Message from the Section Chair:

Please join me on May 9-10, 2019 as we return to the Westin Copley Square hotel in Boston for the Section’s 31st National CLE Conference (previously known as the Spring Symposia).

Come hear some of the nation’s leading experts discuss the latest developments in real estate and trust and estate law as you capture a year’s worth of CLE credits.

Network with attorneys and other professionals from across the country at multiple receptions, in addition to the Thursday working lunch, hosted by our Section’s many groups, and our division lunches on Friday.

Take in panoramic views of New England at our Thursday night reception and dinner at the Top of the Hub.

And take time to take in the sights of one of America’s greatest cities.

I look forward to seeing you in Boston in May.

David English
2018 – 2019 Chair of the ABA Section of Real Property, Trust & Estate Law
W.F. Fratcher Professor of Law, University of Missouri
Columbia, MO
**WEDNESDAY, MAY 8, 2019**

1 – 5 PM  
*Pre-Conference CLE Program: Disability and Medicaid Planning – What Can You Do on Your Own and When Do You Need to See a Specialist*

Cost: $25; pre-registration required  
The population is aging and individuals are concerned about whether they or their parents will need to qualify for some type of government benefits and whether these benefits can be acquired without having to spend all the individual's resources. Special Needs Planning is often looked at with an eye towards a disabled child, but planning with the aging parent of a child with a disability is a growing issue. This three-part program is designed to provide useful information to the community at large including local bar associations, pro bono, legal aid, law schools, and attorneys who may not specialize in this practice area. Read more about the three hour-long individual session descriptions online.

5:30 – 6:30 PM  
*WELCOME RECEPTION*

Welcome back to The Hub, The City on a Hill, The Cradle of Liberty, Beantown…Boston! All attendees are invited to attend this complimentary reception to help kick off the 31st Annual RPTE National CLE Conference.

**THURSDAY, MAY 9, 2019**

7 AM – 5 PM  
*HOSPITALITY AREA*

Continental breakfast in the morning and refreshments during scheduled breaks will be available for all meeting registrants. Be sure to stop by our sponsor's booths which will be open all day.

12:15 – 1:30 PM  
*GROUP AND COMMITTEE BOX LUNCHES*

Cost: $30  
Attendees are encouraged to grab a box lunch and participate in RPTE group and committee discussions. This is an excellent opportunity to gather with a smaller group of attendees with common practice interests. All interested attendees are welcome to join in these topic-based discussions.

4:30 – 5 PM  
*FIRST-TIME ATTENDEE RECEPTION*

We invite all first-time attendees of the National CLE Conference to meet and mingle with RPTE leadership for a short complimentary reception.

**FRIDAY, MAY 10, 2019**

7 AM – 5 PM  
*HOSPITALITY AREA*

Continental breakfast in the morning and refreshments during scheduled breaks will be available for all meeting registrants. Be sure to stop by our sponsor's booths which will be open all day.

11:45 AM – 12:15 PM: *Lunch*

**TRUST & ESTATE DIVISION LUNCHEON: Bright Thoughts from the Luminaries Panel***

Cost: $50  
The speakers will provide guidance on conundrums, opportunities, risks, and surprises they find most interesting for estate planning in 2019. In addition, the panel will address a curated selection of audience questions submitted in advance via the event app. Plated lunch to be served.

Sponsored by:

11:45 AM – 12:15 PM: *Lunch*

**REAL PROPERTY DIVISION LUNCHEON: Weathering the Storm: “Resilient Boston Harbor” and the Past, Present, and Future of Resiliency in Boston Harbor and Coastal Development in the City of Boston***

Cost: $50  
In October 2018, Mayor Martin J. Walsh introduced his plan to ensure Boston is ready for the next big storm. The plan, entitled “Resilient Boston Harbor,” is an attempt to set forth strategies to enable the City of Boston and neighboring coastal municipalities to fend off rising seas and to enable better access to Boston's 47-mile shoreline. “Resilient Boston Harbor” is just the latest in a long line of resiliency policy in the City of Boston. This panel will take a closer look at “Resilient Boston Harbor” and past resiliency efforts impacting Boston Harbor and coastal development in the City of Boston and other affected municipalities. Plated lunch to be served.

Sponsored by:
## SCHEDULE AT-A-GLANCE

### WEDNESDAY, MAY 8

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<tr>
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<td>8 AM – 12 PM</td>
<td>CLE Programming</td>
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<td>12:15 – 1:30 PM</td>
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<tr>
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<td>Real Property Division Lunch and Program (ticketed event; CLE credit) Sponsored by: Old Republic Title</td>
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# Boston

## Trust and Estate Symposium

### CLE Programs At-A-Glance

### Wednesday, May 8

1 - 5 PM

Disability and Medicaid Planning – What Can You Do on Your Own and When Do You Need to See a Specialist (Pre-registration required; ticketed event)

### Thursday, May 9

**8 - 9:15 AM**

Non-Tax Estate Planning Considerations Group: Secrecy, Security and Your Annual Non-Tax Hot Topics


**9:30 - 10:45 AM**

Employee Plans and Executive Compensation Arrangements Group: Everything We Wish Law Firms Knew About Their Own Employee Benefits Plans

LAW PRACTICE MANAGEMENT

Charitable Planning and Organizations Group: When and How to Terminate, Consolidate or Reorganize a Private Foundation

**11 AM - 12:15 PM**

Business Planning Group: The New Normal in Entity Planning: A Practical Application of the Most Impactful Legislation and Judicial Rulings in Recent Memory

Elder Law and Special Needs Planning Group: Alternatives to Guardianships and Conservatorships

