

Report #4 (Technology)

A complete listing of the proceedings and speakers is available on [the Institute's Web site](#)

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This report covers the software and other vendors who are exhibiting at the Institute.

Report by Jason Havens Esq. (with some update edits by Joseph G. Hodges Jr. Esq.)

The number of software and other vendors at the 2005 Institute has grown to 113.

A complete list of those vendors was posted previously. The software vendor list this year includes, in alphabetical order:

Authoritative.net & zCalc
BNA/Tax Management, Inc.
Brentmark Software. Inc.
CCH Tax and Accounting
Connect2a.com, L.L.C.
Eidelman Associates
Estate Valuations & Pricing Systems, Inc./EVP Systems, Inc.
EstateWorks
FASTER Systems, LLC
Financial Data Service, Inc.
Heritage System by DataTech SoftWare
InterActive Legal Systems
LAWGIC LLC
LexisNexis
ProDoc, Inc.
RIA
Schumacher Publishing, Inc.
The Lackner Group, Inc.
Thomson / Fast -Tax
Thomson West
Trusts and Estates
WealthCounsel, LLC
WealthWise, LLC

Following are some initial highlights and themes that should help attendees to focus on the "latest and greatest" technology and practice resources available to estate planning (trusts and estates) lawyers. This is the official "first round," which shares highlights of our initial visits with the 2005 software and other vendors. These highlights are classified in categories (generally in alphabetical order) that will hopefully prove helpful to list members.

A. CALCULATION SOFTWARE:

1. Estate & Gift Tax (TM) Planner by Bureau of National Affairs (BNA) (<http://www.bna.com>): BNA has supported their Estate & Gift Tax Planner

<http://www.bnasoftware.com/product/default.aspx?prod=etplanner>)

for sixteen years. Like the Intuitive Estate Planner, the Estate & Gift Tax Planner performs numerous calculations and has a similar “spreadsheet”

look and feel. The Estate & Gift Tax Planner also includes the ability to produce presentations. A “demo” version is available at the BNA booth. The Estate & Gift Tax Planner costs \$1,195 for a single-user version according to the BNA website.

2. Brentmark

<http://www.brentmark.com/>): Brentmark’s Kugler Estate Analyzer (TM)

<http://www.brentmark.com/kugler.htm>) has now been offered for approximately two years. The program uses three

steps: client information, assets & liabilities, and techniques. The program combines Brentmark’s Estate Planning QuickView and Estate Planning Tools capabilities in that you can perform calculations and illustrate planning techniques with flowcharts, such as generation-skipping transfer (GST) trusts, qualified personal residence trusts (QPRTs), grantor-retained annuity trusts (GRATs), charitable remainder trusts (CRTs), charitable lead trusts (CLTs), sales to grantor trusts, family limited partnerships (FLPs), and testamentary charitable gifts. The Kugler Estate Analyzer is still advertised on the Brentmark website at a price of \$595 for a single-user license (with a \$199 annual maintenance fee) or \$570 if downloaded from the Brentmark website. You may demonstrate the Kugler Estate Analyzer via Brentmark’s site (<http://www.brentmark.com/download.htm#Kugler>) or by stopping by the Brentmark booth, where Jane Schuck and others will gladly give you a personal tour.

Brentmark, which is celebrating the company's 20th anniversary this year, also offers the Retirement Income Navigator (TM); the Pension & Roth IRA Analyzer, which was used throughout Ed Slott's new book on the subject; and many others. Brentmark introduced the Asset Transfers System, which tracks transferring and retitling assets for a client, several years ago. One of the best features of Brentmark’s website is the inclusion of most product user manuals on the “Downloads” page: <http://www.brentmark.com/download.htm>. You can view each manual in your Adobe Acrobat Reader and decide whether you would like to purchase a particular product. Most products also feature a “demo” version, which are all included on the “Downloads” page and are available at the Brentmark booth as well.

