

Breanna L. Young

Special Counsel



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Des Moines

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Overview

Individuals, families, farmers, and small businesses rely on Breanna's guidance to develop complex estate plans including care plans for family members with disabilities, create succession plans, establish businesses, and optimize their estate planning. Practicing for more than 15 years, she is a sought-after speaker for CPAs, financial planners and advisors, small businesses, and attorneys on estate-planning issues.

Estate Planning

Individuals with modest to vast estates, including large family farms, rely on Breanna's guidance as they develop succession plans, including complex estate planning documents, sell assets to trusts, establish businesses (entity formations and buy-sell agreements), and otherwise optimize their estate planning.

Breanna regularly assists clients with premarital agreements, charitable giving planning, grantor trusts, GRATs, charitable trusts, QTIP trusts, and limited liability companies, among other vehicles.

Conservatorships and Guardianships

Families with individuals with disabilities rely on Breanna's compassionate, holistic approach to long-term planning. She listens closely to what the individual needs and how the family hopes to care for their loved one and crafts the strategy and legal documents to achieve those goals. Her intimate knowledge of Iowa's guardianship and conservatorship laws (she served on the Task Force drafting the laws) allows her to quickly identify and execute the best strategy that will provide the needed protection while helping preserve the individual's autonomy to the fullest extent possible. Breanna's experience includes setting up guardianships and conservatorships, Medicaid, and advising on documentation and reporting requirements, among others.

She also represents fiduciaries in administering estates, trusts, guardianships, and conservatorships.

Legal Issues Affecting LGBTQ+ Iowans

Breanna is a compassionate and understanding advocate, advising same-sex couples and nonbinary individuals in their estate planning, organizing and planning for the succession of businesses, and tax planning. She guides

transgender clients through legal name and gender-marker changes, and the resulting changes needed on governmental documents, including birth certificates and Social Security cards.

She works with healthcare entities, including hospitals and long-term care facilities, as they draft inclusive policies and plans to provide a welcoming environment for all patients.

Tax

Breanna helps her individual and business clients understand the tax implications of potential business strategies, contracts, and entity choice. Breanna frequently collaborates with clients' CPAs and financial advisors to formulate and implement tax planning strategies.

Of Note

For several years, Breanna has been at the forefront of developing laws and procedures to protect Iowan's children, vulnerable adults, and surviving family members after a loved one dies.

Guardianship and Conservatorship

In August 2015, Iowa Supreme Court Chief Justice Cady appointed Breanna to a Task Force to develop new laws and court procedures in guardianships and conservatorships. As part of this work, Breanna drafted legislation to ensure greater judicial oversight for children subject to guardianships and conservatorships to ensure they are protected.

Following the Task Force's publication of their recommendations, the Deans of the University of Iowa College of Law and the Drake University Law School jointly invited Breanna to serve on the Advisory Committee of the Institute on Guardianship and Conservatorship, an organization created to implement the recommendations of the Iowa Supreme Court Task Force. The Advisory Committee drafted revisions to the Iowa Code concerning guardianships and conservatorships and worked with state legislators to get the bill on the agenda for the 2019 legislative session. The bill was unanimously approved by Iowa's legislature and signed into law by the governor. Breanna chairs the Iowa Academy of Trust and Estate Counsel Guardianship and Conservatorship Committee, tasked with drafting further improvements to Iowa's guardianship and conservatorship laws.

Breanna is currently presenting on the changes in the laws that took effect in 2020 to attorneys, judges, and court personnel across the state, and is drafting legal forms for the Iowa State Bar Association for use by attorneys and judges to comport with the new laws.

Digital Access for Fiduciaries

She testified before the Iowa Senate Judiciary Committee regarding the Fiduciary Access to Digital Assets bill that was under consideration by the legislature. Following Breanna's testimony, the bill was passed in 2017 to uniformly enable estate representatives access to a decedent's online financial, brokerage, and social media accounts and the ability to transfer the accounts to surviving family members in accordance with the decedent's wishes.

Iowa Probate Estates

Former Chief Justice Cady appointed Breanna to an advisory committee in 2016 to promote fairness and efficiency in the way Iowa's courts handle probate estates. The work of this committee is ongoing. She was Chair of the Iowa Bar Association Probate, Trust and Estate Planning Section's Committee to Reform Section 633.356 of the Iowa Probate Code, and the section's representative to the Legal Forms Committee tasked with drafting and revising IowaDocs forms.

Personal

Breanna is a small-town Iowa native, an avid reader of good books, and drinker of strong coffee. She and her husband have three school-aged children.

Experience

- Helped numerous families with century farms valued \$10-\$20 million structure their estates for their children to equally benefit from their assets but keep the farm intact.
- Negotiated and drafted a family-settlement agreement in a \$7 million estate, avoiding what was sure to be costly litigation.
- Assisted multiple families with children with disabilities structuring their estate so all children are treated fairly in the inheritance, while also providing long-term stability for the disabled child.
- Provided legal counsel to an executor and his siblings, helping them reach a creative agreement where the farming sibling was able to buy out his other siblings, keeping the farm in the family.
- Created a complex plan that helped her client minimize estate taxes, facilitated a succession plan for the farm operation, enabled the client's daughter with disabilities to financially benefit from the farm without losing Medicaid benefits, and ensured the farmland would not be sold to pay taxes or administrative expenses.