**1:45 - 3 PM**

Income and Transfer Tax Planning Group: Recent Developments and Hot Topics in Income and Transfer Tax – Part I

Practice Group: Affordable Technology for the RPTE Lawyer: Champagne Technology on a Beer Budget

**3:15 - 4:30 PM**

Income and Transfer Tax Planning Group: Recent Developments and Hot Topics in Income and Transfer Tax – Part II: An Update on State Income Taxation of Trusts and Universal Life Insurance

Joint Legal Education and Uniform Laws Group: The Uniform Fiduciary Income and Principal Act: Trust Law Finally Catches Up with Trust Practice

### Friday, May 10

**8 - 9 AM**

The Perilous Pot Trust: Balancing Families, Flexibility and Fiduciary Duties

JOINT DIVISION: Opportunity Zones (Part I): Maximizing Impact - Issues and Perspectives on How to Structure a Deal

**9:15 - 10:15 AM**

Brilliant Estate Planning You No Longer Need? Unwinding the Plan Due to Death, Divorce or Desire

JOINT DIVISION: Opportunity Zones (Part II): Maximizing Return - Tax Benefits and Planning Opportunities

**10:30 - 11:30 AM**

The Qualified Business Income Deduction for Real Estate Investors and Professionals

Drafting and Defending Asset Protection Trusts and Related Strategies

**11:45 AM - 1:15 PM**

Trust and Estate Division CLE Program and Lunch (ticketed event) – Bright Thoughts from the Luminaries Panel

**1:30 - 2:30 PM**

The Future of Law - Generational Shifts, Technology Disruption and Business Challenges

JOINT DIVISION: The Role of In House Counsel in Promoting Law Firm Diversity

**2:45 - 3:45 PM**

Leveraging Technology to Supercharge Your Law Practice

JOINT DIVISION: Why Every Attorney Should be Concerned About Cybersecurity and Available Cyber Insurance
# REAL PROPERTY SYMPOSIUM
## CLE PROGRAMS AT-A-GLANCE

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THURSDAY, MAY 9, 2019

8 - 9:15 AM | St. George AB
NON-TAX ESTATE PLANNING CONSIDERATIONS GROUP

Secrecy, Security, and Your Annual Non-Tax Hot Topics
This program will provide an update on recent non-tax cases, a discussion of planning issues involving cyber security for attorneys and clients, and an overview of the treatment of silent trusts throughout the country.

Program Co-Chair: Carole M. Bass, Moses & Singer LLP, New York, NY
Program Co-Chair and Moderator: Paulina Mejia, Fiduciary Trust Company International, New York, NY

8 - 9:15 AM | Essex North
LITIGATION, ETHICS AND MALPRACTICE GROUP

Another Boston Tea Party? Navigating Family Law Issues in Trust and Estate Litigation
This program will address issues that arise at the intersection of family law and trust and estate law. Specifically, what steps can be taken to protect family wealth if a trust beneficiary divorces. The program will focus on the following considerations:

• Drafting and negotiating prenuptial and postnuptial agreements
• Creating and administering trusts to protect family wealth from the claims of spouses and former spouses
• Litigation and procedural issues that arise when spouses assert claims against an estate or trust

Program Chair and Speaker: Anthony R. La Ratta, Archer & Greiner, P.C., Haddonfield, NJ
Moderator: Crystal M. Patterson, Gulfstream Commercial Services, LLC, Owensboro, KY
Speakers: Robert C. Barton, Holland & Knight LLP, Los Angeles, CA and Robin Drey Maher, Levin Schreder & Carey, Ltd, Chicago, IL

9:30 - 10:45 AM | Essex North
CHARITABLE PLANNING AND ORGANIZATIONS GROUP

When and How to Terminate, Consolidate, or Reorganize a Private Foundation
There are many circumstances when a family may no longer want to continue its private foundation, or when it may no longer be a going concern. This program will provide pointers for families in those situations, including the following:

• Options for families who want to continue their charitable gifts without the hassle of managing a foundation
• State and federal requirements for carrying out a termination, and the results of termination
• How to reorganize a private foundation into another charitable vehicle or consolidate a private foundation with another private foundation

Program Co-Chair: Toni Ann Kruse, McDermott Will & Emery LLP, New York, NY
Program Co-Chair, Moderator and Speaker: Jessica A. Cohan, The Bowden Spratt Law Firm, P.C., Atlanta, GA
Speakers: Victoria Pambianco Ose, McDermott Will & Emery LLP, Chicago, IL, Michelle J. Hong, Brown Brothers Harriman & Co., Philadelphia, PA, and Neil T. Kawashima, McDermott Will & Emery LLP, Chicago, IL
Guardianship issues may arise in any estate planning representation and can result in removal of an individual's right to make choices about his or her life. Most states have mandated that less restrictive alternatives to guardianships be considered before a guardianship is imposed. This presentation will discuss the following:

- Guardians and conservators, along with their alternatives
- Supported decision-making
- Advance care planning and the ABA Commission on Law and Aging's new “Counseling Guide for Lawyers”
- When a specialist attorney is needed

Program Chair and Moderator: Heidi M. Brown, Osterhout & McKinney, P.A., Fort Myers, FL

**THURSDAY, MAY 9, 2019**

**1:45 – 3 PM | Essex North PRACTICE GROUP**

**LAW PRACTICE MANAGEMENT**

**Affordable Technology for the RPTE Lawyer: Champagne Technology on a Beer Budget**

Believe it or not, you can get great law firm technology on a tight budget. Whether you are ready to start a firm or overhaul your firm’s existing technology, this program gives you a legal technology roadmap for real property and trust and estate lawyers with a focus on keeping the costs as low as possible. It will also cover the law firm technology hierarchy of needs to help you prioritize your purchases. From buying strategies, to computer configurations, to cloud services; from VOIP phone systems, to online faxing, to low-cost printing, you literally cannot afford to miss this seminar.

