



ATTORNEYS AT LAW

THE ANDERSEN FIRM

A PROFESSIONAL CORPORATION

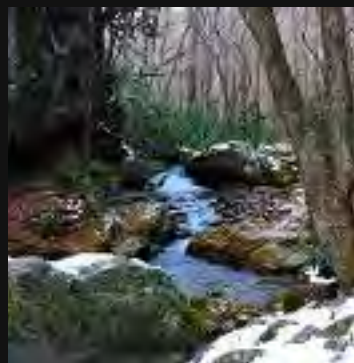
1st Quarter 2018

Current Events Update for Financial Advisors

Estate Planning | Estate Settlement & Probate
Asset Protection | Litigation | Real Estate

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on the cover

Rocky Fork, located in Unicoi, Tennessee
 The photographer is Gary Caldwell.

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CURRENT EVENTS UPDATE

THE ANDERSEN FIRM, Attorneys at Law

Law isn't just our profession, it is our passion. You and your clients will thrive from the distinct advantage of being represented and counseled by attorneys who are at the top of their profession. You get a partner and a teammate when you and your clients work with The Andersen Firm. Together we build relationships, developed and nurtured by our attorneys and their highly skilled and accessible team. These will be the relationships you value and trust, year after year.

As a financial advisor working with The Andersen Firm, you will receive guidance on how to position wealth management with your clients, suggested talking points that open communication and strengthen your relationships with your clients, and successful marketing ideas. This team approach allows us to develop a deep understanding of the clients' wishes, intentions, and goals enabling us to provide sophisticated, creative, and practical approaches to solving the most pressing questions. These strong relationships grant financial advisors and our mutual clients with the service of a boutique firm with the strength and experience of a giant.

laugh for the day...

A visitor from Holland was chatting with his American friend and was jokingly explaining about the red, white and blue in the Netherlands flag.

"Our flag symbolizes our taxes," he said. "We get red when we talk about them, white when we get our tax bill, and blue after we pay them."

"That's the same with us," the American said, "only we see starts, too."



9 Tips to Master Your Morning

2. CUSTOMIZE YOUR ALARM



Instead of the traditional alarm, why not try waking up to one of your favorite songs? When you are gently roused from your slumber by a soft tune, you're likely to feel peaceful and composed—priceless emotions at the crack of dawn.

4. EAT BREAKFAST



In today's fast-paced world, it seems that the delights of breakfast are often surrendered to a hurried cup of coffee before running out the door. This is a big mistake.

6. TAKE THE STAIRS



Once you've made it to the office, take the stairs instead of the elevator. It's a perfect way to naturally work some exercise into your day, and it feels great to power up the steps and strut into the office feeling like you're on top of the world.

8. USE POWER POSES



Adjusting a simple thing like your posture can make a surprising difference in your morning. Sit with shoulders back and core engaged so you feel strong and ready for the day.

1. GET ENOUGH SLEEP

The National Sleep Foundation (who knew, right?) recommends 7-9 hours per night for adults. The NSF also estimates that a lack of sleep costs the United States \$66 billion a year in loss of productivity and health care expenses.



3. EXERCISE

Exercising in the morning makes it easier to fit exercise into your day. Also, you get a nice shot of endorphins and some natural stress-relief first thing. That makes for a good start to a great day.



5. TREAT YOURSELF

It always helps to give yourself a little reward for getting up in the morning and tackling the day. Find one brief activity that you enjoy, like checking your favorite news app or listening to a bit of a podcast.



7. ENGAGE YOURSELF

Beginning your day by slogging through emails can be a productivity and motivation killer. If you can help it, try starting your most important and demanding task right when you get to your desk.



9. PRIORITIZE YOUR DAY

Prioritizing your day, especially by writing out your tasks, helps you feel confident and engaged until it's time to head home. Trello is great free tool that helps you organize your to-do lists.



New Year-

NEW LOCATION

SOUTH FLORIDA OFFICE

Please update your records with our new Fort Lauderdale address & phone number!



ATTORNEYS AT LAW
THE ANDERSEN FIRM
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ESTATE PLANNING, ESTATE SETTLEMENT & PROBATE
ASSET PROTECTION, LITIGATION, REAL ESTATE

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TALKING TO YOUR CLIENTS

ABOUT ESTATE PLANNING IN THE NEW YEAR

2018 is upon us – and the time is already flying by. But with the new year comes a chance to recalibrate how you serve your clients and help them deal with the inevitable changes of life. The more you can meet their needs in a holistic fashion – even when that means working to get things done for them that are outside your core responsibility – the better and deeper relationships you'll enjoy.

