

## PROFESSOR JEFFREY N. PENNELL

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Professor Pennell is the Richard H. Clark Professor of Law at Emory University School of Law in Atlanta. A member of the American Law Institute, he was an Adviser for the Restatements (Third) of Property (Wills and Other Donative Transfers), and the Restatement (Third) of Trusts, a former member of the Council of the Real Property, Trust & Estate Section of the American Bar Association, an Academic Fellow and Former Regent of the American College of Trust and Estate Counsel, and an Academician of The International Academy of Estate and Trust Law. His various publications include student and practitioner texts, Tax Management portfolios, articles, institute chapters, and he is the successor author of Casner & Pennell on ESTATE PLANNING (8th ed.).

Emory University: Richard H. Clark Professor of Law (since 1986)

University of Miami: Visiting Adjunct Professor of Law, Graduate LL.M. Program in Estate Planning (1980-1993 and since 2000), and Visiting Professor of Law (1985-1986)

University of Oklahoma: Tenured Professor and Associates' Distinguished Lecturer of Law (1984-1986); Associate Professor (1981-1984); Assistant Professor (1978-1981)

University of Texas: Visiting Professor of Law (Summer 1985)

University of North Carolina: Visiting Professor of Law (Summer 1981)

Southern Methodist University: Visiting Professor of Law (Fall 1980)

Loyola University (Chicago): Adjunct Professor of Law (Spring 1978)

The Northern Trust Company (Chicago): Trust Counsel Attorney (1975-1978)

COURSES TAUGHT: Estate Planning; Federal Individual Income Taxation; Federal Income Taxation of Trusts, Estates, Grantors and Beneficiaries; Federal Wealth Transfer Taxation; Fiduciary Administration; Legal Profession; Tax Ethics and Malpractice; Trusts and Estates

EDUCATION: B.S. 1971 and J.D. cum laude 1975, Northwestern University. Order of the Coif; Legal Writing Instructor; Senior Research for Professor Austin Fleming; Executive Editor, Northwestern University Law Review.

MAJOR PUBLICATIONS:

ESTATE AND TRUST PLANNING (ABA Press 2005) (with Newman)  
ESTATE PLANNING (CCH, 8th ed. 2015) (with Casner)  
ESTATE PLANNING AND DRAFTING (West 2014)  
FEDERAL WEALTH TRANSFER TAXATION (West, 4th ed. 2003)  
ESTATE TAX MARITAL DEDUCTION, 843 Estates, Gifts, and Trusts Portfolio (Tax Mgmt. 2012)  
INCOME TAXATION OF TRUSTS, ESTATES, GRANTORS AND BENEFICIARIES (West 1987)  
SPOUSE'S ELECTIVE SHARE, 841 Estates, Gifts, and Trusts Portfolio (Tax Mgmt. 2012) (with Cline and Turnipseed)  
SUM & SUBSTANCE QUICK REVIEW ON WILLS, TRUSTS AND ESTATES (West 4th ed. 2013) (with Newman)  
TRANSFER TAX PAYMENT AND APPORTIONMENT, 834 Estates, Gifts, and Trusts Portfolio (Tax Mgmt. 2011)  
WILLS, TRUSTS AND ESTATES (Aspen 2000) (with Newman)