3. Intuitive Estate Planner by Thomson/West (TM)

<http://west.thomson.com/>): Besides the RIA products, including Warren, Gorham & Lamont’s superb treatises and the various journals of that group, Thomson/West has recently released the eighth version of its comprehensive program known as the Intuitive Estate Planner (IEP)

(<<http://west.thomson.com/customerservice/software/iep.as>).

The IEP is authored by Donald H. Kelley and Konrad Schmidt, III. The IEP calculates and illustrates most estate planning techniques, from split interest trusts to non-resident spouse situations to gifts (even including calculation of the “gross-up” rule under Internal Revenue Code § 2035(b) for taxable gifts made within three years of death). The IEP coordinates a client’s assets with the schedules of the federal estate tax return. The IEP offers the ability to produce customized presentations based on slides created from a client’s illustration, pre-formatted slide shows, or your own customized slides. A slideshow demonstration and software patch files are available via the IEP page of the Thomson/West website. The IEP is priced at \$895 for a single-user license according to the Thomson/West website.

Of significant interest, the IEP is working on a seamless link to the Lackner Group's 6-in-1 Windows-based tax preparation system (below) and also to other legal software systems, such as Abacus Law Gold (practice management system) and, as a result of the Abacus Law Gold link, to HotDocs. The

ability to migrate and link data to various computer programs and systems within an office is critical to efficiency. This commitment by the IEP is commendable and should make single-entry input of data -- or at least most data -- a reality.

4. ViewPlan Advanced (TM) by Commerce Clearing House (CCH)

(<http://tax.cchgroup.com/>): CCH's ViewPlan Advanced has also received a warm welcome from practitioners over the past two years. This program integrates the features of the basic CCH ViewPlan, Beneview, and Factuary modules. You can calculate and illustrate more than twenty different asset transfer techniques including CRTs, NIMCRUTs, CLTs, GRTs, QPRTs, and SCINs. The graphical flowcharts are accompanied by built-in calculation logs. ViewPlan Advanced works seamlessly with other CCH products such as Enteract (TM) financial planning and Pro System fx (R) tax software programs, and uses Microsoft standards. ViewPlan Advanced is still priced on the CCH website at \$1,490 for a single-user license.

B. DRAFTING SOFTWARE:

1. Drafting Wills and Trust Agreements by Thomson/West (TM)

(<http://west.thomson.com/>): Thomson/West has supported its Drafting Wills and Trust Agreements (DWTA)

(<http://west.thomson.com/store/product.asp?product%5Fid=DWTA>),

which was originally authored by Robert P. Wilkins and is now co-authored by Michael L.M. Jordan, for nearly fifteen years.

Major news regarding DWTA was announced in 2004. In the past, DWTA was based on CAPS (Capsoft), in contrast to several other drafting systems based on the more progressive (and technologically-superior) HotDocs engine (below). As of late 2004, however, DWTA became the first major drafting system to operate on the GhostFill platform. (GhostFill is the engine used inside of the popular Amicus Attorney "front-end" practice management system for its Amicus Assembly document assembly option.) In fact, Bart Earle's "Test Drive" column features GhostFill and specifically mentions DWTA in the most recent issue of Law Technology News (Dec. 2004 -- vol. 10, no. 12): http://www.lawtechnews.com/r5/showkiosk.asp?listing_id=477883.

Pricing for DWTA is \$875. The DWTA form volumes

(<http://west.thomson.com/product/13513203/product.asp>) can still be purchased for \$390 based on the Thomson/West website.

2. Lawgic (<http://www.lawgic.com/>): Lawgic also functions as a "what-you-see-is-what-you-get" program. The distinguished estate planning attorneys at the international law firm of Holland & Knight, LLP have been updating the Lawgic Wills & Trusts products, including Florida and Georgia, which they originally authored. Well-known co-authors John Arthur Jones, Edward F. Koren, Richard L. Stockton, and Bruce Stone have used their well-drafted, "plain English" provisions to provide updated, state-specific systems for California, Florida, and Georgia.