To that end, consider segmenting your clients and prospects so you can meet them “where they’re at.” Here are four types of clients you likely serve. Let’s think about how to approach them about estate planning and related needs in 2018...

4 Types of Potential Estate Planning Clients

Category 1: People who believe they have nothing to pass to their heirs

These people might say things like, “I don’t need estate planning because I don’t have an estate.” In their minds, they have disqualified themselves.

Your approach: Get them to focus on the future. They want to protect their legacies and leave assets to their kids and grandkids—but they’re unsure whether they have even accumulated enough wealth to need to build a plan for the long term. They’re probably overwhelmed. You can assist by educating them to think in this way:

- Does a client have children? Ask whether she has appointed a guardian for them. If she gets sick or dies unexpectedly, a guardian nominated by a parent has an easier time assuming responsibility and obtaining legal authorization to care for the child. This conversation can open the door for discussing the many non-tax and non-financial reasons for having a will and trust.
- Offer to strategize to make the client’s income stretch further, creating a surplus that she could save or invest.
- Almost everyone has something they’d like to keep from going through the hassle and expense of probate. Work with us to give these clients insight into how to structure bank accounts, vehicle titles, and other assets so they can pass directly to an heir without being probated.

Category 2: People who think they don’t have enough assets to bother with estate planning.

These people have some assets, and perhaps a will, but they don’t believe their holdings are

sufficient to justify comprehensive planning. A common objection: “Estate planning or trusts are for the wealthy, and I’m not wealthy.”

Your approach: People in Category 2 have a limited understanding of what constitutes “estate planning” or have a mistaken impression about the importance of trusts. Trust-based estate planning can protect assets against excessive taxes, creditors, probate expenses, guardianship or conservatorship court control, unwise spending by beneficiaries, family disputes, and more. In virtually every way, a trust is a better tool than a will, but many people in Category 2 (and the other categories as well), simply don’t know this. Here are a few suggestions for talking with people in Category 2:

- Coordinate with us to review the client’s will and general long term financials, and collaborate to suggest changes that improve client results.
- Do they have life insurance coverage? If not, remind the client that this would be an additional asset for the estate that must be coordinated with the estate plan. You can also offer to review the insurance plan to ensure it still achieves their goals, if you offer insurance policies.
- Could tax changes affect the client? Offer to review any investment strategies to recommend ways to lessen the tax burden.
- If you’re comfortable, ask about the client’s beneficiaries’ finances. Do their kids carry a lot of debt? If so, creditors may file a claim on the inheritance or it can be seized by a divorcing spouse or bankruptcy court. Trust-based inheritances reduce this risk and can protect beneficiaries’ inheritances from creditors, divorcing spouses, and predators looking for an easy payday.

Category 3: People who feel estate planning is too difficult or expensive.

People in Category 3 have assets, but they’re either “too busy” or cash poor to address estate planning.

Your approach: Educate these people about the costs of a lack of planning. Remember the adage - an ounce of prevention is worth a pound of cure.

- Ask whether family disputes over assets or debts might erupt after the person dies. Even if the answer isn’t an emphatic “yes,” the best way to avoid conflict and family turmoil is through comprehensive trust-based estate planning. Brainstorm with your clients and us to mitigate against risk and identify possible points of conflict. Inaction can result in a client’s children paying the price in the form of a lawsuit.
- Is the estate at risk of high taxation? Although the estate tax is largely no longer an issue for most Americans, the income tax is alive and well. Older or nonexistent estate plans may not be income tax optimized, resulting in unnecessary taxes. Also, stay in touch regularly with us and your clients to recommend tax saving strategies that take advantage of new laws and developments we’re expecting in 2017.

Category 4: People who believe they’ve already done all they need to do.

These people believe they have “finished” their planning. Their set-it-and-forget-it mentality, however, can be dangerous and lead to obsolete estate planning strategies, surprise taxes, and family disputes.

Your approach: People in Category 4 have something to lose, and yet they may be operating under a false sense of security.

