

Technology Corner

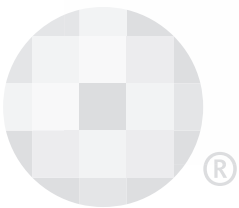
By Joseph G. Hodges, Jr.

A Technology Update—What's New and What's Hot

At the 42nd Annual Heckerling Institute on Estate Planning in January of 2008 in Orlando, Florida, I co-presented two Special Sessions with Roger Shumaker of Cleveland, Ohio entitled: *A Technology Update—Time Travels Fast*. Our mission was to try and cover all of the technology developments of note in the last three years as they relate to the practice of estate planning and administration. This was not an easy task given the one and one-half hour time slot that we were allotted for each session. Indicative of the magnitude of our assignment, we prepared a 6-page matrix summary for our presentation of all of the significant software products we were able to track down and verify. This summary lists some 160 different products.

My objective in this column is to give you an overview summary of what Roger and I presented at the Institute so those of you who have an interest can follow up on the details. Our presentation spanned from the beginnings of the Amicro-computer era in the early 1980s when the first real Personal Computer, the IBM 8086 PC, was introduced all the way through to the 286, 386 and 486 processors and then to the Pentium, ending up with such operating systems as Windows XP and Vista and the comparable MAC systems.

The T&E professional has always had available a multitude of software solutions: fiduciary accounting, estate planning and analysis, estate, gift and income tax reporting, flow-charting, charitable planning software, and utilities like **NumberCruncher** and spreadsheet add-ons like **zCalc**. From the beginning, integration was a Holy Grail of sorts, especially regarding fiduciary administration. In the estate planning arena, the elusive objective has always been a program that can generate an appropriate



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estate plan based on built-in intelligence, client objectives and financial circumstances. In the end it all boils down to how technology can be carefully and economically applied to planning problems to enhance communications and the client's understanding of complicated planning strategies?

Indeed time has traveled fast and a lot has happened in the last three years. Some products have disappeared, and some new products have arrived, but overall things have not changed all that much except, as would be expected, several programs have improved significantly and, in many cases, become more expensive too.

The first big change of note after 2005 was the purchase of the **West Publishing EPS** line of products (the old Gillett FATE, FIT, FGT and FET line) by Thomson Publishing, presumably to augment the similar line of products that Thomson had bought from Lee Zane a few years before. No sooner was the sadness of this news absorbed by all of us loyal Gillett users than Thomson Publishing did the exact same thing with the **ProBATE** Software line of products (FA, FIT, FGT and FET plus their two estate planning programs). While Thomson consolidated these into its new line of **Fast Tax FPS** programs that serve the same functions, Thomson did not, as was promised at the time, take the best of the West and ProBATE products and integrate those features into the existing Zane products. As a consequence, many West and ProBATE users have since chosen to abandon Thomson and find alternative solutions for their fiduciary accounting and tax return preparation needs.

Some other products that no longer exist include the **TrustWise Gifting Module** by OSI Software, and **Charitable Quick Plan** and **Advanced and Financial Planning Solutions** by Kettley Publishing. Other lesser known ones are **Goldplan** by Mark Goodman, **Fast Draft** by Valeo Software, **Legal Ease Auto System for Trusts and Estates and Probate** by Microcomputer Concepts, **ThinkDocs** by DataTech Software, **Value Expert** by Innovative Professional Software and **WealthWise** by WealthWise LLC.

Other products have been acquired from their original owners by publishers include **zCalc**, which

is now owned by Thomson Publishing, and **Cowles Trust Plus**, which is now owned by West Publishing and being marketed for use in all 50 states. MMR Software, the maker of **EE Bond**, is now Aloha Software. Brentmark Software has renamed its **Pension & Roth IRA Analyzer** as **Retirement Plan Analyzer**.

The new products and proposed improvements in certain existing products offer a lot of hope for the future. **America Dream Planner** by American Dream Planner LLC formerly known as **Estate Profiler** offers a more comprehensive financial and investment approach along with estate analysis. **Wealth Transfer Planning** (from Interactive Legal Services) by Jonathan Blattmachr and Michael Graham now functions on

the HotDocs platform and has added extensively to its built-in knowledge base and overall functionality. Interactive Legal Services is also adding an **Elder Law and Estate Planning System [EPS]** by REAL Automation Solutions that is authored by attorney Thomas G. Begley Jr. Another is **Automated Wills in GhostFill** by Korbitec Inc. and the companion West Group product called **Drafting Wills and Trust Agreements (DWTA) on GhostFill** (which is the second generation version of the original Wilkins DWTA on CAPS program).

Perhaps the most exciting news in the last three years, which has come in part as a response to Thomson Publishing's acquisition of the West Group and ProBATE fiduciary accounting and tax preparation programs, are the re-emergence of the Gillette line of products for fiduciary accountings and the preparation of Forms 706 and 709 in what is now known as **GEMS**, and the relationships both **GEMS** and **TEdec** have developed with Form 1041 producers, like **Lacerte** and **CCH's ATX** system, so that their fiduciary accounting data can be exported to those tax preparation programs thereby allowing for easy integrated preparation of those returns, as **Thomson** and **Lackner** already have their own built in Form 1041 program.

