Report 3A

A complete listing of the proceedings and speakers is available on **the Institute's Web site**

Technology (pt.1)

First, an **IMPORTANT MESSAGE** from the Institute Staff:
At 10:45 AM 1/7/04 -0600, Ron Smith wrote:

January 6, 2004

Dear Registrants,

We have had a theft of registration records on a laptop which included the addresses and credit card information of our registrants. You may wish to contact your credit card company regarding your account. We regret this inconvenience and ask that you notify the Institute at www.law.miami.edu/heckerling of any unauthorized activity on your account.

- The Heckerling Institute on Estate Planning

Second, this Report will be the first of many on the various exhibitors who are present in Miami this year. These Reports will be prepared this year primarily by Jason Havens Esq., who is a practicing trusts and estates attorney in Destin, Florida and an LLM graduate in Estate Planning from the University of Miami Law School. In addition, Jason is the creator and Webmaster of the Legal Research for Estate Planners (LREP) Web site at www.jasonhavens.net.

The number of software and other vendors at the 2004 Institute has grown to 109. The software vendor list this year includes, in alphabetical order, although some of the other exhibitors who are not listed here may also provide software related services, such as forms on disk:

authoratative.net
BNA\Tax Management, Inc.
Brentmark Software, Inc.
CCH INCORPORATED
Connect2A
Eidelman Associates -- WINDRAFT
EstateDoc Systems, LLC
EstateWorks
Fast-Tax
FASTER Systems, LLC
Financial Data Service, Inc.
InterActive Legal Systems
The Lackner Group, Inc.
LAWGIC, LLC
LexisNexis
Power Presentations, L.L.C.

Practitioners Publishing Company (PPC)
ProDoc®, Inc.
Quick&Easy® by DataTech Software
RIA
Schumacher Publishing, Inc.
Selden Integrated Systems -- A ProBATE Software Company
WealthCounsel, LLC
West -- A Thomson Company
zCalc, LLC

Following are the highlights from the "first round" among the software and other vendors. These highlights are generally classified in categories that will hopefully prove helpful to list members. Additional "rounds" will follow.

A. CALCULATION SOFTWARE:

1. Brentmark (http://www.brentmark.com): Brentmark's Kugler Estate Analyzer (TM) (http://www.brentmark.com/kugler.htm) has received a warm welcome over the past year. 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 the user can perform calculations and illustrate planning techniques, such as generation-skipping transfer trusts, qualified personal residence trusts, grantor-retained annuity trusts, charitable remainder trusts, charitable lead trusts, sales to grantor trusts, family limited partnerships, and testamentary charitable gifts, with flowcharts. The Kugler Estate Analyzer is advertised at a price of $595 for a single-user license (with a $199 annual maintenance fee). For those of us who prefer immediate gratification, you may download the Kugler Estate Analyzer at a discounted price of $570 (http://www.brentmark.com/orders.htm). You may demonstrate the Kugler Estate Analyzer via Brentmark's site (http://www.brentmark.com/download.htm#Kugler).

Brentmark also offers the Retirement Income Navigator (TM), the Pension & Roth IRA Analyzer, EPLAN (TM) (acquired from U.S. Trust), and many others. Brentmark introduced the Asset Transfers System, which tracks transferring and retitling assets for a client, in 2002. Brentmark recently introduced its Stock Options Risk Analyzer (8/2003) and its Savings Bond Toolkit (11/2003).

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.

2. CCH (http://tax.cchgroup.com): CCH's ViewPlan Advanced (TM) has also received a warm welcome from practitioners. 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 priced at $1,490 for a single-user license.

3. Thomson/West (TM) (http://west.thomson.com): Besides the Zane products and the RIA products, including Warren, Gorham & Lamont's superb treatises and the various journals of that group, Thomson/West has recently released the seventh version of its comprehensive program known as the Intuitive Estate Planner ("IEP") (http://west.thomson.com/customerservice/software/iep.asp). 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 $900 for a single-user license.

4. Bureau of National Affairs (BNA) (http://www.bna.com): BNA has supported their Estate & Gift Tax (TM) Planner (http://www.bnasoftware.com/products/EGT/etplanner/?intProductID=4) for fifteen 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 $995 for a single-user version.

5. zCalc (http://www.zcalc.com): zCalc's Tool Box illustrates most estate planning techniques. Unlike other programs, zCalc can be customized by changing the Tool Box templates or the actual functions in the function library. zCalc is still reasonably priced at $295 for the initial purchase of the Tool Box (a single-user license) and $150 per year thereafter.

zCalc has also introduced its Presentations program, which includes various presentations on seventeen estate planning topics. The difference between these presentations and the comprehensive programs (above) is that zCalc Presentations is a stand-alone program (i.e., the presentations are not coordinated with a specific client's calculations and concepts). zCalc Presentations costs $395 for the initial purchase (a single-user license) and $200 per year thereafter.

