

THE
LYCOMING LAW ASSOCIATION
LUNCH AND LEARN



December 17, 2008

Presented by:
The Elder Law Committee
Panel includes:

Gary T. Harris, *Reiders, Travis, Humphrey, Harris, Waters & Waffenschmidt*
Julianne E. Steinbacher, *Steinbacher, Sholder & Stahl*
Stephen C. Sholder, *Steinbacher, Sholder & Stahl*

5 Practices of Productive Attorneys Promoting Quality of Life and Practice Management

1. Overview – Julieanne E. Steinbacher
 - a. Why is all of this important?
 - b. Examples – It is all around us
 - c. The value of focus versus multitasking
2. Practice Management – Gary T. Harris
 - a. Select and empower a manager
 - b. Allocate time and select people to run business functions
 - c. Management will not happen by itself – We must lead
3. What are we really focusing on? – Stephen C. Sholder
 - a. As attorneys need to focus on the business end of business
 - b. As attorneys we need to focus on the client
 - c. How can we modify our current focus?
 - i. Specialize
 - ii. Give back to the community
 - iii. Serve our clients
4. Technology: The Double Edge Sword – Julieanne E. Steinbacher
 - a. The Good
 - i. Increased efficiency
 - ii. Eases legal research
 - b. The Bad
 - i. Creates a lazy nation
 - ii. Decreased one-on-one communication
 - c. The Ugly
 - i. Hastily used – Communication etiquette
 - ii. Implemented without research
 - iii. Interrupts focus
5. Involvement in Community – Gary T. Harris
 - a. Experience the importance of getting involved personally and professionally
 - b. Good advertising – talk about your job, your firm’s focus, who you serve
 - c. Get to know your community members and community members will get to know you
 - d. Community can start to associate you with your services
6. Update on Case Law

Estate of Novosielski,
937 A.2d 449 (Pa. Super. 2007); Allocatur granted

- Alice makes Will leaving \$5,000 to Proch and residue to her siblings
- Proch is named as agent under Alice's POA and Proch takes \$500,000 and opens a Treasury Direct account in joint names
- Proch claims joint account on Alice's death
- Court holds that the Multiple Party Accounts Act applies and therefore there is a presumptive right of survivorship
- Survivorship presumption rebutted by contrary provisions in Will

Estate of Piet
949 A.2d 886 (Pa. Super. 2008) (Allocatur requested)

- Mom made Will in 1978 leaving residue to her 4 children in equal shares
- Mom placed 70% of her funds in various joint bank accounts with one daughter & one son over 13 year period (1987-2001)
- Multiple Party Accounts Act creates presumptive right of survivorship
- Survivorship presumption rebutted by contrary provisions in old Will
- Compare Estate of Novosielski

Scalfaro v. Rudloff
934 A.2d 1254 (Pa. 2007)

- H & W sign a form living trust agreement naming themselves as joint trustees with all 3 children named as remainder beneficiaries.
- Couple conveys their residence to the trust
- W died & H deeded property to 2 sons
- Daughter argues that H had no authority to revoke trust or convey property after W died
- Supreme Court reverses & holds that the trust was clear & unambiguous & power of revocation had to be exercised jointly

Estate of Slomski,
2008 PA Super 169 (2008)

- Agent under post-Act 39 POA makes gifts and changes 401(k) and life insurance beneficiaries
- POA doesn't include sufficient authority to permit unlimited gifts
- POA did authorize agent to "engage in insurance transactions" and "retirement plan transactions"
- Agent could not change beneficiaries

Thank you to Robert Clofine, CELA for permitting us to use his case law update material.