ABA SECTION OF

Real Property Trust & Estate Law

2007-2008

Guide To Committees

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ABA SECTION OF REAL PROPERTY | TRUST & ESTATE LAW
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Guide to Committees
Section of Real Property, Trust and Estate Law

Our Section is unique in that we are comprised of two divisions, real property and trust and estate. These divisions are broken down into high-level groups, and further broken down into issue-specific committees.

Group activity provides much of the basis for our high quality educational programs and articles in our publications, *Probate & Property* Magazine, *Real Property*, *Trust & Estate Journal*, and the *eREPORT* the sections electronic newsletter. Some of our groups work on legislative issues on the national as well as the state level.

If you are a member of the Section, and do not belong to a group and/or committee, you are not taking full advantage of the opportunities afforded by the Section. Group membership is free of charge to all Section members.

Once you sign up for a group, you may wish to then sign up for more specific subject matter committees within the group.

These smaller committees are working bodies, while the larger groups accept members on an informational basis. Committee membership is free of charge to all Section members.

RPTE members can join committees and groups online at **www.abanet.org/rpte/join**. If you have any questions about joining a committee online, contact the Section at (312) 988.5824, or email **rpte@abanet.org**. The groups and committees listed in this guide current for the 2007-2008 ABA year. The 2007-2008 ABA year begins at the completion of the 2007 Annual Meeting and runs through the 2008 Annual Meeting.

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TRUST AND ESTATE DIVISION

ADDITIONAL MEMBERSHIP OPPORTUNITIES

Real Property Division

LEGAL EDUCATION AND UNIFORM LAWS GROUP

This group differs from all the other groups in that it surveys activities and information across the entire spectrum of property topics, rather than focusing on specific substantive areas.

Uniform Laws

This committee is responsible for monitoring, reviewing and promoting uniform laws affecting real estate; keeping the Section apprised of all uniform law developments; and developing, for the Council, the Section's commentary on uniform laws related to real estate. The committee provides recommendations and assistance to the National Conference for Commissioners of Uniform State Laws Joint Editorial Board of Uniform Real Estate Law as well as to state legislatures, and advice and recommendations on the application of uniform law provisions in non-uniform law jurisdictions.

Legal Education

This committee informs law professors of current real estate practices; advises practitioners on property law scholarship issues; conducts workshops on teaching methods, materials, examinations and real estate curriculum; discusses scholarship-in-progress and emerging areas of property law and practice; and provides opportunities for members to participate in publication projects.

PRACTICE MANAGEMENT GROUP

This group focuses on issues, which can enhance the effectiveness and profitability of the legal practice of real estate lawyers. The work product of the committees' deals both with the management of the real estate practice, such as techniques for managing offices and technology to more effectively produce legal product or handling litigation matters effectively, whether through traditional litigation or creative alternative dispute methods. The Pro-Bono Committee does not just provide CLE materials and articles on issues affecting legal consumers, such as predatory lending, it has actually created a mechanism for Section attorneys to provide direct pro bono legal services through Habitat for Humanity offices nationwide, thereby enhancing not only the visibility and effectiveness of the Section but the practices and community support by individual Section attorneys across the country.

Economics, Technology and Practice Methods

This committee's mission is to collect data on practice methods as they are affected by technology and as they affect the economics of practice. Its further mission is to study the data, illustrate future trends and illustrate Section member opportunities to improve the delivery of legal services in a way that will improve the quality of the legal product, make a positive impact on the enjoyment of law practice, and improve Section member effectiveness in attracting clients to their law practices. The committee circulates its work product through publications, the website and through programming at meetings.

Ethics and Professionalism

This committee promotes the ethical and professional responsibility of the legal profession in real estate transactions. The committee produces programs and publications designed to work directly with Section members to achieve this goal.

Real Property Litigation and Alternative Dispute Resolution

This committee evaluates issues relating to real property litigation. The committee focuses on new developments in the law as it relates to real estate development, investment, leasing and land use and provides guidance to legal and real estate professionals on how they can avoid litigation and/or avail themselves of various methods of alternative dispute resolution (including mediation and arbitration).

Pro-Bono

This committee's objective is to serve the real property needs of low-income citizens and to educate the general public on common real property law issues. The committee initiates and facilitates pro-bono activities through which Section members may contribute to their local communities. Within the context of local, regional and national real estate related projects sponsored by community service organizations, the committee provides and coordinates the services of attorneys. In addition to valuable contributions to their local communities, attorneys' participation in such projects fosters respect and positive community recognition for solo practices, firms and the legal profession as a whole. The committee's primary service project involves working with Habitat for Humanity International to provide and coordinate volunteer attorneys to serve the legal needs of the organization at local (affiliate) and national levels.

LAND USE AND ENVIRONMENTAL GROUP

The Land Use and Environmental Group is comprised of committees dealing with private and public involvement in land use decisions. The group's focus is on public regulation of private land through traditional zoning and similar controls, and the permissible circumstances and procedures under which government can exercise the power of eminent domain to take private land for public use. Also within its ambit is the regulation of land for specifically environmental purposes, and agribusiness, including agricultural environmental concerns and all aspects of farm acquisition, financing and operations.

Land Use and Zoning

This committee focuses on governmental regulation (both judicially and legislatively initiated) of the use of real property, including substantive and procedural subjects.