**Program Chair:** Mary E. Vandenack, *Vandenack Weaver LLC*, Omaha, NE

**Speakers:** Heidi Alexander, *Massachusetts Law Office Management Assistance Program*, Boston, MA and Barron Henley, *Affinity Consulting*, Columbus, OH

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**3:15 – 4:30 PM | Essex North LEGAL EDUCATION AND UNIFORM LAWS GROUP**

**The Uniform Fiduciary Income and Principal Act: Trust Law Finally Catches Up with Trust Practice**

The new Uniform Fiduciary Income and Principal Act (UFIPA) is ready for enactment by the states. Learn how UFIPA improves upon older Principal and Income Acts governing trust accounting with:

- Innovative unitrust conversion rules that are more flexible than any existing state statute
- A clear governing law provision to remove ambiguity
- Updated standards for discretionary adjustments between principal and income
- Expansion beyond trusts and estates to encompass other limited-term interests

**Program Chair:** Benjamin Orzeske, *Uniform Law Commission*, Chicago, IL

**Moderator and Speaker:** Turney P. Berry, *Wyatt Tarrant & Combs LLP*, Louisville, KY


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**FRIDAY, MAY 10, 2019**

**8 – 9 AM | St. George AB**

**The Perilous Pot Trust: Balancing Families, Flexibility, and Fiduciary Duties**

“Pot” trusts which allow a trustee to sprinkle and spray distributions among a class of beneficiaries from a single fund are often promoted as allowing a trustee to manage money in the same way that the grantor would manage money for the family. However, administering a pot trust is rarely straightforward. The trustee’s ability to manage tricky family dynamics, competing interests, and different objectives is critical. This program will cover:

- Planning considerations, such as defining the class of beneficiaries, creation of a single pot versus a division along family lines, and the timing of a division or termination
- Administration issues, such as balancing divergent interests, risk tolerance, and investment objectives, communication with beneficiaries (or not), and managing (or ignoring) family dynamics

**Program Chair and Speaker:** Elisa Shevlin Rizzo, *The Northern Trust Company*, New York, NY

**Moderator:** Alex S. Tanouye, *The Northern Trust Company*, Washington, DC

**Speakers:** Laura Weintraub Beck, *Cummings & Lockwood LLC*, Greenwich, CT and Ryan A. Walsh, *Hamilton Thies & Lorch LLP*, Chicago, IL, and Brian P. Corrigan, *Farrell Fritz P.C.*, New York, NY

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**8 – 9 AM | Essex North**

**Joint Division**

**Opportunity Zones Part I: Maximizing Impact - Issues and Perspectives on How to Structure a Deal**

This panel will focus on how Opportunity Zones work and analyze their benefits from a tax, economic development, lender, and Treasury Official’s perspectives. The panel will include a presentation of actual case studies, a discussion of issues and solutions, as well as a look forward to the effect of additional regulations, revenue procedures, and program viability after December 31, 2026.


**Speakers:** Jennifer M. Litwak, *Housing on Merit*, Boston, MA and F. Christopher Wootten, *Coats Rose*, New Orleans, LA
10:30 - 11:30 AM | Essex North

The Qualified Business Income Deduction for Real Estate Investors and Professionals

This program will explore how the new Qualified Business Income deduction under 199A applies to real estate investors and professionals. Under the Tax Cuts and Jobs Act, many owners of sole proprietorships, partnerships, trusts, and S corporations may deduct 20% of their qualified business income (QBI).

This program will also explore which real estate activities generate QBI, and which do not; how the rules applicable to pass through entities and multiple-tiered entities impact common real estate structures; when different businesses can be aggregated for purposes of calculating QBI; how tax basis of depreciable property can impact the QBI deduction; and other issues related to the computation of this new and important deduction.

Program Chair and Moderator: Stephen Liss, UBS Financial Services Inc., New York, NY

Speakers: Daniel L. Gottfried, Day Pitney LLP, Hartford, CT and Belinda G. Schwartz, Herrick Feinstein LLP, New York, NY

12:15 – 1:15 PM | Essex South

Bright Thoughts from the Luminaries Panel

The speakers will provide guidance on conundrums, opportunities, risks, and surprises they find most interesting for estate planning in 2019. In addition, the panel will address a curated selection of audience questions submitted in advance via the event app.

Program Chair: Carole M. Bass, Moses & Singer LLP, New York, NY
TRUST & ESTATE PROGRAMS
FRIDAY, MAY 10

Moderator: Karen Sandler Steinert, Fredrikson & Byron P.A., Minneapolis, MN

1:30 - 2:30 PM | St. George ABCD

The Future of Law – Generational Shifts, Technology Disruption and Business Challenges
The RPTE Futures Practice and Guidance Task Force has worked for the past few years to identify emerging trends in the practice of law. In this program, members of the Task Force will explain how these change agents will affect our practices and the steps attorneys and the ABA can take to prepare to meet these challenges. The discussion will include:

- Generation, gender, and diversity issues
- Competition from non-lawyers
- Demand for alternative fee arrangements
- Emerging technology and impact on legal services
- Unbundling of legal services
- Contract lawyers
- Changes in consumer buying trends
- Need for innovation in the face of a profession that has struggled with change in the past
- Evolving business models

Program Co-Chair and Moderator: Dennis M. Horn, Holland & Knight LLP, Washington, DC
Program Co-Chair and Speaker: Mary E. Vandenack, Vandenack Williams LLC, Omaha, NE