Lawgic offers wills, disability planning documents, and a number of trusts (from revocable inter vivos trusts to insurance trusts to various grantor trusts), as well as ancillary documents and client letters. Lawgic is one of the only drafting systems that offers state-specific documents with state-specific legal commentary on various issues that arise from one state to another. Carlyn S. McCaffrey, a distinguished estate planning practitioner at the international law firm of Weil, Gosthal & Manges, LLP, agreed last year to oversee Lawgic's New York Trusts & Estates product and the initial release of this new product is now targeted for spring of 2005. Lawgic representatives are discussing the

addition of other distinguished practitioners as they release Wills & Trusts products for other states. In fact, Maryland was added last year, which is overseen by Abel J. Merrill. Notably, all Lawgic authors are fellows of the American College of Trust and Estate Counsel (ACTEC).

A "Getting Started Guide" is available within the program and via the Lawgic website. Lawgic's website offers some excellent "Product Training Videos" in the "Support" portion of their site (under "Training"). Lawgic is priced at \$1,200 for a full version (single-user license) according to the Lawgic website. A new development is the availability of monthly subscription pricing, which is similar to ProDoc's drafting system subscription (below) and allows you to obtain Lawgic at a low cost and cancel the subscription at any time without penalty (except for the first non-refundable month) according to the Lawgic website.

3. ProDoc (<http://www.prodoc.com/>): ProDoc offers Ronald Lipman's will and trust forms, the Florida Lawyer Support Services, Inc. (FLSSI) probate and guardianship forms, and probate management and accounting software as a part of its Estate Planning Library, which is advertised at \$95 per month. Other practice systems are available. ProDoc has offered Florida and Texas versions for some time, and is about to start offering California. A new feature of ProDoc is the Small Office Suite, which is essentially a case management program (somewhat similar to Abacus Law, Amicus Attorney, PC Law, or Time Matters) that affords contact management, calendaring, and time billing capabilities. ProDoc offers a user forum to its subscribers as well, which is generally moderated by Mr. Lipman.

4. WealthDocs by WealthCounsel (<http://www.wealthcounsel.com/>): WealthCounsel will probably again be a popular booth. Their WealthDocs drafting system functions as a "what-you-see-is-what-you-get" program and includes various "practice systems" (or modules) built on the HotDocs document assembly platform (below). WealthCounsel includes more "practice systems" than most other drafting systems, from various trusts to family limited partnerships to a comprehensive charitable system that even features private foundations.

WealthCounsel membership includes discussion lists (including a public one with 1,800 participants, which is also free to non-members), continuing education, and an impressive knowledge base. Notably, Louis Mezzullo and Natalie Choate respectively added a buy-sell component and a retirement planning component to WealthDocs' latest version 6.1 update; both of these additions are still in a testing mode, however, and will probably be finalized in the first quarter of this year. Brian Albee, who debuted his TrustDocs drafting system last year at the Heckerling Institute, joined WealthCounsel as their technology director in the fall of 2004. Mr. Albee is designing a trust funding system to be released by WealthCounsel this year.

WealthCounsel still offers two payment options based on their website: (b) a \$3,900 initial payment plus \$390 per month for twelve months; or (c) \$7,900 paid in full for the first year. However, please check with the WealthCounsel booth for special Heckerling Institute pricing. Also, note that this pricing is about to increase if it has not already.

WealthCounsel will again sponsor a post-Heckerling session, called "Putting Heckerling into Practice," to discuss topics and techniques presented at this year's Institute. Mr. Mezzullo will moderate this year's session. WealthCounsel costs more than other drafting systems, but you obviously receive additional services such as these types of post-program sessions and timely updates. You should remember that pricing is only one factor to consider in selecting a drafting system.

5. Wealth Transfer Planning by InterActive Legal Systems

(<http://www.ilsdocs.com>): Jonathan G. Blattmachr, a distinguished estate planning attorney at the international law firm of Milbank, Tweed, Hadley & McCloy, LLP in New York and well-known author, originally authored his Wealth Transfer Planning program. Wealth Transfer Planning, a “what-you-see-is-what-you-get” program, is now co-authored by Michael L. Graham of Dallas, Texas.