B. DRAFTING SOFTWARE:

1. epExpert (TM) (http://www.lawtech.com/WINDRAFT/EPEXPERT/): epExpert uses an underlying engine, WinDraft, to produce documents. You can basically build your own document assembly system with your own forms. This program also works with DOCS Open or iManage document assembly software. epExpert 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.
A number of large firms use epExpert to produce their custom forms based on their own language. Smaller firms can implement epExpert as well, although the pricing and level of complexity in implementing the system might deter some small firms from pursuing epExpert. WinDraft costs $495 for a 5-user license, and epExpert, the estate planning module, costs $4,500.

2. DataTech SoftWare, Inc.: DataTech's ThinkDOCS (http://www.thinkdocs.com) functions as an engine and allows you to build your own document assembly system. ThinkDOCS uses an integrated database that stores answers that users input in dialog boxes. Therefore, if a change is made (e.g., changing a client's name from "Bill" to "William"), the database can prompt the user that a change has occurred and can then apply the same change to all of the client's documents. You can also use templates to make ThinkDOCS more efficient and effective, similar to other drafting programs. The ThinkDOCS system is priced at under $700 for a two-user license.

3. Thomson/West (TM) (http://west.thomson.com): West has has consistently supported its Drafting Wills and Trust Agreements (http://west.thomson.com/product/13513114/product.asp), which was originally authored by Robert P. Wilkins and is now co-authored by Michael L.M. Jordan. Unlike other drafting systems, which are based on the HotDocs engine, this system is still based on CAPS (Capsoft). The drafting language is also somewhat cumbersome and not as "client-friendly" as other drafting systems. However, Drafting Wills and Trust Agreements is affordable, priced at $695. The form volumes (http://west.thomson.com/product/13513203/product.asp) can be purchased for $385.

4. 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. The newest feature of ProDoc is the Small Office Suite, which is essentially a case management program (somewhat similar to Amicus Attorney or PC Law) that affords contact management, calendaring, and time billing capabilities.

5. InterActive Legal Systems (http://www.ilsdocs.com): As noted in last year's final technology report, Jonathan G. Blattmachr, a distinguished estate planning attorney at Milbank, Tweed, Hadley & McCloy, LLP in New York and well-known author, has revived his Wealth Transfer Planning program. Wealth Transfer Planning, a "what-you-see-is-what-you-get" program, is now co-authored by Mr. Blattmachr and Michael L. Graham of Dallas, Texas. I reviewed this program several years ago and was impressed by (1) its numerous modules, which are similar in breadth of scope to Wealth Transfer Planning's "practice systems," and (2) its elegant language, but have not reviewed it after its recent "revival." I am currently doing so and will post a "post-review" excerpt in a subsequent report. Wealth Transfer Planning costs $2,995 for a single-user license.

6. WealthCounsel (http://www.wealthcounsel.com): WealthCounsel is again a popular booth. The WealthCounsel drafting system functions as a "what-you-see-is-what-you-get" program and includes various "practice systems" (or modules) built on the HotDocs (R) document assembly platform. 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 an extensive list serve with 1,800 participants (which is also free to non-members), continuing education, and an impressive knowledge base. As of October 2003, WealthCounsel was offering two payment options: (b) $3,900 down 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.

WealthCounsel will again sponsor a post-Heckerling session to discuss topics and techniques presented at this year's Institute. According to distinguished practitioner and WealthCounsel co-author Lew Dymond, WealthCounsel will again implement updates to its practice systems based on selected ideas and techniques gleaned from the Institute presentations. WealthCounsel costs more than other drafting system, 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.

7. Lawgic (http://www.lawgic.com): Lawgic also functions as a "what-you-see-is-what-you-get" program. Lawgic was revived by Bruce Grewell, the new "captain" of Lawgic. The distinguished estate planning attorneys at the international law firm of Holland & Knight, LLP (http://www.hklaw.com) 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. According to representatives of Lawgic, they will release new Wills & Trusts products for Illinois, Maryland, Massachusetts, New York, Oregon, Virginia, and Washington in the near future. Notably, Carlyn S. McCaffrey, a distinguished estate planning practitioner at the international law firm of Weil, Gosthal & Manges, LLP (http://www.weil.com), has recently agreed to oversee Lawgic's New York Trusts & Estates product. Lawgic representatives are discussing the addition of other distinguished practitioners as they release Wills & Trusts products for other states.

A "Getting Started Guide" is available within the program and via the Lawgic website (http://www.lawgic.com/new/pdfs/GettingStartedGuide.pdf). Lawgic's website offers some excellent "Product Training Videos" in the "Support" portion of their site (under "Training"). Lawgic is priced at $1,500 for a full version (single-user license) or $995 for "Lawgic Lite" (single-user license), the latter of which does not feature certain trusts used in larger cases (but which can be converted at any time for $500).

This Report is continued in **Report 3B**.

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