2:45 - 3:45 PM | Essex North/Center

Why Every Attorney Should Be Concerned about Cybersecurity and Available Cyber Insurance
The ABA Model Rule of Professional Conduct Rule 1.6(c) requires a lawyer to make reasonable efforts to prevent the disclosure of confidential client information. The comments to Rule 1.6 require lawyers to act competently to safeguard client information and use reasonable safety precautions when transmitting a client communication, and the majority of states require attorneys to understand the benefits and risks of technology as it affects their practice. Although exact meanings of "reasonable efforts," "act competently" and "reasonable precautions" may be subject to debate, doing nothing certainly won't meet the standard. The panel will discuss, and provide practical information and tips, to help you understand the following issues:

- The nature of the threat environment in cyberspace
- How to set up effective practices in your office, and identify various tools you can use, to help you keep your confidential information confidential
- The various ethical rules you need to know, as well as actions and procedures you can implement, to help you comply with those ethical rules
- Cyber security insurance, what it is and what it isn’t, and whether it might be appropriate for your practice

Program Chair and Moderator: Michael D. Goler, Miller Goler Faeges Lapine LLP, Cleveland, OH
Speaker: Barron K. Henley, Affinity Consulting, Columbus, OH

1:30 - 2:30 PM | Essex North/Center

The Role of In House Counsel in Promoting Law Firm Diversity
Outside counsel can encourage diversity in law firms through the power of the purse. This program will discuss ways that in-house counsel can encourage their outside counsel to promote diversity, such as requiring participation of diverse lawyers in projects for the client. The panelists will also discuss some initiatives taken by general counsel on a national basis to promote law firm diversity.

Program Chair and Moderator: Jo Ann Engelhardt, Bessemer Trust, Palm Beach, FL
Speakers: Eric M. Mathis, MAHLE Industries Incorporated, Farmington Hills, MI, Crystal M. Patterson, Gulfstream Commercial Services, LLC, Owensboro, KY, Nikki Lewis Simon, Greenberg Traurig LLP, Miami, FL, and Minming Wu, Lawrence Livermore National Laboratory, San Francisco, CA

2:45 - 3:45 PM | Essex North/Center

Leveraging Technology to Supercharge Your Law Practice
This panel will provide guidance on leveraging the latest technology to streamline business functions, automating processes to reduce redundancies and save time, managing workload, and attracting and pleasing the modern client. Discussion topics will include:

- Cloud storage and software products for document drafting and settlement processes
- Business management and workflow solutions
- Invoice and accounts receivable solutions
- Marketing and networking solutions

Program Chair, Moderator, and Speaker: Sarah D. Cline, Shulman Rogers, Potomac, MD
Speakers: Karen Hulme Alegi, Alegi Anderson, LLC, Frederick, MD and Sahmra A. Stevenson, S.A. Stevenson Law Offices, LLC, Greenbelt, MD
THURSDAY, MAY 9, 2019

8 - 9:15 AM | St. George CD
Economic Growth Through Zoning Reform: A Tale of Two Cities
Across the country, municipalities are closely focusing on the land-use regulations that shape their neighborhoods. Many are replacing antiquated rules with ones that alleviate burdens on both applicants and cities and foster economic growth. Attendees will learn about the recent zoning reforms in Hartford and Philadelphia and the reforms' impact on property values and will hear from the leaders of each respective city discussing their challenges and successes.

Program Chair: C. Scott Schwefel, Shipman, Shaiken & Schwefel, LLC, West Hartford, CT
Moderator: Karla Chaffee, Robinson & Cole, LLC, Boston, MA
Speakers: Sara C. Bronin, University of Connecticut School of Law, Hartford, CT, Alan Greenberger, Drexel University College of Media Arts & Design, Philadelphia, PA, and Gregory F. Servodidio, Pullman Comley, LLC, Hartford, CT

8 - 9:15 AM | Essex Center
REAdy to Draft and Amend REA Documents? Pointers for Drafting and Amending REA Documents in Connection with the Development or Redevelopment of a Project
This program will discuss how to draft REA documents for the initial development of a property, and how to amend them later for a redevelopment. The panelists will discuss the following:
- What should a property owner anticipate that its lenders, tenants and future buyers will require in an REA?
- Who must consent to REA amendments, and how does a declarant obtain consents promptly and inexpensively?
- Should a tenant leasing a small portion of a development burdened by an REA review the entire REA?
- Who is entitled to enforce an REA, and how does enforcement happen?

Program Chair, Moderator, and Speaker: Ruth Schoenmeyer, White & Case LLP, Chicago, IL
Speakers: John Rattigan, DLA Piper, Boston, MA, David Camp, Senn Visciano Canges P.C., Denver, CO, and Kathleen Dempsey Boyle, Meltzer Puttlit & Stelle LLC, Chicago, IL

9:30 - 10:45 AM | St. George CD
What Every Real Estate Attorney Needs to Know about Surveys and Working with Surveyors
This program will cover the basic elements of a survey, as well as survey requirements and purposes. Attendees will learn how to efficiently and effectively work with a surveyor to address practical and title matters frequently encountered in the survey process, including:
- What is surveying and what does a surveyor do?
- What rules and requirements apply to surveys and surveyors?
- What is involved in preparing a survey and costs involved?
- Real life examples (aka horror stories)

Program Chair: Heather Johnston, Sapphire Law Group, Folsom, CA
Moderator: Ryan Christiansen, Liskow & Lewis, New Orleans, LA
Speakers: Joanne Crum, Office of Joanne Crum, Cobleskill, NY and Vincent Macauda, Millman National Land Services, Canton, OH

