

New Lawyer's Subcommittee
Trust & Estates Section of the CBA
Agenda for November 16, 2017
CBA Offices – 9th Floor-Terrace Room

1. Welcome and Introductions
2. Review and Approval of Minutes from October 19, 2017 Meeting
3. Guest Speaker: Cary Johnson. Mr. Johnson will be speaking on the mandatory reporting of elder abuse.
4. Announcements
5. Client Conundrums
6. Adjourn

**New Lawyer's Subcommittee
Trust & Estates Section of the CBA
Minutes for October 19, 2017
CBA Offices – 9th Floor-Terrace Room**

1. Welcome and Introductions

Lauren Da Cuhna
Aiden Kramer
Molly Zwerdinger
Mark Masters
Rachel Bernstein Sheik
Lisa Willcox
Jessica Johnson
Sarah Morris
Sati Carruth
Sarah Pheral
Simon Tolbert
Alison Leary

2. Review and Approval of Minutes from September 14, 2017 Meeting

Motion Approved

3. Guest Speaker: Aiden Kramer. Aiden will be speaking on marketing in the 21st Century.

- YouTube Channel started after started practice—most of marketing is social media and internet based
- Use video and media to grow practice and stay in front of clients
- Shift in how businesses are giving services
 - Less billable hours and more toward flat fees and predictable expenses
 - Outside legal area:
 - Business in general
 - Making packages and programs around services
 - Make scalable—increase revenue without greatly increasing work
 - Opportunities in estate planning to take advantage of these trends
 - Service packages—forms are similar, do a lot of things that happen over and over again
 - Here is package that should fit for people in your situation, tailored for you
 - Know what getting, what cost, and why want all those things
 - Guides/e-books—sell on website
 - Create passive source of income—let people hopefully buy it
 - Subscription plans—hard to implement in her practice she's found
 - But clients like predictability of knowing getting something each month, etc.

- Classes and seminars—speaking engagements, taking advantage in scalable way—pre-recorded Zoom training programs
 - Good way to compete with instant websites—instantly get what looking for
 - If can make our services similar, can compete with these
 - Want something tangible quick—after pay, get something
- Marketing:
 - Mostly video based—focus here
 - Started: when started, SEO and blogging important to get people on website
 - Didn't want to write a lot—but Google searches require words too, so found did have to write
 - Benefits—people calling because felt already knew her—personality, sense of who she is
 - Doesn't have to spend time talking someone into liking her
 - Not necessarily to get client to call
 - Let potential client get to know you better—hire the lawyer, not the law office
 - Time saving—educational way:
 - Some info, but not so much that don't need you
 - Educate on really common topics—don't have to spend time in meeting/on phone going over those basic concepts
 - Example: Differences between will/trust
 - Send video of that—give service without spending time doing that
- Services to do videos—YouTube, Facebook Live, Parascopes—actively engage with viewers (Q&A)
- Video—opportunity to collaborate with other lawyers—related to area
 - Bring in expert on that area
 - Help colleagues/friends too by getting their name out there
- Equipment—used built in microphone and camera on computer and built in editing on computer
 - Not as good quality as with better equipment—but just do it, good enough, clients don't notice
 - Nervousness of making first one gone—trial and error from there as to what works best for you
 - Still just uses webcam, but nicer one—light that beauty bloggers use (halo light) and separate microphone
- Can repurpose video:
 - Originally just made videos—found out that still needed blogs for search engines
 - Posted video on website along with blog
 - Post separately on Facebook, etc.
- Podcasts—
 - Hasn't yet found way to make work for her, but used in similar way to video
 - Educate target audience
 - Bringing in other people to join you and share other ideas/viewpoints
- Social media—

- Quality content, rather than just put out content
 - Lawyers on twitter—a bunch of posts about recent cases a day
 - Normal people not want that—how affect them??
 - People engage in and be interested in rather than just making sure posting a lot
- Don't need to be on every platform
 - Hard to post on all of them all the time
 - If you like it, sure—but not useful if not using
 - Pick one/few that works for you
- Not necessarily looking for clients on social media
 - Directing people to YouTube channel, which does lead to clients/revenue
 - Use social media to promote what works
- Personal vs. Business social media
 - Time consuming to do both on a lot of platforms—cumbersome she thinks
 - She has seen mixing from lawyers—this is the personal aspect of our business
 - Prospective clients get to know us
 - Approachable to people looking at social media
 - Makes it easier to plan out posts in advance
 - There are different software/programs to help this
 - Time out twitter/Facebook posts
 - She tries to put together themes for day/month
 - This month: horror stories about estate planning
 - Each day:
 - Quote, tip, link to article
 - Quotes: make branded images of quotes
 - Branding colors
 - Quote over it—recognizable branding/imagery recognition connect back to you
- Connector apps—Zapier, If This Then That app
 - Automatically posts to other platforms
 - Zapier: Connects outside of social media
 - Update contact info, etc.
- With video and YouTube—consistency is important
 - YouTube likes to see new content and engage with comments
 - Your followers also start looking for this too if know when
- Aiden tries to do new videos every week
 - Films 8-10 at a time: 3-5 minutes each
 - Spends whole day filming, editing, and then set up to post automatically
- Newsletters:
 - Common for a while now—email blasts, newsletters—still thinks good marketing idea
 - Stay in front of prospective/past clients
 - Still here in case want that help you talked about