*Recent Wealth Transfer Developments*, 67 MAJOR TAX PLANNING 10-1 to 9-127 (Univ. of Southern Calif. 2015).  
*Recent Wealth Transfer Developments*, 66 MAJOR TAX PLANNING 8-1 to 8-97 (Univ. of Southern Calif. 2014).  
*Recent Wealth Transfer Tax Developments*, 65 MAJOR TAX PLANNING 9-1 to 9-83 (Univ. of Southern Calif. 2013).  
*Zero Basis After Transfer*, 137 Tax Notes 1232 (2012).  
*Recent Wealth Transfer Tax Developments*, 64 MAJOR TAX PLANNING 12-1 to 12-82 (Univ. of Southern Calif. 2012).  
*Recent Wealth Transfer Tax Developments*, 63 MAJOR TAX PLANNING 12-1 to 12-50 (Univ. of Southern Calif. 2011).  
*Special Needs Trusts: Reflections on Common Boilerplate Provisions*, 6 NAELA J. 89 (2010) (winner of the 2011 NAELA John J. Regan Writing Award).  
*Wealth Transfer Taxation: "Transfer" Defined*, 128 Tax Notes 615 (2010).  
*Recent Wealth Transfer Tax Developments*, 62 MAJOR TAX PLANNING 10-1 to 10-70 (Univ. of Southern Calif. 2010).  
*Recent Wealth Transfer Tax Developments*, 61 MAJOR TAX PLANNING 14-1 to 14-56 (Univ. of Southern Calif. 2009).  
*It's Not Your Father's Buick, Anymore: Estate Planning for the Next Generation(s) of Clients*, 43 U. MIAMI INST. EST. PLAN. 13-1 to 13-59 (2009).  
*The Joseph Trachtman Lecture — Estate Planning for the Next Generation of Clients: It's Not Your Father's Buick Anymore*, 34 ACTEC J. 2-34 (2008).  
*Recent Wealth Transfer Tax Developments*, 60 MAJOR TAX PLANNING 15-1 to 15-91 (Univ. of Southern Calif. 2008).  
*Recent Wealth Transfer Tax Developments*, 59 MAJOR TAX PLANNING 16-1 to 16-80 (Univ. of Southern Calif. 2007).  
*Recent Wealth Transfer Tax Developments*, 58 MAJOR TAX PLANNING 21-1 to 21-105 (Univ. of Southern Calif. 2006).  
*Recent Wealth Transfer Tax Developments*, 57 MAJOR TAX PLANNING 19-1 to 19-71 (Univ. of Southern Calif. 2005).  
*Recent Wealth Transfer Tax Developments*, 56 MAJOR TAX PLANNING 19-1 to 19-86 (Univ. of Southern Calif. 2004).  
*Recent Wealth Transfer Tax Developments*, 55 MAJOR TAX PLANNING 13-1 to 13-62 (Univ. of Southern Calif. 2003).  
*Recent Wealth Transfer Tax Developments*, 54 MAJOR TAX PLANNING 12-1 to 12-48 (Univ. of Southern Calif. 2002).  
*Funding Marital Deduction (and Other) Bequests*, 35 U. MIAMI INST. EST. PLAN. 15-1 to 15-100 (2001).  
*Recent Wealth Transfer Tax Developments*, 53 MAJOR TAX PLANNING 12-1 to 12-65 (Univ. of Southern Calif. 2001).

*Recent Wealth Transfer Tax Developments*, 52 MAJOR TAX PLANNING 14-1 to 14-83 (Univ. of Southern Calif. 2000).

*Recent Wealth Transfer Tax Developments*, 51 MAJOR TAX PLANNING 16-1 to 16-84 (Univ. of Southern Calif. 1999).

*Recent Wealth Transfer Tax Developments*, 50 MAJOR TAX PLANNING 14-1 to 14-105 (Univ. of Southern Calif. 1998).

*Minimizing the Surviving Spouse's Elective Share*, 32 U. MIAMI INST. EST. PLAN. 9-1 to 9-53 (1998).

*Avoiding the Discharge of Obligation Theory*, 12 PROB. & PROP. 49-54 (Sept./Oct. 1998) (with Fleming).

*The Economics of Prepaying Wealth Transfer Tax*, 136 TRUSTS & ESTATES 49-60 (June 1997), 40-51 (July 1997), and 52-56 (August 1997) (with Williamson), abridged and reprinted in 52 J. Fin. Serv. Profs. 62 (Nov. 1998) and 53 J. Fin. Serv. Profs. 42 (Jan. 1999).

*Recent Wealth Transfer Tax Developments*, 49 MAJOR TAX PLANNING 21-1 to 21-50 (Univ. of Southern Calif. 1997).

*TAM Rejects Death Bed Family Limited Partnership Discounts*, 2 J. ASSET PROTECTION 9-13 (1997).

*Valuation Discord: An Exegesis of Wealth Transfer Tax Valuation Theory and Practice*, 30 U. MIAMI INST. EST. PLAN. 9-1 to 9-70 (1996).

*Survey of the Profession II*, 30 U. MIAMI INST. EST. PLAN. 15-1 to 15-67 (1996) (with Moore).

*Recent Wealth Transfer Tax Developments*, 48 MAJOR TAX PLANNING 28-1 to 28-51 (Univ. of Southern Calif. 1996).

*Recent Wealth Transfer Tax Developments*, 47 MAJOR TAX PLANNING 23-1 to 23-66 (Univ. of Southern Calif. 1995).

*Apportionment Can Make Tax Payment More Equitable*, 22 EST. PLAN. 3-9 (1995).