9:30 - 10:45 AM | Essex Center
Uniform Commercial Code Opinions in Real Estate Finance Transactions: The UCC Opinions Report
The UCC Opinions Report program provides basic guidance for opinion practitioners in real estate finance transactions to consider in giving and reviewing opinion letters when there is a security interest in any or all of (1) personal property (non-real estate) collateral, (2) fixture real estate collateral and (3) non-fixture real estate collateral that is governed by the Uniform Commercial Code. Specific topics to be addressed include:
- General concepts of creation, attachment, perfection and priority
- Applying general concepts to real estate collateral and non-real estate collateral, including deposit accounts and investment property
- Choice of law issues
- Express or unstated assumptions and limitations

Program Chair: Daniel H. Devaney, Cades Schutte LLP, Honolulu, HI
Moderator and Speaker: William Dunn, Clark Hill PLC, Grand Rapids, MI
Speakers: R. Marshall Grodner, McGlinchey Stafford PLLC, Baton Rouge, LA, Lydia C. Stefanowicz, Greenbaum Rowe Smith & Davis LLP, Roseland, NJ, and Steven O. Weise, Proskauer Rose LLP, Los Angeles, CA

11 AM - 12:15 PM | St. George CD
Ethical Considerations When Using Appraisers in Transactions and Litigation
Both attorneys and appraisers are professionals bound by ethical considerations. This program is designed to familiarize attendees with the ethical obligations of the legal representative when utilizing an appraiser's services in real estate transactions and real property related litigation. Topics include:
- Discussion of professional practice requirements for attorneys and an overview of the Rules of Professional Responsibility
- Discussion of professional practice requirements for appraisers and an overview of the Code of Professional Ethics of the Appraisal Institute
- Advocacy
- Reporting negative data

Program Chair: Bill Just, Just Title, LLC, New Orleans, LA
Moderator and Speaker: R. Marshall Grodner, McGlinchey Stafford PLLC, Baton Rouge, LA
Speakers: Paula Konikoff, Paula Konikoff, Inc., Los Angeles, CA and C. Scott Schwefel, Shipman, Shaiken & Schwefel, LLC, West Hartford, CT
11 AM - 12:15 PM | Essex Center
The Recent Amendments to the Delaware LLC Act and its Impact on Real Estate Transactions
Recent amendments to the Delaware Limited Liability Company Act allow for the division of an LLC and the creation of a registered series, among other changes. These changes can have an impact on various real estate transactions. This program will discuss the changes and what lenders, borrowers, owner and investors should be aware of when a Delaware LLC is involved in a transaction.

Program Chair, Moderator, and Speaker: Joy Barrist, Potter Anderson & Corroon LLP, Wilmington, DE
Speaker: Matthew O’Toole, Potter Anderson & Corroon LLP, Wilmington, DE, Andrew J. Flame, M&T Bank, Wilmington, DE, and Robert S. Bozarth, Fidelity National Title Insurance, Richmond, VA

1:45 - 3 PM | St. George CD
Hotels as the Purchase of Real Estate: The Fallacy
- What is the basic nature of legal relationships controlling management and franchise agreements
- Evaluation of the law regarding hotel management agreements
- How profitable is the hotel being purchased: the challenges of due diligence and subsequent asset management
- Subordination: non-disturbance and attornment agreements

Program Chair and Speaker: Tara Gorman, Loeb & Loeb, Washington, DC
Moderator: Steven Mezer, Becker & Poliakoff, Tampa, FL
Speaker: Cecelia Fanelli, Eckert Seamans, New York, NY and Jonathan Falik, JF Capital, New York, NY

1:45 - 3 PM | Essex Center
Healthcare Regulation Issues with Medical Office Leases - When to Call in the Experts
This program will focus on certain healthcare issues or regulations that are problems in medical office leases. Often it is the real estate attorney who is in the best position to detect potential problems and knows when calling in the healthcare attorneys could prove to be crucial for the client. This program will focus on:
- Physician Self-Referral Law (Stark Law)
- Anti-Kickback Statute (AKS)
- Use issues, access, and other considerations

Program Chair, Moderator and Speaker: Katie Williams, McDermott Will & Emery LLP, Boston, MA
Speakers: Andrew Dick, Hall, Render, Killiam, Heath & Lyman P.C., Indianapolis, IN and Sarah Kitchell, McDermott Will & Emery LLP, Boston, MA

3:15 - 4:30 PM | St. George CD
Real News about Fake Insurance and Other Trends in Property Loss, Construction and Leasing
Insurance policies and endorsements can legitimately give the appearance of insurance coverage where none exists. This program will describe how to spot “fake” insurance and what to do about it in:
- The construction context
- Property damage claims
- Leasing
- Litigating Third-Party Claims

Program Chair: Bill Just, Just Title, LLC, New Orleans, LA
Moderator: Nelse Miller, Lewis Brisbois Bisgaard & Smith, LLP, San Diego, CA
Speakers: Charles E. Comiskey, RiskTech, Inc, Houston, TX, Marie A. Moore, Sher Garner Cahill Richter Klein & Hilbert, LLC, New Orleans, LA, and Scott Pence, Carlton Fields, Tampa, FL

3:15 - 4:30 PM | Essex Center
Legal Opinions in Commercial and Real Estate Transactions
The Diversity and Inclusion Committee and Legal Opinions in Real Estate Transactions Committee, in partnership with the National Bar Association Real Estate Probate Law Section, will analyze the various parts of legal opinion letters that are typically given in commercial and real estate transactions. The program will include a discussion of:
- The purposes of legal opinion letters
- The due diligence required before legal opinion letters can be given
- The ethical considerations when giving legal opinion letters
- The general procedures for completion of legal opinion letters
- The legal implications and liabilities related to completing legal opinion letters

