

Troubled economy boosts lawyers' estate work

The slumping economy and the temporary lift of what's known as the death tax have added an extra layer of urgency for many people to draft ironclad wills.

Add to those circumstances the fact that death remains a steady event that requires legal attention, and the result has been a busy year for estate planning attorneys like **Patricia Annino** during a long stretch when many lawyers saw their practices falter.



Annino:
Busy year for estate planner

Annino, chair of the estate planning and probate group at **Prince Lobel Glosky & Tye**, found that many of her business-owner clients were in more of a hurry last year to ensure that their wealth was preserved when other economic factors were out of their control. Annino saw an increase in business in 2009 compared with the previous year, and this year looks to be ahead of last.

"In a turbulent economy, people understand they need to have their ducks in a row,"

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ESTATE: Death-tax reprieve keeps attorneys busy in down economy

CONTINUED FROM PAGE 1

said Annino. "If they've already suffered a financial loss, they don't want an unexpected disability or death to make things worse."

Indeed, for the most part, trusts and estate practices have been largely "recession resistant," said **Peter Shaplund**, a partner in the individual client department of **Day Pitney LLP** in Boston and co-chair of the **Boston Bar Association's** Trusts & Estate's section. "It's been a good way to keep working."

Certainly events that trigger people to call up their estate planning lawyers — including the birth of a baby, a bad diagnosis or a long vacation — are constants, according to **Mary Schmidt**, an estate planning attorney with **Schmidt & Federico PC** in Boston.

The temporary lift of the federal estate tax or "death tax," which last year placed a hefty 45 percent tax on estates worth over \$3.5 million, has added to the bustle of estate planning practices in many cases. Given the suspension of that tax, most estate-planning lawyers have sent out letters to clients alerting them to the news. Those notices have sparked many people to pay a visit to their lawyers. (The estate tax in Massachusetts has an exemption of \$1 million.)

If congress does not take action soon, the tax is expected to return on Jan. 1, 2011, at a lower threshold of a \$1 million exemption, and may even kick in



Estate planning attorney Patricia Annino says that her practice actually got busier last year as worried clients rushed to protect their assets.

as a retroactive tax.

Still, there are a select few people who may benefit this year.

"If you are super-wealthy, yes, it's a good year to die," said **Lisa Weinstein Burns**, an estate lawyer focusing on multi-generational wealth transfers and business succession planning at Boston-based **Ruberto, Israel & Weiner**.

During the past two years business has been good for Weinstein Burns,

who said her practice has been driven, in part, by existing clients who are worried about the economy. Many have come in to revise their estate plans. It's also been a good time to transfer assets that may have lost value in this economy, but will likely appreciate in the future, such as property, to other members of the family. "People think about their mortality a lot more," said Weinstein Burns.

Lisa Mingolla, a partner in the trusts and estates group at Boston-based **Sullivan & Worcester LLP**, also saw an increase in high-net-worth individuals transferring assets with depreciated values to younger generations as a way to minimize their taxable estate.

The shaky economy has also helped make **Cliff Cohen's** practice healthy. At a time when many phones around town stopped ringing, when the financial crisis hit nervous clients called Cohen's office. Cohen, an estate planning partner at **Burns & Levinson LLP** in Boston, said many were especially concerned about the asset protection aspect of their estate plans.

Cohen has also seen an increase in calls after he and his firm sent out e-mail alerts and letters about the federal estate tax repeal. Although Cohen notes that the uncertainty of the law has made his advice different for each and every client. Sometimes he instructs them to do nothing at all.

Another aspect of estate planning practices that has helped bolster business is that projects are always finite and fees tend to be lower, said **Christopher Mehne**, a trusts and estate planning partner with **Bowditch & Dewey** in Framingham.

"I've never not had a backlog of estate planning work," said Mehne.

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