- Bring up expected changes to the tax laws in 2017 that might affect the estate tax and the income tax. Remind the client that estate plans can become obsolete because Congress, state legislatures, and the Courts are constantly meddling with the law. Estate planners work to keep their clients ahead of the changes, but you and your clients have to take action to update their plan.
- Has it been longer than a year or two since the client assessed the estate plan? We can help modernize old plans so clients can rest easy knowing they have a plan that will work exactly the way they want.

We are here to help.

The beginning of a new year presents a great opportunity for you to reach clients and serve them more fully. We are here to answer questions, address concerns, and provide up-to-date resources to help you serve your clients. Call 866.230.2206 when you and your clients need insight.

TAX REFORM: SOLUTIONS FOR YOUR CLIENTS AND THEIR ESTATE PLANNING

In December 2017, Congress passed, and President Trump signed a sweeping tax reform bill commonly known as the Tax Cuts and Jobs Act. This new Act contains several significant changes that will impact your clients and their estate planning.

Estate Tax Changes

Starting January 1, 2018, the estate, gift, and generation-skipping transfer (GST) tax exemptions double from \$5 million to \$10 million (adjusted for inflation). For 2018, the exemption is now \$11.2 million per person (\$22.4 million for a married couple). As was the case under prior law, the exemption will adjust annually for inflation, providing us with additional opportunities each year for clients who decide to utilize this new exemption sooner, rather than later. This doubled exemption remains in effect until December 31, 2025, at which time the law sunsets and the exemptions revert to the \$5 million level (indexed for inflation).

These changes open significant opportunities to remove assets from estates and permanently exempt future appreciation of those assets from estate, gift, and GST taxation. Of course, whether tax-driven planning is appropriate for a client depends on many factors. For clients of considerable wealth, now may be the perfect time to implement strategies like a legacy trust, a spousal lifetime access trust, a domestic asset protection trust, or a charitable remainder trust. For clients whose net worth is less than the exemption, we still must review and possibly revise prior estate plans to ensure that any “old” tax-driven language still achieves the client’s goals. For example, a client with assets of \$8 million whose trust uses a formula to allocate assets may have been comfortable with a \$5 million credit shelter trust and the \$3M balance of their estate going into a marital trust, but may be concerned about funding their entire \$8M estate into a creditor shelter trust.

Obviously, estate tax planning is only one aspect of estate planning. Incapacity issues, protecting financially imprudent heirs, asset protection, avoiding probate, and minimizing income taxes are all other aims that can be achieved with proper estate planning. Some clients may mistakenly believe that they do not need estate planning because of the increased exemption. In addition to working with your clients who are affected by the estate tax, we also welcome the opportunity to discuss the many benefits of comprehensive estate planning with any clients who still haven’t moved forward with their planning.

Changes to Individual Taxation

The Act retains a seven-bracket rate structure but changes the income level and rate for each bracket. In addition, the standard deduction has increased from \$6,350 to \$12,000 for individuals and \$12,700 to \$24,000 for married couples. However, the personal exemption deduction has been repealed.

The widening of brackets, rate reductions, and increase in standard deduction are all intended to offset the repeal of the personal exemption. Congress’s intended result is lower effective income tax rates for individuals.

The increase in the standard deduction will likely reduce the number of clients who itemize, so tax season in 2019 (when 2018 tax returns are filed) will probably be a little less arduous for many clients. Some good news for advisors is that since less time will need to be spent discussing what can be itemized, more time can be spent on big-picture strategies to build and protect wealth.

The capital gains rate and net investment income tax are unchanged. The top long-term capital gains rate remains at 20 percent, and the net investment income tax rate remains at 3.8 percent. Like the changes to pass-through businesses (more below), these changes to the standard deduction, brackets, and the personal exemption are in effect from January 1, 2018, through December 31, 2025.

Pass-Through Business Changes

For business-owner clients, the reform of pass-through business taxation is likely an incredibly welcome change. This impacts sole proprietorships, partnerships, S corporations, and LLCs taxed as partnerships or S corporations. The Act provides for a 20 percent deduction for most pass-through businesses which reduces the effective top tax rate to 29.6 percent (37 percent highest bracket less the 20 percent deduction yields a 29.6 percent effective rate). Owners of some service businesses, including those in the fields of health, law, consulting, athletics, and financial services, are subject to income limitations. High-income earners engaging in those types of businesses will not receive the 20 percent deduction, but other strategies are available to help them reduce their income tax burden. Give us a call today so we can strategize with you and your high-income clients about the options.