Program Chair and Moderator: Shenique Moss, Office of the Governor, State of Michigan, Lansing, MI
Speakers: Cheryl Kelly, Thompson Coburn LLP, St. Louis, MO, Lisa Love, Love and Long LLP, Newark, NJ, and Charles Menges, McGuire Woods LLP, Richmond, VA
FRIDAY, MAY 10, 2019

8 – 9 AM | St. George CD
The Coming Retail Apocalypse: Fact or Fiction?
A good deal of discussion centers on the coming “Retail Apocalypse” and how digital platforms will eliminate the great majority of retail-oriented real estate in the coming years. The effect of the digital economy on physical retail is much more nuanced, however, in that the retail landscape itself has changed. Evolving social factors such as a greater desire for experiences as opposed to physical goods, “showrooming,” “omnichannelling” and other circumstances portend not a coming apocalypse but instead a fundamental change in the retail landscape, and of course, the law affecting it.

Program Chair: Manuel Farach, McGlinchey Stafford, PLLC, Ft. Lauderdale, FL
Speakers: Matt Epstein, Goulston, Boston, MA and Sarah Lemke, New England Development, Boston, MA

8 – 9 AM | Essex Center
Railroad Rights of Way Issues in the Face Of High Speed Rail
The creation of high-speed rail lines presents issues and challenges for practitioners. During this program, panelists will discuss:

- Determining property interests of the railroad based on source of title in federal land grants, private land grants, and condemnation
- Determining property interests of the adjacent landowner and the railroad’s bisection of property in common ownership
- Abandonment and reversion issues when the railroad no longer uses the line, including Brandt v. United States
- Implications for adjacent landowners with new high-speed rail such as railroad’s ability to expropriate property, advice to landowners and reservation of rights in ROWs

Program Chair and Moderator: Joanne Darcy Crum, Joanne Darcy Crum, Cobleskill, NY
Speakers: Travis Beaton, Sher Garner Cahill Richter Klein & Hilbert, LLC, New Orleans, LA, Shenique Moss, Office of the Governor, State of Michigan, Lansing, MI, and Kely Quam, Old Republic Title Insurance Company, Minneapolis, MN

8 – 9 AM | Essex North
Opportunity Zones Part I: Maximizing Impact - Issues and Perspectives on How to Structure a Deal
This panel will focus on how Opportunity Zones work and analyze their benefits from a tax, economic development, lender, and Treasury Official’s perspectives. The panel will include a presentation of actual case studies, a discussion of issues and solutions, as well as a look forward to the effect of additional regulations, revenue procedures, and program viability after December 31, 2026.

Program Chair and Moderator: Eric M. Mathis, MAHLE Industries, Incorporated, Farmington Hills, MI
Speakers: Erreka Campbell, Polsinelli, LLP, Dallas, TX, D. Josh Crowfoot, KPPB Law, Atlanta, GA, Christina Jenkins, Middleberg Riddle Group, Dallas, TX and Imran Naemmullah, JMY Law Group LLC, Honolulu, HI

9:15 – 10:15 AM | Essex North
Opportunity Zones Part II: Maximizing Return - Tax Benefits and Planning Opportunities
This panel will do a deep-dive review of the tax benefits and planning opportunities for investors. Tax and wealth transfer planning opportunities and challenges vary depending on whether the investor is an individual, a trust, or an entity. The discussion will address tax and non-tax considerations, as well as fiduciary duties when investing in Qualified Opportunity Funds. In addition, there will be a discussion with a Treasury Department Official and an opportunity for questions and answers.

Program Co-Chairs: Joshua Caswell, Howland Evangelista Kohlenberg LLP, Providence, RI, and Cynthia Paine, Katten Muchin Rosenman LLP, Washington, DC
Speakers: Michael Bernier, Ernst & Young LLP, Boston, MA, Joshua Caswell, Howland Evangelista Kohlenberg LLP, Providence, RI, Benetta P. Jenson, J.P. Morgan Private Bank, Chicago, IL and Daniel Kowalski, U.S. Department of the Treasury, Washington DC

9:15 – 10:15 AM | St. George CD
Factors Landlords and Landowners Should Consider While Leasing in Shared Economies
The Diversity and Inclusion Committee, in partnership with the National Bar Association Real Estate Probate Law Section, will explore the elements of shared economies (e.g., Airbnb, VRBO, Couchsurfing, WeWorks, etc.). This program will include a discussion of:

- The types of shared economies
- The general impact shared economies have had on landlords and landowners
- Provisions that landlords could incorporate into standard lease agreements to adjust to the rise in shared economies and other future technological trends
- Recent court decisions addressing provisions in homeowner association declarations that impact residential property owners

Program Chair and Moderator: Eric M. Mathis, MAHLE Industries, Incorporated, Farmington Hills, MI
Speakers: Erreka Campbell, Polsinelli, LLP, Dallas, TX, D. Josh Crowfoot, KPPB Law, Atlanta, GA, Christina Jenkins, Middleberg Riddle Group, Dallas, TX and Imran Naemmullah, JMY Law Group LLC, Honolulu, HI
10:30 - 11:30 AM | St. George CD
Conveyancing and Notarization in the Electronic Age
This program will explore recent developments in electronic real estate transactions, including e-signatures, electronic land records, electronic conveyances, and remote online or webcast notarization. Among other things, this panel will discuss key legislation involving electronic recording and remote notarization, including the Uniform Real Estate Electronic Recording Act ("URPERA"), the Uniform Electronic Transactions Act ("UETA") and the Revised Uniform Law on Notarial Acts ("RULONA").

