

Critical Issues on the Agenda

8:30 a.m. – 9:00 a.m.

I. Fraudulent Transfers

— *Anthony F. Vitiello, Esq.*

- A. Background and Importance
- B. Basic Concepts and Rules: UFTA/UFCA
 1. Types of Creditors
 2. Actual and Constructive Fraud
 3. Remedies
 4. Defenses
- C. New Jersey Law
- D. New York Law
- E. Other States

9:00 a.m. – 10:30 a.m.

II. Protecting Retirement Benefits and Insurance From Creditors

— *Matthew J. Bozek, Esq.*

- A. Protection of Retirement Benefits Under the Bankruptcy Reform Act of 2005
- B. Protection of Retirement Benefits Under State Laws
- C. Seizure of Retirement Benefits Under Federal Laws
- D. Avoiding Seizure of Retirement Plan Assets and Contributions by Creditors of the Employer
- E. Pre-Emption of State Laws Permitting Attachment of Retirement Benefits
- F. Protection of Life Insurance and Annuities Under State Laws

10:30 a.m. – 10:40 a.m.

Break

10:40 a.m. – 11:10 a.m.

III. Bankruptcy Primer

— *Anthony F. Vitiello, Esq.*

- A. The Importance of Bankruptcy Law in Asset Protection Planning
- B. The Bankruptcy Estate
- C. Exclusion vs. Exemption
- D. Spendthrift Trusts
- E. Retirement Plans (Recap)
- F. 529 Plans
- G. Life Insurance and Annuities (Recap)
- H. Homestead Exemptions

11:10 a.m. – 11:40 a.m.

IV. Joint Property, Separate Property and Spousal Ownership

— *Anthony F. Vitiello, Esq.*

- A. Types of Joint Ownership and Creditor Protection
- B. Property Owned by Spouses
- C. Unmarried Individuals

11:40 a.m. – 12:10 p.m.

V. Types of Property and Creditor Exposure

— *Anthony F. Vitiello, Esq.*

- A. Nonresidential Real Estate
- B. Residential Real Estate
- C. Vacation Homes
- D. Nonqualified Liquid Investments
- E. Retirement Plans (Qualified Plans and IRAs)

12:10 p.m. – 1:10 p.m.

Lunch (On Your Own)

1:10 p.m. – 1:40 p.m.

VI. Limited Partnerships and Limited Liability Companies

— *Anthony F. Vitiello, Esq.*

- A. General Background
- B. Charging Orders

C. Garnishment

- D. New Jersey Law
- E. New York Law
- F. Alaska Law
- G. Other States

1:40 p.m. – 2:10 p.m.

VII. Trusts and Asset Protection

— *Anthony F. Vitiello, Esq.*

- A. Spendthrift Trusts
- B. Self-Settled Trusts and Non-Self-Settled Trusts
- C. Trust Standards of Distribution
 1. Ascertainable Standard
 2. Fully Discretionary
 3. "5 and 5" Power
 4. General and Special Powers of Appointment
- D. Rule Against Perpetuities

2:10 p.m. – 2:40 p.m.

VIII. Self-Settled Trusts – Domestic

— *Anthony F. Vitiello, Esq.*

- A. Background and History
- B. New Jersey and New York Law
- C. Split Interest Trusts (CRTs, GRATs, QPRTs)
- D. Alaska, Delaware and Nevada
- E. Other States
- F. New Bankruptcy Rules

2:40 p.m. – 2:50 p.m.

Break

2:50 p.m. – 3:20 p.m.

IX. Foreign Situs Trusts

— *Anthony F. Vitiello, Esq.*

- A. Background and Benefits
- B. Tax Considerations
- C. Jurisdictional Choice
- D. Offshore Life Insurance and Annuities/Private Placement
- E. Choice of Offshore Trustees
- F. Discussion of Trust Structures

3:20 p.m. – 4:00 p.m.

X. Asset Protection Planning for the Family Inheritance

— *Anthony F. Vitiello, Esq., and Brad D. Shalit, Esq.*

- A. The Importance of Trusts in Estate Planning
- B. Protecting an Heir's Inheritance From Creditors
- C. Dynasty Trusts
 1. New Jersey
 2. New York (What to Do?)
 3. Alaska and Delaware
 4. Other States

4:00 p.m. – 4:30 p.m.

XI. Ethical Considerations and Advisor Liability

— *Anthony F. Vitiello, Esq., and Brad D. Shalit, Esq.*

- A. Ethical Issues – Fraudulent Transfers
- B. Due Diligence; Background Investigations
- C. Criminal Liability Issues
- D. Liability to Third Parties

The Benefits for You

This seminar will give the attendee a strong working knowledge of most aspects of asset protection planning. The seminar will cover the basic rules underpinning asset protection planning and the major categories of planning techniques. Asset protection planning in the estate planning process will also be discussed.

Seminar Highlights:

- Demystifying what asset protection really means and understanding its limits
- How clients should provide asset protection planning for their spouses and other heirs in estate planning
- The mechanics of offshore trusts
- Spotting clients who can truly benefit from asset protection planning
- Detailed analysis of pertinent federal and state laws that protect retirement benefits, life insurance and annuities from claims of creditors

Professional Manual:

You will receive a professionally prepared manual compiled by the faculty specifically for this seminar. The seminar will be recorded. Your registration constitutes your consent to such recording. If you cannot attend, you may order a set of the digitally recorded CDs and the accompanying manual from this program by using the registration form on the back panel.