This 20 percent deduction mentioned above is available from January 1, 2018, through December 31, 2025. We should immediately discuss the impact of this new law with any clients that are considering transitioning to or opening a new pass-through business entity. Depending on a client’s goals, the reduction in the C corporation rate (from up to 35 percent to a flat 21 percent) may also make a C-corporation a potentially attractive option. Each situation is unique, and we are here to help.

Putting It All Together

The Act is perhaps the most significant tax legislation in over 30 years. Continued study and experience with the Act will undoubtedly reveal numerous tax planning opportunities. Stay tuned for more details. In the meantime, feel free to give us a call with any questions you or your clients may have about tax reform or estate planning.

The link below is a thought paper published by Wealth Counsel and contains additional details on the changes to the law:

[TAX REFORM IS HERE: WHAT YOU NEED TO KNOW TO ADVISE YOUR CLIENTS](#)

The link below is a presentation that can be used for discussing these changes with your clients:

[TAX CUTS AND JOBS ACT: WHAT IT MEANS FOR YOU, YOUR BUSINESS, AND YOUR ESTATE PLAN](#)

ESTATE PLANNING SHOULD ALWAYS BE A TEAM EFFORT



A Team of Coordinated Professionals Is Your Clients' Best Bet

Picture a symphony's worth of classical musicians all trying to play a piece in perfect harmony, but they can't see one another. Each of them also has slightly different sheet music. It doesn't take a stretch of the imagination to know it's not going to sound pretty.

That's what it's like for clients whose various advisors don't communicate. Of course, an individual's wealth management strategy doesn't come from just one part of their approach, but rather a comprehensive and holistic combination of the efforts of several professionals.

A little miscommunication goes a long way

You might be surprised to consider just how often disjointed planning and advising can impact a client's long-term financial well-being. Estate planning attorneys, CPAs, financial advisors, and insurance agents may have access to the same initial set of client documents or client goals. But, once isolated strategies created by each of those advisors are in place, things can begin to go sideways. On the other hand, a quick recap among a client's advisors is often all it takes to smooth over any issues and develop a great, integrated plan for clients.

Put yourself in your clients' shoes

Consider the situation of a typical client — let's call her Dana. Dana is a successful IT manager with a rich family life and a very busy schedule. Even though free time is hard to come by, she's decided it's time to stop putting off financial and estate planning. Here are a few of the advisors she'll likely meet with in order to get started:

1. **Insurance agent:**Dana realizes that in order to make sure her spouse and children will be well taken care of when she passes away, she'll need to put a robust life insurance policy in place. If her insurance agent isn't in communication with Dana's estate planning attorney, the beneficiaries designated in her policy won't coordinate with or support her estate plan.
2. **CPA:**From marriage and dependents to new types of deductions, Dana decides it's time to employ an accountant rather than do her taxes through a rudimentary online system. Her new CPA takes stock of all of her financial assets and may learn about something that didn't come up in Dana's communication with her insurance agent.
3. **Financial advisor:**Dana's financial advisor helps her determine what types of investments are smart choices for her and coaches her in establishing long-term financial goals. Everything in her financial plan seems perfectly organized. But, as a result of creating this financial plan, the amounts of insurance in Dana's policy may no longer be optimal.
4. **Estate planning attorney:**Dana finds a local estate planning attorney to implement a trust-based estate plan that names people she trusts to make decisions if she can no longer make them, ensures her assets will pass to those she intends, and avoids or eliminates as many

costs and taxes as possible. Without good communication and collaboration between her team, her estate planning sessions could seem like a reinvention of the wheel — eating up more of Dana's time than she and her family care for. But there are serious implications down the road as well, as Dana now has four sets of siloed information.

Without collaboration between these specific professionals, she does not realize these discrepancies herself. It might not become clear that anything is wrong until complex and stressful situations arise that bring problems to the surface.

A little communication goes a long way, too

Even a 20-minute roundtable discussion may be all that's needed in order to share a quick rundown of pertinent details and determine if any further action is needed to make Dana's various plans fit together.

In addition to finding problems that can be easily resolved now, they may also notice missed opportunities that could benefit Dana and her family for years to come. When opportunities to benefit clients are discovered, it's only a matter of time before each of these professionals receives referrals from Dana's colleagues and friends.