There are several programs that are designed to do general estate planning calculations and illustrations. Some of these programs are more customizable than others, and some of them can require a considerable amount of user input in order to get the right results,

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depending on the complexity of the individual client's case. Others are more like down and dirty programs that are designed to allow you to come to quick calculation and illustration results that the average client can easily understand. The best way to evaluate which program is the best one for your practice is to obtain a demo or 30-day approval version and run several examples from existing cases so you can easily verify and compare the accuracy of the final results. The ones we illustrated at the Institute were **zCalc**, **NumberCruncher**, BNA's **Estate & Gift Tax Planner**, CCH's **ViewPlan Advanced** and **Intuitive Estate Planner**. As time permitted, we also illustrated **Estate Planning QuickView, ES**, **The Estate Plan Analyzer**, **Estate Planning Tools**, **Kugler Estate Analyzer**, **WealthTec Foundations** and **Wealth Master**.

Much of the more sophisticated planning requires valuation of less than entire interests in property. There are a number of tools available that are more efficient than looking up factors in the IRS Publications. Depending on your needs, these tools provide basic information or can provide more detailed presentations of possible outcomes with the specific planning technique. The programs demoed included **zCalc**, **WealthTec**, **Tiger Tables** and **NumberCruncher**.

Estate analysis is critical in the estate planning process for estates at or above the level where state death taxes and federal estate taxes apply due to liquidity, family income and property disposition issues encountered at that level. In light of the current federal exemptions and rates, some of these calculations can be relatively easy. However, if gift planning, charitable planning or sophisticated succession planning are involved, more careful analysis can be critical. The programs we demonstrated can be used in these situations and can provide confirmation of the rough calculations that the planner may do on a simple calculator or even with paper and pencil. Each offers flow-charting and other graphical presentation of information to assist the communication of the consequences of current or proposed planning. These programs included BNA **Estate & Gift Tax Planner**, CCH **Viewplan Advanced**, and **Intuitive Estate Planner**.

The following programs are additional estate planning programs that are either used by the presenters or are programs with which we are familiar. These include **Estate Planning QuickView, ES**, **The Estate Plan Analyzer**, **Financial Analyzer II**, **Estate Planning Tools** and **Kugler Estate Analyzer**, **WealthTec Foundations** and **Wealth Master**, **Tiger Tables**, and the

Brentmark line of products including **Estate Planning Tools** and **IRS Factors Calculator**.

There are several software programs that can assist the professional advisor with charitable gift planning for clients. A rather extensive list of such products can be found in the ***Tools and Techniques of Charitable Planning, 2nd Edition***, a National Underwriter Co. publication. Many of these are designed for quick calculations that often are more than sufficient for gift tax reporting purposes. Others are more high-end and designed primarily for the charitable institutions who can afford them and use them fairly regularly. We demonstrated Brentmark's **Charitable Financial Planner** and **Crescendo Lite**.

As far as estate and fiduciary accounting and income tax reporting are concerned, as a result of the Thomson Publishing software acquisitions over the last three years, many people are wondering where to go now for Form 1041 software programs. While some companies, like **TEdec** and **GEMS** have recently implemented integration with commercial suppliers of such programs, there are still some estate administration software companies that have been offering their own version of such programs for some time now and still are. All of these companies similarly still offer companion programs that will do the Forms 706 and 709. We planned on demonstrating a sampling of these programs if time permitted, those being BNA's **Form 706 Preparer**, Lackner's **Quick 706**, **GEMS Fiduciary Accounting**, **EVP Stock Valuations On-Line**, the **Faster System**, DataTech's **Quick and Easy Estate Practice** and **EstateWorks Probate Plus**.

When it comes to retirement planning, there are several choices, many of which are supplied by Brentmark Software, which also hosts separate Web sites for many of the issues that are involved. Time did not permit us to demonstrate any of these programs, but they were all listed in the software matrix. In addition, it should be noted that many of the general estate planning tools that are listed at the beginning of the Matrix also come with features that will perform retirement planning calculations if those are desired.

If there is any area of the estate planning and probate practice that has for years piqued the interest of all professionals, it is in the area of document drafting, both for the planning documents and later for the probate pleadings, especially as electronic filing has become so important and even mandated in many jurisdictions, such as Arizona and Colorado. The obvious advantages to such systems

include time saved preparing documents and the virtual elimination of drafting and spelling errors. On the flip side, it is fair to say that most professionals prefer to use their own forms as compared to those that the software programmers has developed, and yet it is virtually impossible for the average user to try to take a program with set language and re-engineer it so the user's own language and clauses can be used. In response to this dilemma, certain software developers have built into their systems ways in which parts of their canned system can be modified or customized to incorporate the user's preferences. However, the degree to which this can be done often leaves a lot to be desired. Having said this, and considering that there is no way we could even begin to give all of these programs a fair showing in any sort of demonstration we might have done, we tried to at least briefly expose those in attendance to a representative sample of these, including: **DL: Drafting Libraries, Drafting Wills &**

Trust Agreements (DWTA) on GhostFill, Estate Planning System (EPS) Lawgic, Wealth Transfer Planning and WealthDocs by WealthCounsel.

Information on other available software can be viewed at any time at Dan Evan's **Wills, Trusts & Technology** support Web site, although last time we looked the listings there were somewhat out of date. Rumor has it Dan will be updating that site soon.

Featured Web Sites:

Dan Evans' Wills, Trusts & Technology Support Site
www.Evans-legal.com/dan/wtt-new.html

Jason Havens EP Practice Tools
www.jasonhavens.net

How Are You Rated At AVVO vs. Martindale Hubble?

www.avvo.com

Recover Permanently Deleted Files—Pandora Recovery

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