Condemnation

The committee monitors judicial and legislative developments in eminent domain law, and provides programming on publications on condemnation issues.

Agribusiness

This committee addresses legal issues relating to agribusiness; including the leasing, operation, management, financing, acquisition and sale of farms, ranches and other agriculturally-related businesses (such as grain elevators, cold storage facilities and packing and processing operations).

Environmental

This committee focuses on a wide range of environmental issues associated with the ownership, use, management, operation and financing of real estate, including environmental issues affecting indoor-occupied spaces, and monitors trends in recent developments in environmental land use law and regulations at the federal, state and local levels, including the examination of the impact of Superfund, RCRA, Brownfields and underground storage tanks. The committee monitors lender liability matters and provides guidance to lenders as to how to limit lender liability in their loan transactions.

REAL ESTATE TAXATION AND GOVERNMENTAL GROUP

This group's goal is to both educate and inform members of the impact and the potential benefits and pitfalls of federal, state and local tax provisions affecting real estate while also seeking, where appropriate, to assist the IRS and state and local tax authorities in their interpretation of tax laws affecting the industry. Its three committees also act as a forum for an exchange of ideas among their members. Given the broad reach of the tax laws, these committees and their members, many of whom are tax specialists in the real estate sector, stand ready to aid other RPTE committees whose work may have an impact on taxes or who may be concerned about how taxes may affect what they do.

Federal Taxation of Real Estate

The purpose of this committee is to acquaint real estate practitioners with tax issues affecting their transactions, to provide practitioners with current information regarding new cases, laws and regulations, and to monitor proposed legislation and regulations with a view toward providing input in the process.

Property Tax

This committee develops materials and provides information regarding issues and new developments of general interest concerning state and local taxation of real estate.

Governmental Incentives

This committee's focus is to keep abreast of developments in governmental incentives being offered at the federal, state and local levels in the real estate context, as well as incentives that can be provided through real estate developments involving joint efforts with public entities and private developers. This committee also focuses on the process by which a governmental entity initiates or stimulates private development of public property, "privatization," and public assistance in real estate financing.

COMMERCIAL REAL ESTATE TRANSACTIONS GROUP

This group analyzes the transactional and ownership issues which confront commercial real estate attorneys when dealing with land transfers, construction, brokerage services, servitudes, title insurance, property and liability insurance, and ownership of commercial real estate. Each committee within the group focuses on one of these topics.

Purchase and Sale

This committee analyzes current and developing issues in land transfers, practices and customs. The committee also recommends and comments on legislation and relevant case law.

Design and Construction

This committee's work focuses primarily on the contract documents that establish and document the risk allocation and respective contractual obligations of the various parties involved in designing and constructing improvements upon real property. The concerns of owners, insurers, lenders, designers, contractors, subcontractors, suppliers and construction managers are all addressed. This committee maintains a liaison with the ABA's Forum on the Construction Industry, American Institute of Architects and other similar industry groups.

Easements, Restrictions and Covenants

This committee focuses on the use of reciprocal easement agreements, easements, and servitudes in both commercial and residential projects. The subject matter is as diverse as the allowed uses in mixed-use projects, including office buildings, shopping centers, residential projects, and utility easements and license agreements with telecommunications providers.

Title Insurance and Surveys

This committee provides education on title insurance matters as well as current information and scholarship on new developments in title insurance, title insurance forms, endorsements and closing practice. This committee also addresses legal issues and standards relative to real estate surveys. The committee serves as liaison between the providers and consumers of title insurance and related services.

Brokers and Brokerage

This committee focuses on research and publication of timely topics affecting real estate brokerage, federal legislation, state licensing acts, educational requirements and agency law. This committee is concerned with federal and state statutory, regulatory and common law constraints on the disposition of real estate interests. This committee is involved in liaison work with the National Association of Real Estate License Law Officers, the National Association of Realtors and the Real Estate Educators Association.

Property, Casualty and Other Non-Title Insurance

This committee focuses on all aspects of property and liability insurance for the ownership of and transactions involving real property.

RESIDENTIAL, MULTI-FAMILY AND SPECIAL USE GROUP

Although a diverse group, this group's committees share the common thread of dealing with residential properties and issues that pertain to all types of residential properties. The committees include single and multi-family housing, senior housing and assisted living facilities, as well as affordable housing. These committees, with the exception of single family, also have a special emphasis on tax and zoning issues that pertain to multi-family/multi-generational residential housing.

Single Family Residential

This committee focuses on all aspects of the development, sale, financing and ownership of single-family residential property, including the impact of FHA, FNMA, FHLMC, VA and HUD programs.

Multi-Family Residential

This committee deals with all aspects of the development, sale, financing and ownership of multi-family residential property, including the impact of FHA, the Americans with Disabilities Act, and HUD programs. This committee focuses on the legal issues faced by landlords, property managers and tenants of rental housing and apartments.

Senior Housing and Assisted Living

This committee addresses the unique problems of providing housing and related services to seniors. The committee encompasses the continuing care retirement community, congregate care assisted living facilities and residential aspects of nursing care, including subsidies and other government programs.

Affordable Housing

This committee focuses on all aspects of the development, acquisition, financing and ownership of affordable housing, and the governmental programs and policies that support it, including the Community Reinvestment Act. Many of the committee members are involved with HUD programs, and the committee provides a forum to provide commentary for the development and administration of these programs, as well as to simplify the process involving these governmental programs. The committee publishes the *Affordable Dirt* newsletter.