For example, Dana's financial advisor and CPA might recognize that she has several low basis assets. They notify her estate planning attorney, who suggests she add a charitable remainder trust and an irrevocable life insurance trust to diversify her portfolio at a lower tax cost. Her life insurance agent then implements a policy for the ILIT that essentially replaces the value of the now donated asset in the charitable remainder trust.

On the other hand, let's say Dana doesn't have charitable goals and she's comfortable holding onto a specific asset instead. With no immediate need to diversify the portfolio or divest the asset, a community property trust might provide a significant income tax savings after her death. By extension, the community property trust will improve the availability of assets for her surviving spouse (and, of course, those assets will need management by the financial advisor). These are just two examples of ways that a little communication and collaboration can yield amazing results for clients.

Bring your clients' estate planning attorneys into the loop

The goal of every advisory professional is to put their clients in the best possible position to achieve their aims. And collaboration with estate planning attorneys is a fantastic strategy to have at your disposal. When we work together as a coordinated team, we're strengthening our own practices as well as the chances for highly positive outcomes for our clients. Get in touch with us today by calling 866.230.2206 to discuss how we can benefit our mutual clients.



AVOIDING DISASTROUS WILL OR TRUST LAWSUITS: HOW TO KEEP FAMILY SQUABBLES FROM UNDERMINING ESTATE PLANS

A Family discord that results in a will or trust contest can be costly, time-consuming, and emotionally painful for your client's family. For you, the advisor, this disharmony usually leads to severely damaged relationships and a loss of assets under management. It's important to keep a close eye on your clients' familial rifts and work with us to use proactive planning to mitigate the risk of potential litigation.

Sometimes the holidays bring out the best behavior in a family, but other times they can serve to highlight the division and risk of conflict. Although no one wants to think about this issue, it's worth being educated as an advisor so you can have a discussion point while everything is still top of mind for your clients after New Years.

How a will or trust lawsuit can begin

Let's say your client Robert has worked with you for many years. You've built a solid relationship with Robert and his family, and now manage the assets of all three of his children as well. You've worked hard to develop a solid rapport based in trust and transparency with the family.

Robert's children believe they were listed as beneficiaries in Robert's estate plan, but they will only know for sure what they're inheriting when Robert passes away. The scenarios that lead to conflict can be virtually limitless, but here are few "common" ones:

- Two of his children feel that the amount and types of wealth being passed on to them seem perfectly fair, but the third child feels entitled to much more, perhaps because he was told verbally by Robert that he'd get more.
- One of the children, perhaps the one who lives nearby and came to visit often, is given the lion's share of the estate, leaving the others with what they feel is an unfair inheritance.
- Perhaps one or more of the children have been disinherited and believe Robert wasn't of sound of mind when making his will and trust.
- Or, Robert decided to skip the kids altogether in favor of grandchildren or charities. With no warning about this, the kids feel blindsided and hurt.

Steps family members take to invalidate wills

This feeling of entitlement is likely enmeshed with all the other strong emotions that surround family ties. But, after the death of a family member, disgruntled family members may be inspired to take action and contest the will or trust in one or more of the following ways:

- **Citing that the will or trust was not signed as required by state law:**Each state has specific laws that dictate how a will or trust must be signed in order for it to be legally valid. Failure to properly observe these requirements can result in an invalid will or trust.
- **Claiming the person making the will or trust lacked the necessary capacity:**The capacity to make a will means that the person understands (a) their assets, (b) their family relationships, and (c) the legal effect of signing a will. Each state has laws that set the threshold that must be overcome to prove that a person lacked sufficient mental capacity to sign a will. Some states apply the same standard to establishing a trust and others apply the standards for capacity to

make a contract (which is to understand the purpose and effect of the contract). Because the standards could vary depending on the document and the state where it was signed, it is important to work with us to ensure the documents are fully compliant.

- **The person making the will or trust was unduly influenced into signing it:**As clients age and become weaker both physically and mentally, others may exert influence over the client's decisions, including how to plan their estate. In the context of a will or trust contest, undue influence means more than just nagging or verbal threats. It must be so extreme that it causes the maker to give in and change their estate plan to favor the undue influencer or disfavor someone else. Although the legal definitions may seem easy and this subject is never a comfortable one to discuss, if there's any risk of undue influence, it's always best to work with us so we can make sure the estate plan is as lawsuit-proof as possible.
- **The will or trust was procured by fraud:**It is important that clients understand the documents they are signing to ensure their intent is being carried out. If a client signs a will or trust believing they are signing a different type of document or a will or trust with different provisions, the document has been procured by fraud.

