

# The eStatePlan™

## Interdisciplinary Network Service Protocol

– Linked Index Page –

<u>SUBJECT</u>	<u>PAGE</u>
<a href="#"><u>The eStatePlan ITS Processing Model</u></a> .....	Page 1
<a href="#"><u>The Client has Complete Autonomy</u></a> .....	Page 2
<a href="#"><u>The Client has Full Control (24/7)</u></a> .....	Page 2
<a href="#"><u>Clients Will Always Need Assistance</u></a> .....	Page 2
<a href="#"><u>Clients May Demo-Run Before Purchasing</u></a> .....	Page 3
<a href="#"><u>No Delays for the Client to Endure</u></a> .....	Page 3
<a href="#"><u>The Parties Always Stay Connected</u></a> .....	Page 4
<a href="#"><u>Implementation is Efficient and Fast</u></a> .....	Page 4
<a href="#"><u>Advisors Receive Funding-Support Fee</u></a> .....	Page 5
<a href="#"><u>Legal Applicability &amp; Suitability Review</u></a> .....	Page 6
<a href="#"><u>The Advisor Plays an Important Role</u></a> .....	Page 6
<a href="#"><u>The Advisor Practices Law, Legally!</u></a> .....	Page 7

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## – The eStatePlan™ ITS Processing Model –

*References to plural shall include the singular  
and masculine shall include the feminine.*

One of the keys to the success of the Integrated Trust Systems estate planning processing platform (1985) was the early adoption of a legal service protocol, which later became branded as the (ITS) "Interdisciplinary Network Service Protocol" (INSP). The INSP's effectiveness was upgraded in 2003-04 through custom software, which enabled a hard-coded structure to the INSP requiring a cascading arrangement of participation for the parties – including clients, advisors, and attorneys.

A Legal Benefit. The software-enforced INSP proved its value not only for organizational and efficiency reasons but also in validating a legitimate estate planning business model. Because of the perceived legal nature of the platform activities, the ITS process understandably incurred inspections from certain State Bar offices for the concern over possible "Unauthorized Practice of Law" (UPL) violations.

The Needful Purpose. The subject State Bar offices asked ITS to understand how the general public needed *their protection* and thus legitimized the inquiries. With each State Bar review, the legality of the INSP was validated. After time, a few notable points became clear. The ITS business model operates within legally safe harbors *for all parties involved*.

The eStatePlan Version. After the 2011 introduction of The eStatePlan™ / My LifeCard Plan® (MLCP) processing system, a next-generation Version 2 of the INSP was needed to keep in step with the offering of the fully digitized eStatePlan. As with the original INSP, The eStatePlan legal procedures are applied and enforced through proprietary software but include new applications to address the opportunities that digital transformation makes available. As an example, the fully digitized V-2 code enables ALL interactive events and communications to be not only "time-stamped" but also permanently recorded as submitted. Following is a detailed review of The eStatePlan INSP.

## **The eStatePlan™**

### **Client-Based Network Processing Services**

The Client has Complete Autonomy. The client-autonomous nature of The eStatePlan offering is first exemplified by the easy acquisition process. When the prospective client is provided with an eStatePlan Access Code – an Advisor ID number of any currently registered (ITS) Registered Advisor (or Attorney) – he is able to generate the Dynamic Trust Portfolio eStatePlan document set (without assistance, if desired) while having unhindered dashboard access to personal Client Console controls. Since no custom drafting is needed on the front end with The eStatePlan auto-processing model to generate and record the document sets (ITS proprietary software creates that from client-submitted data), The eStatePlan INSP version does not require up-front engagement of legal counsel to initiate the transaction. The legal suitability and applicability review phone call conducted by the attorney of record takes place at a later time, when the client is ready.

The Client has Full Control (24/7). The eStatePlan processing system was designed first and foremost to be “client centric” in all points. The client is purchasing a digital processing module – either a Sole Grantor or a Co-Grantor template – which he may access at anytime (24/7) to modify and therefore maintain FULL CONTROL of everything pertaining to his acquired eStatePlan document set. Additionally, the client is served – throughout the entire estate planning process – by the entire service processing team. A password-accessed Client Console, digitally interfaced with every service party, and/or anyone else chosen by the client through the password-protected "Share Console" module, makes that a reality. And it's all ONLINE!