Recognition

- *Chambers High Net Worth Guide 2021*: Ranked in Private Wealth Law, Iowa Band 2. Breanna has been ranked since 2019.
- AV[®] Preeminent[™] rated by Martindale-Hubbell. The highest peer rating standard. This rating signifies that a large number of the lawyer's peers rank him or her at the highest level of professional excellence for their legal knowledge, communication skills, and ethical standards.
- Fellow, The American College of Trust and Estate Counsel, (2015-present)
- Charter Member, Iowa Academy of Trust & Estate Counsel, (2012-present)

Insights

- Co-author, "Unclaimed Property Held by an Employer," Davis Brown Employment Blog, May 2020
- Author, "Documents Can Temporarily be Notarized Remotely," Davis Brown Legal Issues Blog, March 2020
- Quoted, "Don't Put off Adding a Power of Attorney," *dsmWealth* newsletter, January 2020
- Author, "Iowa's New Laws for Adult and Minor Conservatorships: What You Need to Know," Davis Brown Legal Issues Blog, December 2019
- Author, "Iowa's New Laws for Adult Guardianships: What You Need to Know," Davis Brown Legal Issues Blog, December 2019
- Author, "Section 199A and Calculating and Reporting for Relevant Passthrough Entities, Publicly Traded Partnerships, Trusts, and Estate," Davis Brown Tax Blog, August 2018
- Co-author, "Reforming Iowa's Guardianship and Conservatorship System: Minor Guardianships," *Drake Law Discourse*, June 2018
- Author, "Estate Tax Implications of the 2017 Tax Cuts and Jobs Act," Davis Brown Tax Blog, May 2018
- Author, "Estate Planning for Family Members with Disabilities," Davis Brown Legal Issues Blog, January 2018

Activities and Affiliations

- American College of Trusts and Estate Counsel (ACTEC)
 - Technology in the Practice Committee, 2020-present
- Dallas County Bar Association
- Iowa Academy of Trust and Estate Counsel
- Iowa Organization of Women Attorneys
- Iowa State Bar Association
- Lincoln Inne
- Madison County Bar Association

Community Involvement and Pro Bono

- Helped create and contributes hours to the COVID-19 legal advice hotline through the Iowa State Bar Association

Presentations

Breanna is a frequent presenter and educator. She leads workshops, seminars, and serves on panels covering the intricacies of estate planning, administration, and probate. She also recently taught the Wills & Trusts course to upper-level students at Drake University Law School.

- Presenter, “LGBTQ+: Know Your Rights,” The Supply Hive, January 2021
- Co-presenter, “Legal Issues Affecting Transgender Iowans,” with Max Mowitz of One Iowa, Iowa Legal Aid, November 2020
- Presenter, “What is Probate? (And How Can I Avoid It?),” The RaySociety, Drake University, October 2020
- Presenter, “The Top 5 Things Clients Should Know About Estate Planning,” Financial Planning Association of Iowa, September 2020
- Co-presenter, “Serving LGBTQ+ Individuals,” with Max Mowitz of One Iowa, Iowa Association of Community Providers Conference, August 2020
- Co-presenter, “What to do When an Employee Dies or is Injured,” with Katelynn McCollough, Iowa Employment Conference, April 2020
- Presenter, “Current Legal Issues Affecting Transgender and Nonbinary Iowans,” One Iowa LGBTQ Health and Wellness Conference, February 2020
- Co-presenter, “Protect your Farm and Save Money,” with Bill Hanigan, Tom Houser, and Margaret Van Houten, Land Investment Expo, January 2020
- Co-presenter, “Basics of Guardianships and Conservatorships,” with Jennifer Donovan of the Iowa Department on Aging, Iowa State Bar Association People’s Law School, November 2019
- Co-presenter, “Rights for Transgender Iowans,” with Max Mowitz of One Iowa, Iowa Legal Aid Board of Directors, September 2019
- Co-presenter, “Hot Topics from the Probate Section Listserv,” with Joshua Weidemann, O’Connor & Thomas, and Janice Kerkove, Bradley & Riley, Iowa State Bar Association Annual Meeting, June 2019
- Presenter, “Current Issues Regarding Roles of Attorneys and Guardians Ad Litem in Conservatorship and Guardianship Proceedings,” Bridge the Gap CLE, Iowa State Bar Association, September 2018
- Co-presenter, “Funding the Revocable Trust, Completing Beneficiary Designations, and Other Easily

Overlooked Details in the Estate Plan,” with Margaret Van Houten, Tom Houser, and Jana Weiler, 10th Annual Professional Advisor Continuing Education Conference, Iowa State University Foundation, September 2018

- Presenter, “Iowa Guardianships: Ethical Considerations and Role of Guardian ad Litem vs. Role of Attorney,” Annual CLE Program, Iowa Academy of Trust & Estate Counsel, October 2017
- Presenter, “Jurisdiction over Guardianships for Minors,” Iowa State Bar Association Annual Meeting, June 2017

Prior and Present Employment

- Dentons Davis Brown (formerly Davis Brown Law Firm), 2017-present
- Adjunct Professor, Drake University Law School, 2016-2017
- Partner, Nelson, Young & Braland, 2006-2017
- Associate Attorney, Siegel Brill Gruepner Duffy & Foster, P.C., 2004-2006

Areas of focus

Practices

- Corporate
- Real Estate
- Tax
- Trusts, Estates and Wealth Preservation
- Trust and Estate Litigation

Industry sectors

- Family Office and High Net Worth
- Forest Products and Agribusiness
- Life Sciences and Health Care
- Health Care

Issues and opportunities

- Dentons Davis Brown

Education

- University of Iowa College of Law, 2004, JD
- University of Iowa, 2001, BA

Admissions and qualifications

- Iowa
- Minnesota, (pending)

Languages

- English