*Planning Tip:*Not everyone involved in a client's life will have standing to challenge the validity of the client's estate plan. Even if you suspect that the will or trust of a client is invalid, you will not have standing to contest it (unless you are one of the client's heirs at law or named in the client's prior will or trust). To best protect clients who struggle with family conflict, make sure to work with us to address any concerns or issues you are witnessing.

What you can do to keep family conflict from impeding your clients' estate plans

Proactive planning that's mindful of the potential for family conflict is necessary to ensure that your clients' wishes are honored and aren't set aside by a disgruntled or estranged heir. Each case is unique and the exact strategies and tactics will always depend on the situation. However, it is possible to design a plan that's equitable, takes into account the family dynamics, and reduces the risk of lawsuits.

Advise your clients against taking a do-it-yourself approach to any component of their estate plans. Working with a professional can give your clients the peace of mind that their wishes are being carried out and possible pitfalls are being addressed before they become major issues. Family conflict may be a touchy subject, but it's an important topic to discuss with your clients. Ask them whether they see the possibility of disputes so you can help guard against them in their estate planning endeavors .Another key tip is to encourage your clients to keep their estate plans up-to-date — remind them that estate planning is an ongoing process that continues to set them up for success in having their wishes carried out, even in the face of changing family dynamics. A current, proactive, and strategic estate plan is your client's best defense against their wealth being squandered by family conflict.

Practice Areas

Estate Planning

At The Andersen Firm we have planned for a vast array of estates ranging in size from a few hundred thousand dollars to a hundred million dollars and up, all the while realizing each specific case is different and requires specialized attention.

Estate Settlement & Probate

The process of settling an estate can be difficult and emotionally painful for the family and loved ones of the deceased. It is our goal at The Andersen Firm to ensure that the process be handled with compassion, expedience, professionalism, and expertise, while protecting the rights of all parties involved. If the circumstances surrounding a client's estate require probate, our attorneys offer extensive experience in handling the processes and legalities involved.

Asset Protection

For some, putting an Asset Protection Plan in place is advisable in order to attempt to remove the economic incentive to be sued and also to try and increase the ability to force an early settlement in the event a suit is filed.

Litigation

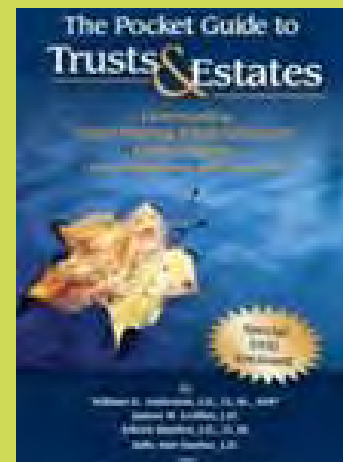
Our attorneys are skilled at handling cases involving estate and trust disputes, civil litigation, commercial litigation, and real estate litigation. Our attorneys draw on a thorough knowledge base of the specific procedures surrounding these issues. The Andersen Firm can efficiently take each case through to completion. Whether you are an individual or a business, defendant or plaintiff, our extensive experience affords our clients the benefit of our counsel.

Real Estate

Our attorneys possess the expertise of being able to draft and review any contract relating to real estate, including but not limited to purchase and sale contracts and addenda, leases with options to purchase, stock purchase agreements, joint venture agreements, mergers and acquisitions, and business purchase agreements.

The Pocket Guide to Trusts and Estates

Bill Andersen and Joleen Searles with Erin Turner and Jerry Saresky have released their collaborative book *The Pocket*



Guide to Trusts & Estates:
Understanding Estate Planning, Estate Settlement, Estate Litigation and Asset Protection.

COMMENTS: If you have questions about The Andersen Firm's practice areas, need assistance with continuing education, client seminars, would like to request a copy of The Pocket Guide, or have a question or suggestion about our website, **Angela Hooper** is our **Director of Professional Alliances**. Angela welcomes your calls and may be reached at 866.230.2206 or by email at AHooper@TheAndersenFirm.com.

