

– MLCP/eStatePlan Processing Model –

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

One of the keys to the enduring 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 – using the ITS service platform.

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 service business model. Because of the perceived legal nature of the platform activities, the ITS process understandably incurred inspections from certain State Bar (and, as a consequence, Attorney General) offices. The general reasons given for that was the concern over possible "Unauthorized Practice of Law" (UPL) violations.

The Needful Purpose. The subject State Bar offices asked ITS to understand (or to imagine) how the general public needed *their protection* and thus the reason for the inquiries. With each review, the legality of the INSP held as it was designed to do – comply with legal scrutiny. A few notable points became clear. The ITS business model is not only unique, but it also operates within legally safe harbors *for all parties involved*. For a detailed review of the original INSP outline, go to www.IntegratedTrustSystems.com.

MLCP/eStatePlan Version. After the 2011 introduction and development of the My LifeCard Plan® (MLCP) processing system, a next-generation Version 2 of the INSP was required with the offering of MLCP's fully digitized eStatePlan™ Portfolio. As with the original INSP, the eStatePlan legal procedures are applied and enforced through proprietary software but include many upgrades and 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.

MLCP/eStatePlan™

Client-Based Interdisciplinary Network Service

The Client has Autonomy. The client-autonomous nature of the MLCP offering is exemplified by the eStatePlan acquisition process. If the prospective client were provided with a valid Access Code – an Advisor ID number of any currently registered ITS Associate Advisor – the client could generate the entire eStatePlan document set solely with no one else's assistance, other than ITS software, while having unhindered dashboard access to his Client Console controls.

The Client has Control. Since no custom drafting is needed on the front end with the MLCP/eStatePlan auto-processing model to generate/post the eStatePlan document sets (ITS proprietary software does all of that from client-submitted data), the eStatePlan INSP version does not require up-front engagement of legal counsel to initiate the transaction; the legal-review phone call and plan suitability determinations take place later. The client is purchasing a digital processing module – either a Sole Grantor or Co-Grantor eStatePlan template – which allows the client (24/7) access to maintain FULL CONTROL of everything pertaining to his acquired eStatePlan document set.

The Client is In Charge. The MLCP/eStatePlan processing system was designed foremost to be client centric in all points. The client is the one who is to be served – throughout the entire estate planning process – by the entire MLCP platform service team. A password-accessed Client Console, digitally interfaced with every service party, and anyone else chosen by the client through the password-protected "Share Console" module, makes that a reality. And it's all ONLINE.

The Client Needs Assistance. But of course, the client-autonomous process is not practical on its own since we all need help with things we are not readily familiar with; understanding the dynamics of the MLCP Client Console and the general applications of law are certainly no exception. To do it right, the client needs consistent, ongoing connectivity with all the assisting parties, including the attorney of record. *In fact, the ease of being able to contact the attorney of record through MLCP's service module 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 MLCP processing model is the "Try Before You Buy" (TBYY) application. Prospective purchasers may opt to "kick the tires" first by establishing their entire eStatePlan, including funding their trust, as a TBYY "demo" model (with no purchase required).

- Every dynamic available to a purchasing client is also fully operational in the TBYY prospect's Client Console including electronic signature (ESIGN) processing, digital-assignment-by-ledger trust funding, etc.
- The only difference with the TBYY experience is that (a) the client's last name is included with "-demo" text and (b) the entire eStatePlan document set is watermarked with the word "SAMPLE" posted diagonally on shaded-gray paper.
- The TBYY 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 TBYY mode or directly from the MLCP website / Data Entry page, the client shall have immediate and full control of his eStatePlan through the dashboard functionality of the Client Console.

- The client may add, delete or modify any applicable provision of any document in his Client Console – including the MLCP 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 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, or the advisor of record, or the attorney of record.

The Parties are Always Connected. At the time of purchase, ALL eStatePlan INSP parties are contacted by automated, server-generated 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 MLCP Console (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 Center module permanently coded to the subject Client Console.

The actual V-2 INSP process is simple, efficient and fast!

1) To start, the MLCP/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. *It should be noted that MLCP cause marketing software enables charities to receive portions of transaction fees when their donor base is offered the opportunity to acquire an eStatePlan through MLCP.*

- 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, however, 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 TBYB demo file as described earlier).

2) When the Data Entry page is submitted by the client or his 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-\$750 as pre-determined by the 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).

3) On the Data Entry page, the CMS Support Fee is chosen through a check-the-box option as all other Ancillary Order table line items, which may be payable to the advisor of record (if applicable). 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 MLCP 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 MLCP'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 client has many options available including when he wants the attorney's phone call interview to advise in accordance with his goals and to help set up his plan through modified data entries and special drafting provisions.

- The Client Console features a convenient "Calendar Link" to the attorney's schedule that enables the client to schedule a conference through using the attorney's own digital calendar.
- During the attorney/client conference, the attorney will function as personal legal counsel for the client and discuss how the eStatePlan can help meet the client's personal estate planning goals and objectives.
- 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 MLCP 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) and/or his attorney of record when the client grants attorney-access to his Client Console.

5) Finally, the activities normally associated with the advisor of record include general assistance for the client; but it goes beyond that. In fact, the advisor's supportive role in the process is just as important as that of the attorney.

- 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 MLCP 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 estate plan will probably be faced with a far different estate settlement outcome than what was intended.

- Therefore, the role of the MLCP advisor of record is very important to realize the overall success of the process! The MLCP 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 MLCP "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 (mostly unfounded) concern of giving unauthorized legal advice – in many ways promulgated through disinformation – has been the very reason many families have been prevented from getting otherwise needful strategic assistance from their own trusted advisor. That has all changed now in the digital-transformation age with ITS' V-2 INSP.

"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.