LEASING GROUP

The Leasing Group produces programs, roundtables and educational materials to assist lawyers in improving their lease negotiation and drafting skills on behalf of both landlords and tenants in all settings—retail, office, industrial and special. Also, the group suggests practical responses to significant judicial, legislative and regulatory actions that impact the drafting, assignment and mortgaging of leases and lease enforcement.

Retail Leasing

This committee reviews and discusses issues unique to shopping centers and retail leases, from regional malls to power centers to local strip centers to single tenant space. The committee works with other committees on matters of common interest to all attorneys who do lease work.

Office Leasing

The committee explores topical legal issues related to the leasing of office space from the viewpoint of landlord, tenant, lender and building manager. Although the prime emphasis is on leases in office towers and suburban office parks, the committee studies problems unique to smaller buildings and transactions, including under so-called “standard form” leases. The thrust of the committee’s work is to develop papers and programs presenting balanced views of issues of interest and benefit to practitioners on all sides of a leasing transaction.

Industrial Leasing

The committee explores the respective obligations of landlord and tenant in industrial and warehouse leases, and seeks to identify those issues that are unique to industrial and warehouse leasing and current reasonable alternatives from both the landlord and tenant perspectives.

Emerging Issues and Specialty Leases

The focus of this committee changes from time to time as the law and practice in commercial leasing develops. The committee monitors types of leases and clauses that are becoming popular or otherwise have great potential, but are not then within the subject matter of any of the other leasing committees, as well as new cases that have rulings, or favorable discussions of theories that are contrary to the then “conventional wisdom” in commercial leasing. The committee provides real estate practitioners with an exposure to, and a working knowledge of, commercial leases that involve property and/or leasehold interests not usually encountered in general real estate practice.

Assignment and Subletting

In an environment where space available for sublease exceeds space available for direct lease in some markets, once strong companies have faded away into bankruptcy court, and tenants require increased leasing flexibility, assignment and subleasing issues have assumed greater importance. This committee reviews the drafting techniques, landlord and tenant strategies, and legal interpretations that affect assignments and subleases and provides practical advice on changing trends.

HOSPITALITY, COMMUNITY RECREATION AND COMMON INTEREST DEVELOPMENTS GROUP

This group's committees focus on certain specialty real property development consisting of timeshare, hospitality, gaming/entertainment venues and community association regimes. There are four committees specifically addressing each of these general themes. Each committee pursues the unique issues presented in their respective areas of practice, including such issues as the acquisition, disposition, operation and financing of these special types of development.

Common Interest Ownership Development

This committee's work focuses primarily on development and financing issues related to community association projects. The committee regularly reviews statutory, regulatory and case law that affects developers of community associations, as well as the documentation related thereto. Subcommittees explore issues related to mixed-use condominiums, FNMA, FHLMC, VA and FHA requirements, Fair Housing Act implications, senior condominiums and other current issues relating to the committee's subject matter.

Sports, Entertainment and Gaming

This committee brings together a geographically diverse group of members with expertise representing all areas of the entertainment and gaming industry. The committee's work focuses on a broad range of topics, including state and federal law and regulation, Indian country gaming, intellectual property, litigation, bankruptcy, operational issues, finance (including debt and equity, both public and private) and other topics of interest to the entertainment and gaming industry. Notwithstanding the committee's name, it will not limit its activities to real estate, but instead will focus on a broad range of issues drawing on the expertise of its law firm, in-house attorney and industry and trade group representatives.

Hotels, Resorts and Tourism

This committee considers matters relevant to the acquisition, development, financing, operation and disposition of hotels and resorts, and related developments and amenities. Particular emphasis is placed on addressing

Timesharing and Interval Uses

This committee works on the development, financing, registration and sale of timeshares and interval uses, as well as vacation clubs and exchange companies. Specifically, all issues regarding condominium and non-condominium timeshare products, other forms of interval uses and personal property timesharing fall within the purview of this committee, regardless of the legal structure actually employed.

REAL ESTATE FINANCING GROUP

The Real Estate Financing Group is devoted to assisting attorneys in financing techniques involving real estate as collateral. To this end, this group presents educational programs and produces written materials to educate lawyers in all aspects of real estate finance. Separate committees within this group are dedicated to mortgage lending, construction lending, securitizations and legal opinions issued in connection with these financings, as well as legal issues and developments in real estate workouts, foreclosures and bankruptcies.

Mortgage Lending

This committee focuses on all aspects of construction and permanent lending for commercial, multi-family and industrial loans, including disbursement practices, avoidance of mechanics' liens, priority for future advances and the lender's rights in construction documents and related rights such as building permits, architectural plans and specifications and the like, as well as take-out commitments and permanent mortgage loan structuring. This committee addresses the evolving nature for the documentation of loan transactions.

Securitization and Special Financing Techniques

This committee addresses the securitization aspect of residential and commercial mortgage lending, including the legal issues affecting the borrower/lender relationship as a result of the securitization of the financing vehicle. The committee holds an annual "Current Trends in Securitization" program at the Section's Spring Symposia.

