

TAKING THE FRIGHT OUT OF DRAFTING NO CONTEST CLAUSES UNDER THE NEW REGIME

The law affecting no contest, or *in terrorem*, clauses will change dramatically on January 1, 2010. How are planners to respond? What “magic” language will avoid the statutory pitfalls while accomplishing the testator’s goals? Does the new law foreshadow the return of conditional gifts? Must trustee powers be expanded to authorize resistance to disguised contests? Mr. Hartog will discuss these issues and propose model clauses for participants to review and reflect upon.