balance or even to partially retire and work part-time. But how do ethical rules come into play when a lawyer works in a jurisdiction where he or she is not licensed? Is it an unauthorized practice of law? Should you be concerned? What steps do you need to take to practice ethically?

Join us for an in-depth discussion of the ethical and practical considerations you need to consider when working or recruiting attorneys who reside permanently or temporarily in another state or even another country, or choose to work outside a physical office structure.

*Lora L. Brown, Seattle WA*

*Jack Metzler, Senior Assistant Disciplinary Counsel, District of Columbia Office of Disciplinary Counsel, Washington, DC*

*Robert E. Temmerman, San Jose, CA*

9:25am – 10:40am **The Tax Court is Here to Help: Valuation and Appraisers as Expert Witnesses**

This session will provide guidance from a litigator, appraiser, and Tax Court Judge on analyzing and commenting on valuation reports. The session will focus on assisting the Wealth Transfer Advisor in understanding and refining appraisals to ensure that gift, estate, and generation-skipping transfer tax returns are prepared in a manner that is most defensible in audit and in Tax Court. The session will also include a discussion of the role of advisors in reviewing appraisal reports in detail, the backbone of appraisals and the type and extent of review of the appraiser's analysis and conclusions.

*Carsten Hoffmann, Stout, Irvine, CA*

*Stephanie Loomis-Price, Austin, TX*

*The Honorable Cary Douglas Pugh, United States Tax Court, Washington, DC*

10:50am - 12:05pm **Treasury and the IRS Are Here to Help: How Does That Happen?**

Join Cathy Hughes with the Department of the Treasury, Karlene Lesho with the IRS Office of Chief Counsel, and Beth Kaufman with Lowenstein Sandler for a robust discussion about recent guidance, the IRS business plan, and comments received pursuant to Notice of Proposed Rulemaking (NPRM). The panelists also will walk through the process of how tax guidance becomes “official guidance.”

*Justin T. Miller, San Francisco, CA (Moderator)*

*Catherine V. Hughes, Washington, DC*

*Karlene M. Lesho, Internal Revenue Service, Office of Chief Counsel, Washington, DC*

*Beth Shapiro Kaufman, Washington, DC*