Program Chair and Moderator: James C. Wine, Nyemaster Goode, Des Moines, IA
Speakers: Renée Alberty, Notarize, Inc., Detroit, MI, Arthur R. Gaudio, Western New England University School of Law, Springfield, MA, and Tim Reiniger, Reiniger LLC, Cape Elizabeth, ME

10:30 - 11:30 AM | Essex Center
Professors’ Corner: Hot Real Property Topics
Real estate faculty experts will discuss emerging legal issues and recent relevant court decisions. Topics may include:
- Landlord-tenant issues
- Mortgages and foreclosure practices
- Public land use controls
- Purchasing and selling real property

Program Chair, Moderator and Speaker: Tanya Marsh, Wake Forest University School of Law, Winston-Salem, NC
Speakers: Andrea J. Boyack, Washburn University School of Law, Topeka, KS and R. Wilson Freyermuth, University of Missouri School of Law, Columbia, MO

12:15 - 1:15 PM | Staffordshire
Weathering the Storm: “Resilient Boston Harbor” and the Past, Present, and Future of Resiliency in Boston Harbor and Coastal Development in the City of Boston
In October 2018, Mayor Martin J. Walsh introduced his plan to ensure Boston is ready for the next big storm. The plan, entitled "Resilient Boston Harbor," is an attempt to set forth strategies to enable the City of Boston and neighboring coastal municipalities to fend off rising seas and to enable better access to Boston's 47-mile shoreline. "Resilient Boston Harbor" is just the latest in a long line of resiliency policy in the City of Boston. This panel will take a closer look at "Resilient Boston Harbor" and past resiliency efforts impacting Boston Harbor and coastal development in the City of Boston and other affected municipalities.

Program Chair: Kyle R. Johnson, Brown Rudnick LLP, Hartford, CT
Speaker and Moderator: Greg Sampson, Brown Rudnick LLP, Boston, MA
Speakers: Jamie Fay, Fort Point Associates, Boston, MA, Jacqui Krum, Wynn Resorts Development, Everett, MA, Richard McGuinness, City of Boston, Boston, MA

1:30 - 2:30 PM | St. George ABCD
Joint Division
The Future of Law – Generational Shifts, Technology Disruption and Business Challenges
The RPTE Futures Practice and Guidance Task Force has worked for the past few years to identify emerging trends in the practice of law. In this program, members of the Task Force will explain how these change agents will affect our trust and estate and real estate practices, and the steps attorneys and the ABA can take to prepare to meet these challenges.

The discussion will include:
- Generation, gender and diversity issues
- Competition from non-lawyers
- Demand for alternative fee arrangements
- Emerging technology and impact on legal services
- Unbundling of legal services
- Contract lawyers
- Changes in consumer buying trends
- Need for innovation in the face of a profession that has struggled with change in the past
- Evolving business models

Program Co-Chair and Moderator: Dennis Horn, Holland & Knight, Washington, DC
Program Co-Chair and Speaker: Mary Vandenack, Vandenack Williams LLC, Omaha, NE

1:30 - 2:30 PM | Essex North/Centre
Joint Division
Elimination of Bias Credit
The Role of In House Counsel in Promoting Law Firm Diversity
Outside counsel can encourage diversity in law firms through the power of the purse. This program is intended to discuss ways that in-house counsel can encourage their outside counsel to promote diversity through means such as requiring minimum participation of diverse lawyers in projects for the client. The panelists will also discuss some initiatives taken by general counsel on a national basis to promote law firm diversity.

Program Chair and Moderator: Jo Ann Engelhardt, Bessemer Trust, Palm Beach, FL
Speakers: Eric M. Mathis, MAHLE Industries, Incorporated, Farmington Hills, MI, Crystal M. Patterson, Gulfstream Commercial Services, Owensboro, KY, Nikki Simon, Greenberg Traurig, Miami, FL, and Mingming Wu, Lawrence Livermore National Laboratory, San Francisco, CA
Why Every Attorney Should be Concerned about Cybersecurity, and Available Cyber Insurance

The ABA Model Rule of Professional Conduct Rule 1.6(c) requires a lawyer to make reasonable efforts to prevent the disclosure of confidential client information. The comments to Rule 1.6 require lawyers to act competently to safeguard client information and use reasonable safety precautions when transmitting a client communication, and the majority of states require attorneys to understand the benefits and risks of technology as it affects their practice. Although exact meanings of “reasonable efforts,” “act competently” and “reasonable precautions” may be subject to debate, doing nothing certainly won’t meet the standard. The panel will discuss, and provide practical information and tips, to help you understand the following issues:

- The nature of the threat environment in cyberspace
- How to set up effective practices in your office, and identify various tools you can use, to help you keep your confidential information confidential
- The various ethical rules you need to know, as well as actions and procedures you can implement, to help you comply with those ethical rules
- Cyber security insurance, what it is and what it isn’t, and whether it might be appropriate for your practice

Program Chair, Moderator, and Speaker: Michael Goler, Miller Goler Faeges Lapine LLP, Cleveland, OH
Speaker: Barron Henley, Affinity Consulting, Columbus, OH

Leveraging Technology to Supercharge Your Law Practice

This panel will provide guidance on leveraging the latest technology to streamline business functions, automating processes to reduce redundancies and save time, managing workload, and attracting and pleasing the modern client. Discussion topics will include:

- Cloud storage and software products for document drafting and settlement processes
- Business management and workflow solutions
- Invoice and accounts receivable solutions
- Marketing and networking solutions

Program Chair, Moderator, and Speaker: Sarah Cline, Shulman Rogers, Potomac, MD
Speakers: Karen Hulme Alegi, Alegi Anderson, LLC, Frederick, MD and Sahmra A. Stevenson, S.A. Stevenson Law Offices, LLC, Greenbelt, MD
REGISTRATION AND TRAVEL DETAILS

The registration fee includes access to all CLE programs and their written materials (posted on the meeting app), continental breakfasts on Thursday and Friday, refreshments during scheduled breaks, and a complementary reception with the sponsors. Only registered attendees may purchase tickets to special events.