Wealth Transfer Planning offers (1) numerous modules, which are similar in breadth of scope to WealthDocs' "practice systems" (above), (2) polished language, and (3) built-in legal knowledge dialogues, which guide you through the decision-making process in drafting a document. Major news regarding Wealth Transfer Planning was announced in late 2004. Wealth Transfer Planning intends to convert to the popular HotDocs engine/platform (below). The official release of this new Version 3.0 is anticipated in early 2005. The beta version that is being shown at Heckerling is pretty slick and offers a lot of promise for significant functional improvements. This will address complaints from some users regarding the stability of Wealth Transfer Planning's programming, and will also make Wealth Transfer Planning another worthwhile option for those who want to migrate data to the HotDocs system.

Last year, Wealth Transfer Planning added a moderated discussion list, similar to the WealthDocs discussion list for its members (below). Wealth Transfer Planning still currently costs \$2,995 for a single-user license according to the InterActive Legal Systems website, but it is scheduled to go up to 3,995 with the release of the new HotDocs Version 3.

6. WinDraft/EP Expert (TM)

(<http://www.lawtech.com/WINDRAFT/EPEXPERT/>):

EP Expert uses an underlying engine, WinDraft, to produce documents. The WinDraft/EP Expert system represents one of the only notable options still available to create a "do-it-yourself" drafting system due to the end of support for Data Tech Software's ThinkDOCS drafting system. In other words, you can basically build your own document assembly system with your own forms using WinDraft/EP Expert.

WinDraft/EP Expert has several unique features, including an outline checklist interface to answer all applicable questions quickly and then produce a whole set of documents for both spouses. It then can automatically save each document in DOCS Open or iManage, and fill out each profile with names and descriptions. A particularly useful feature is the “drag-and-drop” interface, which lets a user enter contact information just once for husband, wife, children, and fiduciaries, and then drag-and-drop each person into various roles for the client’s documents, e.g., associating a person with a fiduciary role such as trustee or personal representative, or designating the person as a beneficiary. This program also works with DOCS Open or iManage document assembly software.

A number of large firms use WinDraft/EP Expert to produce their custom forms based on their own language. Smaller firms can implement WinDraft/EP Expert as well. WinDraft costs \$495 for a 5-user license, and EP Expert, the estate planning module, costs \$4,500. However, for Heckerling Institute attendees, WinDraft/EP Expert is being offered at half-price (\$2,497.50) according to company representative Dan Marcum (dan@lawtech.com).

7. HotDocs (R) by LexisNexis (R):

LexisNexis recently announced the release of HotDocs version 2005 (the seventh version of HotDocs). HotDocs 2005 includes several important new features: (a) integrated database connection, (b) integrated document comparison of HotDocs-generated documents when answers have changed, (c) integrated Microsoft (R) Outlook

(R) connection, (d) the ability to view variables in the assembled document at the "Document Preview" tab, and (e) the ability to jump from a variable in an assembled document to the place where it is asked in the HotDocs interview and vice versa. Please note that most, if not all, of these features are not available for Corel's WordPerfect (R) due to (a) a critical technical feature that allows one application to drive another, which is not present in WordPerfect, and (b) the lack of a useful display engine for WordPerfect documents. HotDocs is still working to overcome these obstacles regarding WordPerfect. Another significant feature in HotDocs 2005 is the ability to publish templates for use with HotDocs 2005 Server, which is the server-based, interview-in-a-browser version of HotDocs (a vast improvement over HotDocs Online version 6, with a friendly browser interface that mirrors the desktop interface). Foundational to the new features, HotDocs allows you to program all types of variables in order to automate your own (or another's) documents. The American Bar Association's HOT DOCS IN ONE HOUR FOR LAWYERS (2d ed. 2002), written by Bruce W. Miller and available via the ABA website: <http://www.ababooks.org>.

C. TRUST ACCOUNTING & RELATED ADMINISTRATION SOFTWARE:

1. BNA (<http://www.bna.com>): BNA offers two automated systems: an updated 706 program that already incorporates the increased applicable exclusion amount and a newly-updated 709 program. The

709 program now allows you to move gifts easily within the return by highlighting and "right-clicking" on the particular gift that you want to move to a different part of the return. Navigation within the 709 is also improved. "Demo" versions for both products are available at the BNA booth.