*Recent Wealth Transfer Tax Developments*, 46 MAJOR TAX PLANNING 15-1 to 15-94 (Univ. of Southern Calif. 1994).

*Treasury Releases Final QTIP Regulations*, 19 EST. GIFTS. & TR. J. 95-102, reprinted in DIGEST OF TAX ARTICLES 9-19 (Nov. 1994).

*Representations Involving Fiduciary Entities: Who Is the Client?*, 62 FORDHAM L. REV. 1319—1356 (1994).

*Marital Deduction Planning Potpourri*, ESTATE PLANNING 1993 321-382 (UCLA and California CEB 1994).

*Recent Wealth Transfer Tax Developments*, 45 MAJOR TAX PLANNING 15-1 to 15-163 (Univ. of Southern Calif. 1993).

*Practicing What We Preach: Esoteric or Essential?*, 27 U. MIAMI INST. EST. PLAN. 12-1 to 12—64 (1993) (with Moore).

*Application of the Generation-Skipping Transfer Tax in an International Setting*, 6 TAX NOTES INTERNATIONAL 723-729 (March 22, 1993) (with Doernberg).

*Recent Wealth Transfer Tax Developments*, 44 MAJOR TAX PLANNING 11-1 to 11-147 (Univ. of Southern Calif. 1992).

*Recent Wealth Transfer Tax Developments*, 43 MAJOR TAX PLANNING 15-1 to 15-135 (Univ. of Southern Calif. 1991).

*Professional Responsibility: Reforms Are Needed to Accommodate Estate Planning and Family Counseling*, 25 U. MIAMI INST. EST. PLAN. 18-1 to 18-75 (1991).

*Ethics in Estate Planning and Fiduciary Administration: The Inadequacy of the Model Rules and the Model Code*, 45 THE RECORD OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK 715-775 (Hess Memorial Lecture 1990).

*Recent Wealth Transfer Tax Developments*, 42 MAJOR TAX PLANNING 13-1 to 13-124 (Univ. of Southern Calif. 1990).

*Adventures in Generation-Skipping, or How We Learned to Love the "Delaware Tax Trap"*, 24 REAL PROP., PROB. & TRUST J. 75-94 (1989) (with Blattmachr).

*Recent Wealth Transfer Tax Developments*, 41 MAJOR TAX PLANNING 14-1 to 14-97 (Univ. of Southern Calif. 1989).

*Income Shifting After TRA '86*, 46 N.Y.U. INST. FED. TAX'N 50-1 to 50-61 (1988).

*Tax Payment Provisions and Equitable Apportionment*, 22 U. MIAMI INST. EST. PLAN. 18-1 to 18-129 (1988).

*Recent Wealth Transfer Tax Developments*, 40 MAJOR TAX PLANNING 11-1 to 11-118 (Univ. of Southern Calif. 1988).

*Using "Delaware Tax Trap" to Avoid Generation-Skipping Taxes*, 68 J. TAX'N 242-248 (1988) (with Blattmachr).

*Whither Estate Planning*, 24 IDAHO L. REV. 340-351 (Symposium Introduction 1988).

*Report of the ACPC Colloquy on Estate Planning, Financial Planning and Beyond: The Next Progression; the Role for Lawyers and Law Schools*, 14 PROBATE NOTES 18-29 (1988).

*Position Paper on the Federal Income Taxation of Unearned Income of Certain Minor Children*, 14 PROBATE NOTES 40-44 (1988).

*Sale of Remainder Interest Triggers Section 2036(a)(1) Inclusion*, 13 PROBATE NOTES 188-192 (1987).

*Guidelines for Estate Planners*, 13 PROBATE NOTES 7-13 (1987).

*Proposed Changes in Subchapter J and the Income Taxation of Children Under the Age of 14 Years*, ESTATE PLANNING 1986 235-260 (UCLA and California CEB 1986) (with Kinyon).

*Response to Bernard Barnett*, 11 PROBATE NOTES 201-204 (1986).

*Recent Estate Planning Developments*, 38 MAJOR TAX PLANNING 11-1 to 11-123 (Univ. of Southern Calif. 1986).

*Subchapter J: Evolution or Revolution?*, 19 U. MIAMI INST. EST. PLAN. 8-1 to 8-87 (1985).

*Income Taxation of Trusts, Estates, Grantors and Beneficiaries: Proposals to Improve Subchapter J*, 9 PROBATE NOTES 241-253 (1984).