- Most of marketing in general should be mostly educational, a little promotional
 - 90% educational, 10% promotional
- email lists build up—opt-in with freebie—free check list, opt in, sign up
 - name now in email list and receive newsletter
 - depends on email program use
 - Mail Chimp
 - Opt in on Facebook option
- Good for Drip campaign
 - Event trigger email campaign
 - Signs up for free checklist
 - Email a day letter get email saying welcome
 - Week later—email with helpful tips
 - Build interest so
- Repurpose other items in articles—blog posts, etc.
- Contribute to other blogs/articles—find other websites that are similar to what you are doing—see if can do contributor/guest blog
 - Trust and estates—guest blog on mom blog—wanted to work with moms with kids
 - Not looking for legal information necessarily, but looking for info on being a mom
 - Back link to own website—really help your SEO and visibility on search engines
- Repurposing content
 - Zapier and If Then app—really good for that
 - Post blog post on Linked In, create video on it, podcast, etc.
- Tracking
 - Focus on what's working best for you
 - Boost that one platform through others vs. trying to build all of them
 - Analytics—YouTube, Facebook, Google
 - How arrive at website—will tell you how got there
 - Video-
 - Don't put contact information out on video
 - More people calling
 - Use Google Voice—free phone number—forwarded where want
 - Helps for tracking—knows gets that call from video because called that number
 - CRM—how client referred to you
 - Last year, 20% from social media, etc.
 - See if social media efforts worth it—if everything from referrals, then don't bother
- Questions:
 - Live Q&As
 - Could be video or typing
 - How find you—regular basis, promote it—special event
 - Periscope—geographic—streams by location—not necessarily looking for estate planning videos, etc.

- Reach is broad—nationwide/international
 - Can't work with everyone/give advice to everyone
 - Try to get content seen by people who can work with
 - Over time this starts to happen
- Disclaimers:
 - In beginning—informational, educational not legal advice, introduce as in Colorado
 - Generally speaking, typically
 - In Colorado, this is the way it is—talk to lawyer in your state
- Calls from people everywhere?
 - In intro video on YouTube channel:
 - In Colorado, only work with people in Colorado
 - Can't give free legal advice
 - → Could refer to attorneys in other states, and they return favor (if can build up good network of attorneys)
- Charge for guides/e-books—charge for videos?
 - She does not—could do subscription videos, hasn't done it yet
 - Concern: expect a lot more out of it if paying for it
 - If give more information, could be taken as legal advice and they paid for it...could muddy waters
 - Gets some money from YouTube from ads that play first
 - Can't control the ads—legal zoom ad before here's why not to use legal zoom
- Active hits—
 - Took a long time (about a year) before getting traction
 - Found one topic—a lot of people interested in—that one video got popular, which boosted everything else
 - Pay attention to what want to know/what want to see?
 - Go with topics people interested in
 - She has found business law is much more popular than estate planning videos
 - Younger people not as concerned with wills/estate planning and not looking for info on it
 - But maybe older folks on Facebook—Facebook live
- Separate Accounts for personal/business
 - Separate business page on Facebook—but need personal page to set that up
 - Share everything on business page on personal page
 - Keep business stuff on business page and personal stuff on personal page on Facebook
 - But on twitter and Instagram mixed more—but be careful what post too
- Frequency—what is too much?
 - Trial and error
 - If good content, send it—worse happens is deleted/unsubscribed
 - Once a month she tends to do for newsletter
- Topics—how find inspiration
 - Taking break because ran out

- Using common questions that clients ask
 - Isolate common question—explain that in 3-5 minutes
 - More in depth video another possibility—one more broad, and then the in-depth videos
 - Pay attention to comments/response—come up with follow up questions
 - If more difficult topic, take more time to talk about
 - Divide up in different videos
 - Brought in CPA, marketing person
 - Thinks there is value in veering off your specific topic every once in a while
 - Approachability/relatability
 - Does this in portions of videos—dogs demonstrate topic
 - Referrals—vet through social media?
 - Usually not—strangers that found website
- Becoming important to humanize with clients
 - Social media best way to do that—you do what they do, on same platforms they are
 - Sharing a lot about their life, if feel they know you better—more willing to do that
 - Peer/friend vs. attorney have to talk to
- Aiden now outsourcing social media
 - Pre-plan to do this—plan out for month—content and theme, etc.