Construction Lending

This committee addresses all aspects of construction lending for commercial, multi-family and industrial loans; including loan commitments, disbursement practices, avoidance of mechanic's liens, priority for future advances and lender's rights in construction documents and related rights such as permits, architectural and construction contracts, development agreements, construction loan structuring, interfacing with permanent lenders, mezzanine lenders, major tenants, and ground lessors, and remedies.

Workouts, Foreclosures and Bankruptcy

This committee's focus includes the enforcement of mortgage loan documents, issues relating to the borrower's bankruptcy, foreclosure, the enforcement of assignments of rents and leases, the enforcement of guaranties and personal liability from both the borrower's and lender's perspective.

Legal Opinions in Real Estate Transactions

This committee is involved with all aspects of legal opinions in real estate transactions. The committee has a number of current and past projects to assist the real estate bar in opinion practice. It recently completed a joint project with the ACREL Attorneys' Opinions Committee to develop guidelines for rendering legal opinions in real estate transactions, which resorted in the Real Estate Opinion Letter Guidelines. The committee has presented programs with regard to the treatment of personal property security interest opinions in real estate financing transactions. Two of the more significant accomplishments of the committee are the Inclusive Real Estate Secured Transaction opinion and the Report on Adaptation of the Legal Opinion Accord of the Section of Business Law of the American Bar Association for Real Estate Secured Transactions. The committee is presently considering the role of customary practice in the rendering, receipt and interpretation of third party opinion bylaws.

SPECIAL INVESTORS AND INVESTMENT STRUCTURE GROUP

This group addresses specialized investors and investment structures. This group includes the division's committees that address specialized investments in real estate, including pension plan investments, insurance company investments and foreign investment in U.S. real estate, and/or specialized structures for investment and financing, including limited liability companies, partnerships, REITs, land trusts and real estate investment funds.

Partnerships and Limited Liability Companies

This committee explores various special legal and practical issues in the use of partnerships, limited liability companies and other business entities in real estate transactions, with the goal of disseminating useful forms and information through sponsoring continuing legal education programs and publications. Specific topics addressed by this committee have included management structures, partner defaults, special purpose entities in lending, tax treatment issues and title insurance considerations.

Pension Plan Investments

The committee is involved in identifying and discussing the various issues arising out of pension funds acquiring, holding and selling real estate interests either through direct ownership, joint ventures, convertible mortgages, collateralized mortgage backed securities or similar type vehicles. The committee focus includes ERISA and tax law issues, as well as investment vehicles and the legal issues spawned by these vehicles, such as withdrawal rights of participants.

Real Estate Investment Trusts

This committee focuses on the real estate, tax and securities issues related to REITs including equity REITs, mortgage REITs and hybrid REITs, and provides Section members with programming and publications to understand effectively the intricacies related to the use of REITs and doing business with REITs.

Life Insurance Company Investments

This committee focuses on identifying and discussing the regulation of and various issues arising out of life insurance companies acquiring, holding and selling real estate interests either through direct ownership, joint ventures, mortgage lending, mortgage backed securities or other vehicles. The committee also serves as a forum for an exchange of ideas among in-house life insurance company lawyers, those who represent life insurers as outside counsel and those who represent parties on the other side of the table in life insurance company real estate transactions.

Land Trusts

This committee is engaged in the study of the land trust law procedures and techniques. Its goal is to provide practical and useful advice, guidance, forms and updates on matters involving land trusts to real estate practitioners. Its activities include the assembling of materials on this subject, the drafting of proposed uniform laws, the dissemination of information to members of the Section through articles on the use of land trusts, seminars concerning land trust practice and the publication of books and pamphlets on land trusts together with land trust forms.

International Investments in Real Estate

This committee focuses on foreign investment in U.S. real estate and U.S. real estate investment and development in foreign countries. The committee monitors law and practice developments affecting foreign investment in U.S. real estate, and has published two major works on the legal aspects of foreign investment in U.S. real estate. The committee focuses on law and practice issues relating to U.S. involvement in foreign real estate investment and development activities. The committee encourages publication of articles authored by committee members on topics of interest in these areas. The committee regularly arranges and co-sponsors programs on structuring and implementing inbound and outbound foreign real estate transactions. Membership is encouraged from U.S. and foreign practitioners, in-house counsel, governmental and quasi-governmental agency employees, academics and other interested persons.

Real Estate Investment Funds

This committee focuses on the real estate, tax and securities issues associated with the formation and operation of real estate investment funds, including the financing of such funds and the acquisitions and dispositions by such funds of their direct and indirect investments in domestic and foreign real estate.

Trust and Estate Division

INCOME AND TRANSFER TAX PLANNING GROUP

This group concentrates on the three federal transfer taxes (estate, gift and generation-skipping) and on the income taxation of trusts, estates, grantors and beneficiaries. Because these taxes comprise the federal tax universe in which most estate planning instruments operate, this group seeks to assist trust and estate attorneys in their constant endeavor to improve their knowledge of these taxes, to stay abreast of ways in which they are changing, and to play a role in the development of these tax systems. Group members work to improve the transfer tax system by preparing and submitting comments on proposed legislation and proposed regulations, and by suggesting legislative solutions to technical problems.