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<tr>
<th>RATES</th>
<th>ON-SITE RATES</th>
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<tbody>
<tr>
<td>General Attendee</td>
<td>$650</td>
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<tr>
<td>ABA Member</td>
<td>$625</td>
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<tr>
<td>RPTE Member</td>
<td>$535 (\text{MARCH 5 \text{–} MARCH 15})</td>
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<td></td>
<td>$550 (\text{MARCH 16 \text{–} APRIL 12})</td>
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<td>Single Day Conference Admission</td>
<td>$315</td>
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<td>First Time Attendee</td>
<td>$400</td>
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<tr>
<td>Speaker/Academic/Government Attendee</td>
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<td>Law Student Attendee</td>
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<tr>
<td>First Time Attendee of a Minority Bar Association</td>
<td>No Charge</td>
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<tr>
<td>Wednesday CLE program</td>
<td>$25 \text{ – Pre-registration Required}</td>
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AS ALWAYS, CHILDREN UNDER 12 ARE FREE TO ATTEND ANY EVENTS RELATED TO THE NATIONAL CLE CONFERENCE.

Registering Online

Register online at ambar.org/rptenationalcle. Online registration closes Friday, April 26, 2019. Members will need an ABA ID number, located on your ABA membership card. Non-ABA members may register online by creating a new customer account. You can also join the Section to take advantage of the discounted member rates. Please contact (800) 285-2221 if you need help with the online registration system.

There are a limited number of scholarships available which range from a 25% to a 50% tuition discount. Scholarships will not cover hotel or transportation. Scholarship applications are due April 3, and will be announced the week of April 8, 2019. Complete the application here: https://americanbar.qualtrics.com/jfe/form/SV_0NcMmErYptB04YZ.

On-site registration will take place at the Westin Copley Place during the following hours:

<table>
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<tr>
<th>Date</th>
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<tr>
<td>Wednesday, May 8</td>
<td>1 – 5 PM</td>
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<tr>
<td>Thursday, May 9</td>
<td>7 AM – 4:30 PM</td>
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<tr>
<td>Friday, May 10</td>
<td>7 AM – 3:45 PM</td>
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Please note that if you are registering onsite, your registration fee will include an additional $50 onsite fee as reflected above.

For more information regarding registration, please contact Frankie Angelone at 312-988-5346 or Frankie.Angelone@americanbar.org.
Cancellation Policy
Requests for refunds must be made in writing and emailed to Frankie Angelone by April 12, 2019. A $75 administrative fee will be deducted from the refund. The Section will gladly accept substitute registrants for cancellations received after April 12, 2019; however, refunds will not be given after that date.

Program Materials
Meeting materials will be available to paid registrants in the following formats:

- **Mobile App:** A mobile meeting app with complete program information, including PDF’s of written materials, will be available for download.

- **Web:** A link to the materials on the RPTE website will be available for registrants for downloading or printing.

All registered attendees will receive a link to program materials, information about the mobile app, and additional meeting information by email approximately one week prior to the meeting.

If you would like to purchase a flash drive of all meeting materials, this is available to all meeting attendees for an additional $20. Flash drives may be purchased through the online registration system.

Hotel Reservations
All conference meetings and events will take place at the Westin Copley Place Hotel (10 Huntington Ave, Boston, MA 02116). A block of sleeping rooms has been reserved at the hotel from Wednesday, May 8, 2019, through Sunday, May 12, 2019, at a group rate of $289 per night for a single or double room (plus taxes).

The group rates are guaranteed until the block is full or until 5 PM CST, Wednesday, April 10, 2019. Reservations received after 5 PM CST on April 10 will be based on availability. If you would like to make a reservation before or after the blocked dates, please call (617) 262-9600.

To Book Online
Visit: [https://www.marriott.com/event-reservations/reservation-link.mi?id=1544658289882&key=GRP&app=resvlink](https://www.marriott.com/event-reservations/reservation-link.mi?id=1544658289882&key=GRP&app=resvlink)

To Call In
Please call the hotel reservations at (617) 262-9600. When speaking to the agent, please reference “RPTE National CLE Conference” to make a reservation in the block.

Room sharing is available – see details and find contact information online.

Travel Discounts Information
Discounted airfares and car rentals can be found at [https://www.americanbar.org/membership/aba_advantage_discounts/](https://www.americanbar.org/membership/aba_advantage_discounts/).

Airline discounts are available from Engencia, including ABA negotiated meeting discounts on American, United, Delta, and Virgin America Airlines. For assistance with reservations using the Engencia website, call 312-988-5890 or email travel.services@americanbar.org. Discounted car rentals are offered through Hertz, Dollar and Thrifty.

CLE Credit
The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, CT, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, ME, MN, MS, MO, MP, MT, NH, NJ, NM, NV, NY, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit Ambar.org/rptenationalcle or contact Frankie Angelone at Frankie.Angelone@americanbar.org or 312-988-5346.

Conference Attire
Business casual is recommended for conference attendees.
The Section acknowledges the generous support of the following sponsors for their involvement in this year’s National CLE Conference:

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