4. Announcements

- Colorado Lawyer and Trust and Estate Council Notes—looking for articles and great way to get name out to senior lawyers in area
 - Reviewed after write?
 - David Kirch—he would probably work with you a little if you want
 - Not unheard of to run by friends, get comments
 - Having trouble with section, help me with that, etc.
 - Not scholarly, its practical—information for lawyer—not formally reviewed
 - Could co-author with more senior attorney who has less time but could help with editing, etc.
 - T&E mentor could co-author with potentially
 - Email Melissa Schwartz if want ambassador
- Senior Law Day—a lot of counties have them
 - Looking for volunteers—early in planning process now for next year
 - Good time to jump on board—have more active role
 - Or volunteer day-of
 - Ask a lawyer—legal speed dating
- CLEs
 - November 2/3: Fall CLE
 - February—Estate Planning Basic Skills
 - Estate Planning Retreat next year

- Newer lawyers go—maybe not know about a lot that is said
- Idea floated today: extra session—9th session is 4 different topics
 - Could go to new attorney topics or mix and match as want
 - **if there are topics that are not necessarily covered at Basic Skills—let Mark know!
 - Give newer attorneys reason to come
- Planning committee trying to be accommodating to new lawyers—suggesting to them are appreciated
 - Social event as New Lawyers group
 - First night—whole group welcome reception vs. bank sponsored dinners that night
- Orange Book CLE December 8
 - Get the new book with tuition
 - New Lawyer Edge makes really inexpensive
 - Past recordings
 - Basic CLEs free
- New Ethics Opinion 131—clients with diminished capacity
 - Next month DA from Jefferson—mandatory reporting for Elder abuse
- Legislative Opportunities from Jeremy
 - CTC and Public Administrators
 - Remote Documents
 - Need more legwork

5. Client Conundrums

- Rachel:
 - Married, getting inheritance from parents Rev Trust—both passed away in past year
 - Trust very clear that money meant for her and kids and not husband
 - Value at time of distribution, if set aside, would be separate property
 - Growth would be marital property
 - Any ways to protect growth too?
 - Separate Rev Trust to hold this, and husband not named
 - Marital Agreement often suggested—but people have suggested may be set aside
 - Is it an outright gift or gift in trust?
 - Distributed over 5 years
 - Once receive installment—what can she do with it?
 - Outright gift—no strings attached
 - If she keeps separate, will be separate
 - Wants to keep separate in order to honor what parents wanted
 - Worried his family might come after it
 - Subject to economic circumstances if no marital agreement
 - Might be able to get marital agreement—need both represented by separate council
 - Estate planning for death—segregated into accounts only she owns, disposed of in documents how
 - Don't muddy waters—anything comingled is half/half

- If can argue irrevocable, then can maybe say growth not part of marital agreement
 - If go down marital agreement road, suggest lawyer you can work with
- Sati:
 - Married, two kids, divorced, remarried, two more kids (all adults)
 - First kids kept from her by husband
 - Wants to cut out the first kids
 - 40s-50s
 - She can keep out of will—should she state why?
 - Already getting from insurance
 - Conscious decision—know why doing
 - Or leave out reason entirely—defamation worries
 - Unless can put in positive light
 - I have four children, for purpose of this will, my children are _____
 - “For reasons personal to me, which I deem sufficient”
 - “Provided for elsewhere”—but what if lose life insurance?
 - Don’t want argument that intended to leave something to them
- Alison:
 - Remote contingent disposition in OB
 - None of trusts have them in OB
 - But yes, can add these—charities, nieces and nephews, etc.
- Aiden:
 - Has a condo in Puerto Rico
 - Set up Rev Trust for him—don’t know how to transfer Puerto Rico property
 - Get local attorney to prepare deed, like any other state
 - Find someone through ABA volunteer programs who might know someone local?
 - ACTEC website—find someone in Puerto Rico
 - Business Network International—business attorneys and estate planning attorneys
- Lauren:
 - Two older daughters, joint custody with ex-husband for minor daughter
 - Make sure minor daughter stay in touch with family if something happens to her
 - Grandparents rights?
 - Precatory language in contingent minors trust
 - Acceptable use of assets to maintain contact with my family
 - Letter to trustee—I feel strongly about this
- Jessica
 - Contingent Trust—ultimate distributions at certain age
 - Financial advisor wants continuation of trust—the kids become trustees and not terminate trust
 - Defeat protections Jessica thinks to have them be trustee
 - Mandatory distributions at certain age
 - Different ways?

- Withdrawal rights at certain ages vs. mandatory
 - May request distributions
 - If trustee think not good idea to receive distribution, can withhold during period of disability (administrative provisions)
- If undergoing bad divorce, can tell trustee to keep (i.e. not exercise withdrawal)
 - *Rhoadarmer* case—protected from creditors [University Nation Bank v. Rhoadarmer, 827 P.2d 561, (Colo. App. 1991).]
 - But if beneficiary own trustee, not protected from divorce from family law perspective

6. Adjourn