Generation Skipping Transfers

This committee focuses on the planning techniques and drafting solutions for generation-skipping transfers (GST), as well as following and participating in GST legislation and regulations projects. The committee prepares comments on legislation and regulations, publishes information for Section members on these topics, and participates in or sponsors Section CLE programs. Importantly, the committee works to maintain its webpage as a current source of GST information, and welcomes submissions from its members on relevant topic. Please visit it at **http://www.abanet.org/rpte/genskipping.html**. Recent projects of the predecessor committees include the preparation of detailed comments and testimony on proposed regulations, including possible changes to IRS GST tax reporting forms, a legislative proposal to permit an election to include property in an individual's gross estate in lieu of paying a GST tax, a CLE and GST allocations, and articles on drafting for the GST tax.

Estate and Gift Tax

This committee focuses on the planning techniques, drafting solutions, and administrative and compliance issues relating to all aspects of the federal estate and gift tax. This committee also follows the enactment of legislation and issuance of regulations and other guidance addressing such taxes and prepares comments for submission to Congress or the Treasury Department when deemed appropriate. This committee also publishes information for the Section and participates in and sponsors Section CLE programs regarding these topics. Recent committee projects include the preparation of comments to the Treasury Department regarding proposed regulations under Internal Revenue Code Section 2053 governing the deductibility of claims for estate tax purposes and to the IRS regarding the gift tax consequences of distribution committee powers in non-grantor trusts. Recent Section CLE programs include "Intra-Family Loans – Adventures in Forgiveness and Forgetfulness" at the Section's 2007 Annual Spring Symposium, and "The Morning After: Avoiding Tax Surprises in Trust & Estate Litigation," at the 2007 Joint Fall CLE Meeting with the Tax Section.

Individual and Fiduciary Income Tax

This committee focuses on the income taxation of trusts and estates and beneficiaries and related tax areas, including: the Kiddie Tax, deferred payment of estate tax, fiduciary income tax issues, and general postmortem income tax planning. Activities of the committee include sponsoring CLE programs, writing articles for probate and trust attorneys, commenting on proposed regulations and legislation affecting postmortem income tax planning. Recent activities of the predecessor committees include the preparation of comments on proposed changes to the income taxation of foreign trusts.

International Tax Planning

This committee's primary focus is estate planning and administration, including where relevant income tax issues, for U.S. clients with foreign property or contacts or non-U.S. clients with U.S. property or U.S. beneficiaries. The committee prepares comments on legislation and regulations, publishes information for Section members on these topics, and participates in or sponsors Section CLE programs. This committee also considers the ways to improve the laws that affect international estate planning.

Tax Litigation and Controversy

This committee focuses on procedural and practice developments with respect to disputes with the Internal Revenue Service; including appellate procedures within the IRS, settlement techniques, litigation in the U.S. Tax Court, Court of Claims, U.S. District Court, and in appellate courts. The committee publishes information for Section members on these topics, and participates in or sponsors Section CLE programs.

BUSINESS PLANNING GROUP

The Business Planning Group of committees covers choice of entity, estate planning, and estate administration for clients who own business entities or interests in farms or ranches. The entities may be active businesses or formed to hold investments. Entities include partnerships (general, limited, and/or limited liability), limited liability companies, and corporations (including those with an "S" election in place).

Business Investment Entities, Partnerships, LLC's and Corporations

This committee focuses on estate planning issues involved in the selection of entities for businesses, including C and S corporations, LLC's, LLP's, and general and limited partnerships. The committee also responds to legislative and regulatory changes, both tax and non-tax, affecting entity selection, and monitors developments in evaluation of these entities as they affect planning for lifetime and testamentary transfers. The committee prepares comments on legislation and regulations affecting this area, publishes information for Section members and participates in or sponsors CLE programs or articles on these topics.

Estate Planning and Administration for Business Owners, Farmers and Ranchers

The committee focuses on estate planning, drafting and administration issues that arise in the context of owners of closely held businesses. The committee prepares comments on legislation and regulations affecting this area, publishes information for Section members, and participates in or sponsors Section CLE programs or articles on these topics.

CHARITABLE PLANNING AND EXEMPT ORGANIZATIONS GROUP

The committees of the Charitable Planning and Exempt Organizations Group are concerned with both sides of the charitable giving process. The various tax and non-tax issues for the donor are addressed by the Lifetime and Testamentary Charitable Planning Committee, while the donor organization perspective is the focus of the charitable Organizations Committee.

Charitable Planning

This committee is concerned with charitable giving as a component of estate planning, including planning, drafting and administration. The committee prepares comments on legislation and regulations, responds to requests from the Service, Treasury, and Congress for comments on current issues, publishes materials for Section members on these topics, and participates in or sponsors Section CLE programs.

Charitable Organizations

The committee focuses on charitable gift planning issues from the donee perspective such as, formation, governance and operation of charitable organizations, including choice of entity, qualification for tax-exempt status and qualification as private foundation or supporting organization. It also follows, proposes and participates in legislation and regulations projects that effect the organization of different types of charitable organizations, including community foundations and donor advised funds. The committee prepares comments on legislation and regulations, responds to requests from the Service and Treasury for comments on current issues, publishes information for Section members on these topics and participates in or sponsors Section CLE programs.

The committees frequently join together on projects that impact donors and donees. Recent activities of both committees include comments to the Internal Revenue Service on donor advised funds and to the Subcommittee on Oversight of the Committee on Ways and Means of the United States House of Representatives on the impact of the Pension Protection Act of 2006.

ELDER LAW, DISABILITY PLANNING AND BIOETHICS GROUP

The Elder Law and Disability Planning Group consists of three committees that focus on legal concerns of the elderly and persons with disabilities, along with legal and ethical issues related to new medical technology.