2. EstateWorks (<http://www.estateworks.com>):

EstateWorks is a web-based system that tracks and assists with the preparation of estate administration matters. Users can "click" through any part of the program and can see at a glance the status of cases and a checklist for each case. EstateWorks generates documents and merges data into word processing files and other formats.

3. FASTER Systems, LLC

(<http://www.fastersystems.com>): FASTER software offers a single-entry system for fiduciary accounting. Note that the FASTER operating environment is based on the ASP or Application Service Provider model. This means FASTER provided its software through an online-hosted environment. While it offers certain efficiencies, this may or may not be the sort of working environment that will best meet your needs and those of your clients.

4. Financial Data Service, Inc.

(<http://www.financialdata.com>): This program produces the 706 and 709 transfer tax returns, as well as probate reports and other items.

5. Heritage System (TM) and Quick & Easy (TM) by DataTech SoftWare, Inc.:

DataTech's Quick & Easy (<http://www.quickandeasy.com>) (tax preparation) now offers a complete suite of estate administration tools called Heritage System (<http://www.heritancesystem.com>). You may also purchase individual tax and fiduciary administration modules from the main Quick & Easy website. The jury is still out as to how effectively DataTech has integrated its Quick & Easy forms into its new Heritage environment, let alone how complete and robust their estate administration and tax forms really are, so a beta test of this system in your own offices is highly recommended.

6. The Lackner Group, Inc.

(<http://www.lacknergroupp.com>): The Lackner Group, Inc. has consistently offered a single-entry

estate administration program known as the 6-in-1 Estate Administration System. This system produces the 706, 1041, the accounting and inventory for the estate administration, and relevant state tax forms as well. The 6-in-1 Estate Administration System is a Windows- or Mac-based system that includes the latest tax preparation forms. The Lackner modules are priced separately and are very affordable. This system has been around virtually since the beginning of the development of fiduciary accounting software under the able leadership of Vince Lackner, which speaks highly for its stability and completeness, and is well worth serious consideration by anyone who is looking for a new system or to replace an existing one (such as the West FAS and ProBate FAS, both of which have gone out of business in the last year or so).

D. APPRAISAL & VALUATION SOFTWARE:

1. Estate Valuations & Pricing (EVP) Systems, Inc.

(<http://www.evpsystems.com>): EVP has released an updated version (as of July 25, 2004) of its superb stock and bond valuation software. Existing users are urged to upgrade to the current version due to market changes that occurred with the Regan funeral week. This company continues to improve this product, and it is linked to every popular fiduciary accounting program we are aware of. In addition, it is still the primary on-line source for values for the IRS. Its newest Version 7.04 comes with a new interface and drop down menus, and soon to be released Version 7.1 will allow for the valuation of foreign securities.

2. Other appraisal and valuation vendors abound, and will be included later as time permits.

E. RESEARCH SOFTWARE, SERVICES & RESOURCES:

1. American Bar Association (ABA)

(<http://www.americanbar.org> & ABA Section of Real Property, Probate, and Trust Law (RPPT) (http://www.americanbar.org/groups/real_property_trust_estate.html): The ABA offers some of the best practice resources available to lawyers and particularly to estate planning (trusts and estates) lawyers. For example, by joining the RPPT Section, you receive electronic access to the current issues and archives of Probate & Property magazine and the REAL PROPERTY, PROBATE & TRUST JOURNAL; both archives are browsable and searchable. You also receive discounts on the numerous treatises published by the ABA for estate planning lawyers.

2. BNA (<http://www.bna.com>): As most of you know, BNA offers excellent research tools, including the well-known Tax Management Portfolios (one of my favorite research tools).

3. CCH (<http://tax.cchgroup.com>): CCH also offers excellent tax and estate planning research tools.

4. LexisNexis (R) (<http://www.lexis.com>): Lexis features numerous estate planning titles in its Tax Law Library, including the University of Miami Philip E. Heckerling Institute on Estate Planning materials. You may also purchase the presentation materials on CD-ROM again this year.