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Our Distinguished Faculty

Matthew J. Bozek, Esq., vice president at Morgan Stanelly, has been a practitioner in employee benefits and insurance-related matters for over 25 years in corporations, law firms and financial service organizations. Mr. Bozek has provided advice in executive compensation and pension-related matters for corporations, nonprofit organizations and small businesses. He also has extensive experience assisting clients in age discrimination, insurance, investments, estate planning and trusts, retirement planning and employee benefit claims. Mr. Bozek received a B.A. degree from Villanova University and received a law degree from St. John's University. He is admitted to the bar in New York, the District of Columbia and the U.S. Tax Court. Mr. Bozek is a member of the Tax Section of the New York State Bar Association and is a certified financial planner (CFP). He is an adjunct professor at St. John's University School of Business in the CFP program and has lectured before many professional organizations. Mr. Bozek is the editor of the *Certified Financial Planner Workbooks and Study Guides for Retirement Planning and Estate Planning*, published by the National Council for Professional Development in Atlanta, Georgia, and has been an instructor for the CFP certification examination.

Anthony F. Vitiello, Esq., is a partner in, and the chairman of, the Taxation and Estate Planning Group at Connell Foley LLP, one of New Jersey's largest firms, with over 100 attorneys and offices in Roseland, Jersey City, Manhattan and Philadelphia. Mr. Vitiello's practice is limited to tax planning for individuals, businesses, estates and trusts, with particular emphasis on estate planning and asset protection planning. Having extensive experience and expertise in both onshore and offshore asset protection planning, including offshore asset protection trusts in multiple international jurisdictions, he frequently advises professionals and other individuals with increased risk of personal liability. Mr. Vitiello received both his law degree and LL.M. degree in taxation from New York University, and began his career with the U.S. Treasury, where he provided legal counsel to the Internal Revenue Service. He has lectured extensively and published on estate planning, asset protection planning and related tax matters. Mr. Vitiello is a former adjunct professor at Fairleigh Dickinson University, where he taught estate planning courses. He is a member of the American, New Jersey State and New York State Bar Associations; and is admitted to practice before the U.S. Tax Court. Mr. Vitiello is also licensed to provide continuing professional education credits to certified public accountants in New York and New Jersey, as well as those individuals holding the certified financial planner designation. In its December 2005 edition, Mr. Vitiello was named by *Worth* magazine as one of the nation's Top 100 Attorneys.

Brad D. Shalit, Esq., is a senior associate in the Taxation and Estate Planning Group at Connell Foley LLP. His practice is limited to tax planning, estate planning and asset protection planning. Mr. Shalit received his LL.M. degree in taxation from New York University. He frequently lectures on estate planning, asset protection planning and related tax matters. Mr. Shalit is a member of the American, New Jersey State and New York State Bar Associations; and is admitted to practice before the U.S. Tax Court.

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General Information

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Parsippany Holiday Inn Hotel & Suites • 707 U.S. Highway 46 East

Registration: 8:00 a.m. – 8:30 a.m. • Session: 8:30 a.m. – 4:30 p.m.

Lunch Break: 12:10 p.m. – 1:10 p.m. (On Your Own)

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Trust Administration – Identifying the Players, Types of Trusts; Trust Provisions; The Trustee.

Faculty: Michael B. Mangini, J.D., Attorney at Law; Matthew W. McKean, CAP, Merrill Lynch Trust Company, FSB; Peter G. Pangis, CTF, Merrill Lynch Trust Company, FSB; Scot D. Pannepacker, CPA, Abv, Lear & Pannepacker, LLP; Kevin A. Pollock, J.D., LL.M., Thompson & Pollock LLC. ©2006. 192 pages.

Item:	366020MAN	Manual Only	\$69
	366020EMN	E-Manual Only	\$69

Medicaid and Elder Law Issues – Planning for Incapacity – Who Is the Client?; Prescription Drug Improvement and Medicare Modernization Act; Who Is the Client in the Context of Estate Planning and Estate Administration?; Current Issues in Medicaid Law and Regulations; Emerging Trends/Changes in Laws; Practical Experiences: Home and Community-Based Care Alternatives; Rewards of Homecare; "Medicaid and Elder Issues in New Jersey" Alternative, Private Funding Options for Nursing Home and In-Home Care.

Faculty: Kathleen Sholette Burns, Law Offices of Kathleen Sholette Burns; Debbra A. Grier, R.N., M.B.A., McKiever Medical Management, Inc.; Andrew M. Meehan, Andrew M. Meehan, Inc.; Donald A. Nogowski, Esq., Earp Cohn P.C.; Cynthia Sharp Myers, The Sharp Law Firm. ©2006. 192 pages.

Item:	363804TMX	CD and Manual	\$169
	363804MAN	Manual Only	\$79
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Elder Planning – Current Issues in Medicare and Medicaid Planning; What Documents Do I Need to Prepare to Protect My Client; Nuts and Bolts of Guardianships; Probate and Fiduciary Litigation.

Faculty: Kathleen Sheridan, Esq., Solo Practitioner; Richard I. Miller, Esq., Bray, Chiocca & Miller, L.L.C.; Mary E. Wanderpolo, Esq., CELA, Sole Practitioner. ©2006. 200 pages.

Item:	367082MAN	Manual Only	\$69
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**Parsippany, NJ
January 18, 2007**

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