*Book Review*, 18 REAL PROP., PROB. & TRUST J. 596-599 (1983).

*Transfers Proximate to Death*, 17 U. MIAMI INST. EST. PLAN. 8-1 to 8-59 (1983).

*Marital Deduction Funding After ERTA '81*, 7 NOTRE DAME EST. PLAN. INST. 289-346 (1982).

*Estate Planning: Drafting and Tax Considerations in Employing Individual Trustees*, 60 U. N.C. L. REV. 799-820 (1982), abridged and reprinted in 9 EST. PLANNING 264-272 (1982).

*Custodians, Incompetents, Trustees and Others: Taxable Powers of Appointment?*, 15 U. MIAMI INST. EST. PLAN. 16-1 to 16-54 (1981).

*Life Insurance Owned by a Third Party: Estate Planning Considering Income, Gift and Generation-Skipping Taxes*, 18 HOUSTON L. REV. 103—133 (1980).

*Inadvertent Exercise of Powers of Appointment in Oklahoma*, 33 OKLA. L. REV. 565-577 (1980) (with Stansfield).

*Inadvertent Exercise of Powers of Appointment*, 1980-6 EST., GIFTS & TRUSTS J. 34-39 (with Stansfield).

J. Mertens, LAW OF FEDERAL INCOME TAX'N 17-33 (1978 Supp.).

Committee Report, *Fiduciary Responsibility and the Employee Retirement Income Security Act of 1974*, 12 REAL PROP., PROB. & TRUST J. 285-299 (1977).

Comment, *Closing the Courthouse Door: The Aftermath of Snyder v. Harris*, 68 NW. U.L. REV. 1011-1023 (1974).

#### MANUSCRIPTS UNDER CONTRACT:

Pennell, THE LAW OF FIDUCIARY ADMINISTRATION (Aspen).

#### PROFESSIONAL AFFILIATIONS:

Academic Fellow and Former Regent, American College of Trust and Estate Counsel  
Academician, The International Academy of Estate and Trust Law  
Life Member, American Law Institute  
Associate Reporter, Restatement of the Law (Third) of Trusts (2004-2008)  
Advisor, Restatements of the Law (Third) of Property (Wills and Other Donative Transfers) and of Trusts  
Member, ALI-ABA Committee on Continuing Professional Education Subcommittee on the Future (1995-1997)  
Member, American Bar Association Real Property, Trust and Estate Section (nee Probate & Trust Law);  
Editor-in-Chief, Real Property, Probate & Trust Journal (volumes 22-24)  
Reporter, American College of Trust and Estate Counsel Task Force to produce an alternative to Subchapter J of the Internal Revenue Code (proposal adopted as part of H.R. 3838 in 1985)

Reporter, American College of Trust and Estate Counsel Committee on Professional Standards for Estate Planners

Reporter, American College of Trust and Estate Counsel Committee on the Future Role of Lawyers and Law Schools in Estate Planning

Member, Georgia Bar Association Fiduciary Law Section Trust Code Revision Committee

Member, Tax Management Estates, Gifts & Trusts Advisory Board

Member, Advisory Committee, University of Miami Philip E. Heckerling Institute on Estate Planning

SELECTED SIGNIFICANT LECTURES:

American Bankers Association National Graduate Trust School (1979-2014).

American Bar Association Skills Training for Estate Planners (since 1997, Chair 1997-2007)

ALI-ABA courses of study on Planning Techniques for Large Estates (1983-2015), Estate Planning in Depth (1983-2015, Chair 1989-2003); Sophisticated Estate Planning (1990-2015); tri-annual Estate Planning Practice Update broadcast (Chair; since 1995); Advanced Estate Planning Techniques (Co-Chair 2008-2015).

American College of Trust and Estate Counsel CLE (various since 1987; 2008 Trachtman lecture)

Hess Memorial Lecture, Ass'n of Bar of City of N.Y. (1990).

Notre Dame Estate Planning Institute (since 2002)

Southern California Estate and Tax Planning Forum (since 1987)

University of Miami Estate Planning Institute (2014, 2012, 2010, 2009, 2008, 2007, 2006, 2005, 2004, 2002, 2001, 1999, 1998, 1996, 1993, 1991, 1988, 1985, 1983, 1981) and Program Consultant (1985-1987).

University of Southern California Institute on Federal Taxation (1986 and since 1988).

Massachusetts CLE New England Estate Planning Conference (since 1999).