5. Thomson/West (TM) (<http://west.thomson.com>):

West offers a number of estate planning research tools as well.

6. Trusts & Estates

(<http://www.trustsandestates.com>)

Magazine: Trusts & Estates, known as "The Journal of Wealth Management for Estate Planning Professionals -- Since 1904," is an excellent resource. As announced last year in the final report

(Report 15 of 2004), Trusts & Estates now offers online access to its issues published over the last ten years or so. The online archives include text, rich text with images, or portable document format (PDF) versions of various articles, depending on availability; most of the newer articles are available in all formats. The search feature could be improved a bit and the PDF files could be published with a product like Adobe (R) Acrobat's Distiller program so that they are searchable on your own drive or network, but overall this is a tremendous value. Pricing is \$199 for a one-year subscription or \$299 for two years based on the Trusts & Estates website; however, you can find excellent discounts if you are a member of a member council of the National Association of Estate Planners and Councils (NAEPC) (http://www.naepc.org/member_services.web), which offers a substantial discount on subscriptions as an "affinity" partner.

F. MISCELLANEOUS VENDORS:

1. Connect2A.com (<http://www.connect2a.com/>):

Connect2A.com allows estate planning professionals to track their clients' assets and estate planning techniques via an Internet-based service that is encrypted and more secure than almost all private law firms' internal servers. Connect2A offers excellent training, from their Internet-based presentations powered by WebEx technology (<http://www.connect2a.com/C2Ademo.html>), which cover basic aspects of Connect2A, setting up trust information in Connect2A, and the trust funding process of Connect2A, to their in-depth training sessions for the estate planning team. One of the most attractive aspects of Connect2A's service is the ability to track asset and beneficiary changes during the trust funding process. Connect2A's system is also compatible with HotDocs and thus is compatible with other programs (above).

Connect2A has released several new features including their encrypted communication system, a document storage/sharing service called Document Connect (TM), additional access for guest members and guest clients, and more administrative abilities to add new members. Some of these services incur additional costs depending on the level of additional usage. The primary Connect2A service still costs \$60 per month, billed quarterly, based on their website.

2. The Capital Trust Company of Delaware

(<http://www.ctcdelaware.com/>): As many of you know, the Capital Trust Company of Delaware's site has been one of my favorites for a long time. It includes many useful Adobe Acrobat one-page summaries on basic and advanced estate planning techniques, which are excellent when explaining a concept to a client who would prefer a picture. Presentations are also available, as well as sample forms and provisions and extensive information on the application of Delaware law. Most of the mentioned materials are located in the "Personal Trust Services" area under the "Trusts" heading on the top navigation bar.

Registration is no longer required to access these materials. Visitors may still register for a free e-newsletter, however, which contains planning discussions and recommendations from some of the helpful Capital Trust Company of Delaware team members.

3. Schumaker Publishing, Inc.

(<http://www.estateplanning.com>): This company markets packaged websites for estate planning attorneys.

Our on-site local reporters who are present in Miami this year are Gene Zuspann Esq. of Zuspann &

Zuspann in Denver, Colorado, Shelly Merritt Esq., a solo practitioner in Boulder, Colorado, Connie T. Eyster Esq. of Hutchinson, Black & Cook LLC in Boulder, Colorado, Jason Havens Esq. of Havens & Miller PLLC in Dustin, Florida, Bruce Stone of Goldman, Felcoski & Stone, PA of Coral Gables, Florida, Herbert L. Braverman Esq. of Walter & Haverfield LLP in Cleveland, Ohio, and Jeffrey L. Weiler of Benesch, Friedlander, Coplan & Aronoff LLP of Cleveland, Ohio. The editor again this year will be Joseph G. Hodges Jr. Esq, a solo practitioner in Denver, Colorado who is the Chief Moderator of the ABA-PTL List.

GENERAL INFORMATION ABOUT INSTITUTE

Inquiries/Registration

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