Surrogate Decision Making

This committee monitors and participates in guardianship reform proposals and attempts, through articles and programs, to keep members informed of the changes. The committee also hopes to develop materials that can help newly appointed guardians and conservators understand their duties and responsibilities. The committee also focuses on the developments in durable power of attorney legislation, including those affecting both property and health care decisions and works to keep members informed of changes in these areas.

Long Term Care, Medicaid and Special Needs Trusts

This committee focuses on legal, financial and policy issues connected with long-term care, including Medicare, Medicaid, long-term care insurance, nursing home regulations and home care. This committee is also concerned with the special needs of persons with disabilities (such as the developmentally disabled and incapacitated). The committee publishes information for Section members on long term care planning and special needs trusts, and participates in or sponsors Section CLE programs. The committee is also working to improve public access to legal information about this area.

Bioethics

This is a newly formed committee which is intended to focus on bioethical issues related to probate and trust law. Among the topics considered and monitored by this committee are the rights of posthumously conceived children and the general estate planning issues surrounding artificial fertility technologies.

EMPLOYEE BENEFIT PLANS AND OTHER COMPENSATION ARRANGEMENTS GROUP

Employee benefits represent an important component of an employee's economic well-being and welfare and constitute a vital recruitment and retention tool for employers. This group focuses on all aspects of employee benefit plans and other compensation arrangements, including issues relating to qualified plans, medical and other welfare plans and nonqualified deferred compensation plans. The fiduciary responsibilities of plan trustees, plan administrators and other plan fiduciaries; plan administration; plan transactions; plan terminations; and litigation involving this area of practice.

Fiduciary Responsibility, Administration and Litigation

This committee focuses upon responsibility of fiduciaries under ERISA and also reviews issues relating to the administration of employee benefit plans under the Internal Revenue Code and ERISA. The committee monitors and provides comments to the IRS, DOL, and PBGC with respect to the administration of the employee benefits laws by these agencies, and, as appropriate, prepares reports for publications on matters of interest to practitioners in this area. The committee also monitors litigation in the employee benefit area and meets periodically to discuss matters of practical significance to its members. The committee also publishes information for Section members on these topics, and participates in or sponsors Section CLE programs.

Welfare Benefit Plans

The primary focus of this committee is the operation, funding and regulation of Employee Welfare Benefit Plans; including compliance with ERISA, COBRA and the Older Workers Benefit Protection Act. The committee has developed comments on regulations relating to OWBPA and has been monitoring the legislative proposals to restructure the nation's health care delivery system. The committee also publishes information for Section members on these topics, and participates in or sponsors Section CLE programs.

Plan Transactions and Terminations

This committee deals with events and actions that are major structural changes in retirement and employee benefit plans. Special emphasis is given to employee benefit programs in corporate acquisitions and dispositions, plan terminations and plan mergers or spin-offs. The committee develops and submits comments on legislative proposals, regulations and rulings that are in the committee's area of responsibility. The committee also publishes information for Section members on these topics, and participates in or sponsors Section CLE programs.

Qualified Plans

The committee considers income and transfer tax issues related to employee benefits and gathers, analyzes and disseminates information concerning planning for retirement in old age, with special emphasis on distributions from qualified retirement plans (including employee stock ownership plans or ESOPs), individual retirement accounts, and other such arrangements, including government programs. The committee monitors proposed and enacted legislation affecting qualified plans and also considers state laws that affect retirement and old age planning. The committee prepares technical comments on legislation and regulations, publishes information for Section members on these topics, and participates in or sponsors Section CLE programs. Recent activities of the predecessor committees include the preparation of detailed comments on the qualification of payments under employee benefit plans for the marital deduction, and an ongoing project to propose modifications to the regulations under IRC §401(a)(9) with respect to trusts as beneficiaries of qualified plans and IRA's.

Nonqualified Deferred Compensation

This committee concentrates on the issues relating to nonqualified deferred compensation, including methods of funding non-qualified deferred compensation arrangements, the emerging trends in the executive compensation, stock-based compensation arrangements and estate planning for executive compensation programs. The committee prepares comments on legislation and regulations, publishes information for Section members on these topics, and participates in or sponsors Section CLE programs.

LITIGATION, ETHICS, AND MALPRACTICE GROUP

The Litigation, Ethics, and Malpractice Group includes the Probate and Fiduciary Litigation and Controversy and the Ethics and Malpractice Committees. The first deals with all aspects of disputes, litigation and alternative dispute resolution involving wills and trusts, private and charitable trusts, and related controversies involving conservatorships and guardianships. The second deals with ethical and malpractice issues that arise in the estate and trust context.

Probate & Fiduciary Litigation

This committee reviews developments related to estate and trust litigation, including will contests, surcharge litigation, contested guardianships and conservatorships and alternative dispute resolution. It studies selected issues, such as the right to a jury trial and the availability of punitive damages. The committee also analyzes specific evidentiary questions (for example, attorney-client relationships, attorney-work product and ethical and conflict of interest issues in the field). The committee publishes information for Section members on these topics, and participates in or sponsors Section CLE programs.