Clients Will Always Need Assistance. We all need help with things we are not readily familiar with; understanding the dynamics of The eStatePlan Client Console and the general applications of law – including getting the trust funded correctly and entirely with assistance from client’s advisor – are certainly no exceptions. To do it right, the client will need ongoing connectivity with all the assisting parties, including the attorney of record during the implementation stage. *The ease of being able to contact the attorney of record using permanently recorded messaging protocol has proven to be a very beneficial feature of The eStatePlan system for the client.*

## Notable MLCP Processing Features

Try Before You Buy. A client-centric feature offered through The eStatePlan processing model is the "Try Before You Buy" (TBYB) application. Prospective purchasers may opt to "kick the tires" first by establishing their entire eStatePlan, even including funding their trust, as a TBYB "demo" model (with no purchase required).

- Every dynamic available to a purchasing client is also fully operational in the TBYB prospect's Client Console including electronic signature (ESIGN) processing, digital-assignment-by-ledger trust funding, etc.
- The only difference with the TBYB experience is that (i) the client's last name is included with "**-demo**" text and (ii) the entire eStatePlan document set is watermarked with the word "**SAMPLE**" posted diagonally on shaded-gray paper.
- The TBYB file will also auto-delete within 72 hours of acquisition unless it has been fully activated with a Placement Fee purchase, which can be conveniently made inside the Client Console.

No Delays for the Client. After purchase, whether made from inside the Client Console via the TBYB mode or directly from the ITS website / Data Entry page, the client shall have immediate and full control of a personalized eStatePlan through the dashboard functionality of the Client Console.

- The client may add, delete, or modify any applicable provision of any document in the Client Console – including The eStatePlan's Funding Kit – at any time without restriction and even without anyone's assistance (until the client requests help).
- The Client Console features an exceptionally useful dynamic called the NotePad Message Center with which the client has the ability to request assistance and answers to questions whether the requests and/or questions are directed to ITS Admin, CMS Office personnel, the Advisor of Record, or the Attorney of Record.

The Parties Always Stay Connected. At the time of purchase, ALL eStatePlan INSP parties are alerted to the event by automated Email Notices.

- In addition to the client, the INSP parties consist of (i) ITS Admin, (ii) the Advisor of Record, (iii) the Attorney of Record and (iv) the Corporate/Entity Trustee (either a chartered trust company or licensed law office) whenever such entity has been chosen as the *first successor trustee* of the client's eStatePlan.
- As an option, a Client Management Services (CMS) Office may also receive an upline Email Notice as to the new transaction if that particular CMS Office is working directly under the Attorney of Record in the transaction.
- Each supporting INSP party has their own interfacing network dashboard (the Admin Console, Advisor Console and Attorney Console). That interfacing feature enables each party to stay connected to the client, and the other parties as well, through the NotePad Message Center module permanently coded to the subject Client Console.

### ***The eStatePlan INSP Process is Efficient and Fast!***

1) The eStatePlan Data Entry page dynamics can be activated only through a valid "Access Code", which is always either a registered Advisor's ID Number or an entity such as a broker dealer, RIA or even a 501(c)(3) charity. *The eStatePlan cause-marketing, revenue share software enables charities to receive portions of transaction fees when their donor base is offered the opportunity to acquire an eStatePlan.*

- Normally, the Advisor of Record is the one who provides initial, up-front assistance to the client in how to first navigate through the Data Entry page, discuss the basic options to choose from with the client, and then show the client how to submit the page for processing.
- Detail for data entry is not important in the beginning since The eStatePlan Data Entry page needs only to contain the purchaser's name, address, phone number and email address to initially process with payment (or may be submitted only as a TBYYB demo file as described earlier).

2) When the Data Entry page is submitted by the client or the assisting advisor, the ITS server sends Notification Email messages to all applicable parties including ITS Admin, the Advisor of Record, the Attorney of Record, the CMS office (if applicable), and to the client with a temporary password and login instructions.

- The eStatePlan Data Entry page also contains an Ancillary Order table. Among several Ancillary Order line items to include with the order are the CMS Support Fee (currently \$300) and the Attorney "Legal Suitability Review" Fee (generally between \$400-\$650 as pre-determined by the registered, network attorney).
- The Data Entry page is then auto-posted with the existing data inside the Client Console for the client to add, delete or modify as much as is necessary, which then allows the digital re-generation of The eStatePlan Portfolio as often as may be needed thus enabling customization to the satisfaction of the client (and the Attorney of Record).

3) The Client Management Services (CMS) Support Fee can be opted into through a check-the-box option – on the Data Entry page – as all other Ancillary Order table line items, which may be payable directly to the advisor of record (if applicable). *The advisor is entitled to the **CMS Support Fee for helping the client fund his trust** (which is an easy process on The eStatePlan platform).* The Legal Suitability Review is generally mandated, however – and not normally available as an option – through the application of a hard-coded checked box line item and also bundled, *as a separate fee*, with the transaction.

- As pointed out, the advisor of record is the one whose ID Number is used to activate the (Access Code) Data Entry page. The choice of who the attorney is to be named in the transaction is accomplished beforehand through a special dynamic in the Advisor Console of the client's advisor of record.
- Because the *attorney-of-choice* matter is soft-coded, the option of who the attorney shall be for any given transaction can be controlled not only by the advisor at any time but also by mandate of the client through a directive given to his advisor before the transaction event.

- In addition, the client has the option to bring in a second (or even a third) legal reviewer, such as a general practice family attorney or a certain specialist, for an additional(s) assessment. That process is accomplished through The eStatePlan's "Share Console" module enabling the client to grant full access, including editing/drafting functionality, to the Share Console attorney/entrant within the Client Console.

4) After the purchase has been made, the *legal applicability & suitability review* of a Nevada licensed attorney must follow. The client has many options available including when he wants the attorney's phone call interview to advise in accordance with personal goals and to help set up the personalized eStatePlan through modified data entries and special custom drafting provisions.

- The Client Console features a convenient "Calendar Link" to the attorney's scheduler that enables the client to conveniently schedule a conference call through using the attorney's own digital calendar.
- During the attorney/client conference, the attorney will function as personal legal counsel for the client concerning how The eStatePlan can help meet the client's personal planning goals and objectives while determining final legal suitability.
- The eStatePlan's "Specific Trust Directives" (Apps) table provides the reviewing attorney with an array of custom drafting terms and clauses that may be loaded into the client's eStatePlan and modified to any extent necessary not only at the time The eStatePlan is created but also at any time later, as needed.
- One of the powerful dynamics of The eStatePlan system is that any and all data entries and drafting provisions can be changed any time later by either the client (who holds a current MLCP Membership subscription) or the attorney of record when the client grants attorney-access to his/her Client Console.

5) **The activities normally associated with the trusted *advisor of record* include general assistance for the client.** But it goes much beyond that. In fact, the advisor's supportive role in the process is just as important as that of the attorney. NOTE: The advisor of record may alternately elect, however, to have the Admin CMS Support Office perform (and be compensated for) the duties and obligations on behalf of the advisor of record.

- Among other activities, **it is the advisor's primary duty to assist the client in the funding** of The eStatePlan. When needed, trust funding information for the advisor is available from the ITS support staff (and the attorney when applicable).
- Funding a trust is VERY IMPORTANT without which the client's specific goals will be left unmet, and The eStatePlan will probably be faced with a different estate settlement outcome than what was intended.
- Therefore, the role of The eStatePlan advisor of record is very important to realize the overall success of the process! The advisor need never be concerned about the matter of unauthorized legal advice when staying within the V-2 INSP boundaries provided with The eStatePlan processing platform.
- Before the client is able to submit the purchase order to acquire The eStatePlan, he is required to agree to all terms and conditions specified in the "Contract & Purchase Agreement", which includes clear definitions of the inculpability status (absent of fraud) for all affiliated parties including the advisor of record. The e-signed Contract & Agreement is also permanently stored in the Client Console.
- The uncorroborated concern – engrained within the advisor community – of giving unauthorized legal advice has been the real reason many families have been unable to obtain otherwise needful strategic assistance from their own trusted advisor. That has all changed now in the digital-transformation age with ITS V-2 INSP.

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"The unauthorized practice of law and the practice of law by nonlawyers are not synonymous." >> *Florida Bar v. Brumbaugh*, 355 So. 2d 1186, 1192-92 (Fla. 1978).

**NOTE: In the above cited case, the Florida Supreme Court ruled that even though a non-lawyer is "practicing law" by performing certain legal tasks or services – like gathering information to assist in the creation of an estate plan, helping to fund a trust, asking for a beneficiary's name to write on an insurance policy application, or even advising about certain aspects of law – such activities DO NOT constitute the "unauthorized" practice of law.**