Ethics and Malpractice

This committee reviews the changing role of the lawyer in modern estate planning, and evaluates the potential liabilities of the estate lawyer to clients and others arising out of a modern trusts and estates law practice. The committee assesses insurance or other methods of financial protection for the practitioner and focuses on the changing developments in the ethical rules affecting both the estate planner and the probate litigator.

NON-TAX ESTATE PLANNING CONSIDERATIONS GROUP

This group is comprised of committees that focus upon estate planning and estate and trust administration issues other than taxation as well as on wealth planning issues and includes committees on financial and insurance planning and asset protection planning. Probate and trust attorneys who want to understand their clients' entire financial situation and protect their clients' families against more than probate and death taxes will find the information these committees provide crucial to their practice. This group also assists the practitioner to develop estate and trust plans that are sustainable over time.

Uniform Acts for Trust and Estate Law

This committee focuses on the various Uniform Acts as proposed by the National Conference of Commissioners for Uniform State Laws (NCCUSL) that impact the probate and trust area, reviews various state enactments of the Uniform Acts, analyzes other state probate and trust laws to identify conflicts that might be resolved by new uniform state laws, and reviews trends relating to the probate and trust areas that may suggest changes in current Uniform Acts. It also presents CLE programs and articles dealing with these Uniform Acts.

Emotional and Psychological Issues in Estate Planning

The mission of the Emotional and Psychological Issues of Estate and Financial Planning Committee is to assist the estate planning bar in understanding and responding to the interpersonal and emotional issues that are often encountered in the estate planning process. The committee's areas of focus include: 1) dealing with the stressful issues of estate planning; 2) helping clients develop plans that stress family values as well as tax savings; 3) understanding the client's relationship with money; and 4) special problems encountered in estate planning, including sudden wealth, issues with children and the issues involved in dealing with the terminally ill client. The committee will present CLE programs dealing with these areas at the Section meeting. The committee will also participate with other committees and Sections of the ABA interested in the psychological and emotional issues of the practice of law.

Non-Tax Issues Affecting the Planning and Administration of Estates and Trusts

The committee discusses any non-tax issues relating to trusts and estates that are of interest to its members. Activities of the committee have included sponsoring CLE programs at various ABA meetings, publishing articles in *Probate and Property* and other ABA publications, and commenting on proposed legislation.

Insurance and Financial Planning

This committee focuses on insurance issues of all kinds, including life insurance, disability insurance, long-term care insurance, health, property, and casualty insurance (with primary emphasis being on life insurance). The committee has endeavored to educate lawyers concerning each type of insurance. A major project of the committee has been the initiation of the "Insurance Counselor" series, which is a series of primers on various insurance topics. Other projects include preparation of a standard form for the assignment of life insurance policies to irrevocable trusts. In addition, the committee frequently participates in programs at the Section meetings.

Asset Protection Planning

This committee focuses on the planning techniques available to preserve and protect accumulations of wealth from the multitude of potential claims arising from future litigation, government expropriation and other threats. The committee members utilize domestic as well as offshore planning tools to accomplish clients' objectives. The committee's agenda includes educating members of the bar as to the legitimate objectives, propriety of and need for asset protection planning. The committee monitors domestic and foreign legislative litigation developments in this area, participates in CLE programs and publishes information for Section members on these topics.

Economics and Technology of the Practice

The mission of the Economics of the Practice Committee is to explore ways to develop and maintain a profitable, service-oriented and personally rewarding estate planning practice. Areas of focus include: business development; client retention; billing techniques; office staffing and compensation; technology utilization; and practice trends and competition. This committee promotes and develops the use of computer-based and other technologies to improve the quality and efficiency of estate planning, estate and trust administration and other estate-related practices. The committee carries out its mission through educational programs on probate and trust technology at the Section's Spring Symposia and the Joint Fall CLE Meeting, which is co-sponsored with the Section of Taxation through written materials published as articles in the Section's magazine, as books, or on the Section's internet web pages and mailing lists, and through other projects, both acting alone and jointly with other committees of both this Section and other Sections of the ABA interested in legal technology. The committee welcomes new members interested in probate and trust practice technology, particularly those interested in contributing their experiences and knowledge through the Section's publications and programs.

American Bar Association Section of Real Property, Trust & Estate Law

Committee Questionnaire

Please fill out this form by:

1) Filling in your name, firm, address, and member ID number;
2) Checking the box of the group(s) in which you choose to become a member;
3) Circling your committee choice(s).

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REAL PROPERTY GROUPS

☐ **LEGAL EDUCATION AND UNIFORM LAWS GROUP 190000**
- ☐ Uniform Laws **2650**
- ☐ Legal Education **2070**

☐ **PRACTICE MANAGEMENT GROUP 209000**
- ☐ Economics, Technology and Practice Methods **2100**
- ☐ Ethics and Professionalism **2110**
- ☐ Real Property Litigation and Alternative Dispute Resolution **2120**
- ☐ Pro-Bono **2140**

☐ **LAND USE AND ENVIRONMENTAL GROUP 216000**
- ☐ Land Use and Zoning **2300**
- ☐ Condemnation **2310**
- ☐ Agribusiness **2640**
- ☐ Environmental **3220**

☐ **REAL ESTATE TAXATION AND GOVERNMENTAL GROUP 229000**
- ☐ Federal Taxation of Real Estate **2400**
- ☐ Property Tax **2410**
- ☐ Governmental Incentives **2430**

☐ **COMMERCIAL REAL ESTATE TRANSACTIONS AND MANAGEMENT GROUP 235000**
- ☐ Purchase and Sale **2200**
- ☐ Design and Construction **2620**
- ☐ Easements, Restrictions and Covenants **2250**
- ☐ Title Insurance and Surveys **2230**
- ☐ Brokers and Brokerage **2133**
- ☐ Property, Casualty and Other Non-Title Insurance **2265**

☐ **RESIDENTIAL, MULTI-FAMILY AND SPECIAL USE GROUP 246000**
- ☐ Single Family Residential **2530**
- ☐ Multi-Family Residential **2520**
- ☐ Senior Housing and Assisted Living **2510**
- ☐ Affordable Housing **0190**

☐ **LEASING GROUP 259000**
- ☐ Retail Leasing **3010**
- ☐ Office Leasing **3030**
- ☐ Industrial Leasing **3050**
- ☐ Emerging Issues and Specialty Leases **3090**
- ☐ Assignment and Subletting **3080**

☐ **HOSPITALITY, COMMUNITY RECREATION AND COMMON INTEREST DEVELOPMENTS GROUP 266000**
- ☐ Common Interest Ownership Development **2700**
- ☐ Sports, Entertainment and Gaming **2710**
- ☐ Hotels, Resorts and Tourism **2722**
- ☐ Timesharing and Interval Use **2730**

☐ **REAL ESTATE FINANCING GROUP 279000**
- ☐ Mortgage Lending **2820**
- ☐ Securitization and Special Financing Techniques **2862**
- ☐ Construction Lending **2933**
- ☐ Workouts, Foreclosures and Bankruptcy **2860**
- ☐ Legal Opinions in Real Estate Transactions **2130**

☐ **SPECIAL INVESTORS AND INVESTMENT STRUCTURE GROUP 289000**

- ☐ Partnerships and Limited Liability Companies **2920**
- ☐ Pension Plan Investments **6015**
- ☐ Real Estate Investment Trusts **2905**
- ☐ Life Insurance Company Investments **2908**
- ☐ Land Trusts **2940**
- ☐ International Investment in Real Estate **2910**
- ☐ Real Estate Investment Funds **2919**

TRUST AND ESTATE GROUPS

☐ **INCOME AND TRANSFER TAX PLANNING GROUP 509000**

- ☐ Generation Skipping Transfers **5100**
- ☐ Estate and Gift Tax **5125**
- ☐ Individual and Fiduciary Income Tax **5810**
- ☐ International Tax Planning **5615**
- ☐ Tax Litigation and Controversy **5710**

☐ **BUSINESS PLANNING GROUP 519000**

- ☐ Business Investment Entities, Partnerships, LLC's and Corporations **5200**
- ☐ Estate Planning and Administration for Business Owners, Farmers and Ranchers **5220**

☐ **CHARITABLE PLANNING AND EXEMPT ORGANIZATIONS GROUP 529000**

- ☐ Charitable Planning **5300**
- ☐ Charitable Organizations **5310**

☐ **ELDER LAW, DISABILITY PLANNING AND BIOETHICS GROUP 539000**

- ☐ Surrogate Decision Making **5420**
- ☐ Long Term Care, Medicaid and Special Needs Trusts **5430**
- ☐ Bio Ethics **5460**

☐ **EMPLOYEE BENEFIT PLANS AND OTHER COMPENSATION ARRANGEMENTS GROUP 549000**

- ☐ Fiduciary Responsibility, Administration and Litigation **5500**
- ☐ Welfare Benefit Plans **5510**
- ☐ Plan Transactions and Terminations **5530**
- ☐ Qualified Plans **5540**
- ☐ Nonqualified Deferred Compensation **5560**

☐ **LITIGATION, ETHICS AND MALPRACTICE GROUP 569000**

- ☐ Probate and Fiduciary Litigation **5700**
- ☐ Ethics and Malpractice **5720**

☐ **NON-TAX ESTATE PLANNING CONSIDERATIONS GROUP 579000**

- ☐ Uniform Acts for Trust and Estate Law **5010**
- ☐ Emotional and Psychological Issues in Estate Planning **5925**
- ☐ Non-Tax Issues Affecting the Planning and Administration of Estates and Trusts **5820**
- ☐ Insurance and Financial Planning **5900**
- ☐ Asset Protection Planning **5920**
- ☐ Economics and Technology of the Practice **6000**

ADDITIONAL MEMBERSHIP OPPORTUNITIES

☐ **QUARTERLY REPORT 2031**

The *Quarterly Report on Current Developments in Real Estate Law* is a summary of and commentary on recent cases in real estate law. To receive a copy of the Section's quarterly report please check the box above and include a check for $30.00, which includes a two-year subscription to the report.

Please return entire form with payment if subscribing to Quarterly Report to:

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Section of Real Property, Probate and Trust Law
321 North Clark Street
Chicago, IL 60610
Fax 312.988.5262
www.abanet.org/rppt

If you have any questions, please call 312.988.5651

☐ **YOUNG LAWYERS NETWORK 0186**

This group is open to all RPPT Section members who have been admitted to practice in their first bar within the past eight years or who are less than 36 years old. The mission of the Young Lawyers Network ("YLN") is to encourage young lawyers' active involvement in the Section and to increase young lawyer membership and participation in the social and substantive activities of the Section through programming geared towards young lawyers.

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