ESTATE PLANNING
AND
WILL DRAFTING
IN NEW YORK

2015 Revision

EDITOR-IN-CHIEF
MICHAEL E. O'CONNOR, ESQ.

New York State Bar Association Continuing Legal Education publications are intended to provide current and accurate information to help attorneys maintain their professional competence. Publications are distributed with the understanding that NYSBA does not render any legal, accounting or other professional service. Attorneys using publications or orally conveyed information in dealing with a specific client's or their own legal matters should also research original sources of authority.

We consider the publication of any NYSBA practice book as the beginning of a dialogue with our readers. Periodic updates to this book will give us the opportunity to incorporate your suggestions regarding additions or corrections. Please send your comments to: CLE Publications Director, New York State Bar Association, One Elk Street, Albany, NY 12207.

ISBN: 1-57969-437-3
Book Product Number: 4095C
2015 Revision Product Number: 50955

TABLE OF CONTENTS

DETAILED TABLE OF CONTENTS

Chapter 4 Fundamentals of Will Drafting

Philip L. Burke, Esq.
Michael E. O'Connor, Esq.

Chapter 5 Marital Deduction/Credit Shelter Drafting

Jonathan P. McSherry, Esq., CPA

Chapter 8 IRAs and Qualified Plans—Tax, Medicaid and Planning Issues

Robert F. Baldwin, Jr., Esq.

Chapter 13 Practice Development and Ethical Issues

Ralph M. Engel, Esq.

EDITOR-IN-CHIEF

MICHAEL E. O'CONNOR, ESQ.

Michael O'Connor is a partner in DeLaney & O'Connor LLP in Syracuse, New York. He has been an adjunct professor at the Syracuse University College of Law, teaching a course on fiduciary income tax. He is a Fellow of the American College of Trust and Estate Counsel and its past state chairman. Mr. O'Connor is past president of the Central New York Estate Planning Council and past chairman of NYSBA's Trusts and Estates and Elder Law Sections. He has authored articles for the *New York State Bar Journal* on the generation-skipping tax and Series E bonds in the estate, in addition to authoring chapters for Warren's Heaton (Matthew Bender) and statutory commentaries for LexisNexis Legal Publishing. He has lectured extensively to members of the bar and accounting profession in continuing education programs. Among his community activities, he is past board chair of Central New York Community Foundation, Inc. Mr. O'Connor received his bachelor's degree from State University of New York at Buffalo and his law degree from Syracuse University College of Law.

ABOUT THE AUTHORS

CORA A. ALSANTE, ESQ.

Cora A. Alsante is a partner at Hancock Estabrook, LLP in the Elder Law & Special Needs, Tax and Trusts & Estates Practices and is a member of the firm's Executive Committee. Ms. Alsante focuses her practice on estate planning, trusts, planning for the elderly and disabled, and estate and trust administration. She represents individuals and numerous assisted living and skilled nursing facilities.

Ms. Alsante frequently lectures for organizations such as the New York State Bar Association, Onondaga County Bar Association, and Alzheimer's Association on topics including guardianships, supplemental needs trusts, estate planning, planning for the elderly and disabled, and estate and trust administration.

Ms. Alsante was named one of the "Top 25 Female Upstate New York Super Lawyers" for 2011 and 2013 and was selected as a Best Lawyers in America "Lawyer of the Year" in the area of Litigation—Trusts and Estates for 2015.

MICHAEL J. AMORUSO, ESQ.

Michael Amoruso concentrates his practice on Elder Law, Asset Preservation, Estate Planning, Estate Administration and Guardianship. He is Past

Chair of the New York State Bar Association (NYSBA) Elder Law Section, a member of the Executive Committee and former Chair of the Legislation Committee and the Estate & Tax Planning Committee. For 2011–2015, he received an AV Preeminent Peer Review Rating by Martindale-Hubbell—the highest possible rating for both legal ability and ethical standards.

Mr. Amoruso was chosen as a 2010–2014 New York Metro Super Lawyer for Elder Law and as one of the Top 25 Westchester Super Lawyers among all practice areas. He was also included in the 2014 Best Lawyers in America for Elder Law. He was also the 2010 recipient of the prestigious NYSBA Elder Law Section Award as a principal drafter of NYSBA's significant amendments to the 2009 Power-of-Attorney statute, and the 2007 recipient of the NYSBA Elder Law Section Award for his work as a principal drafter of the New York State Compact for Long Term Care—a bill that offers an alternative to Medicaid coverage for long-term care services.

Mr. Amoruso is an officer and member of the Board of Directors of the National Academy of Elder Law Attorneys (NAELA) and is Chair of NAELA's Public Policy Steering Committee. He also served as President of the New York Chapter of NAELA. Mr. Amoruso is the recipient of the 2013 NAELA President's Recognition Award and the 2010 NAELA Outstanding New York Chapter Member Award. Locally, Mr. Amoruso was a member of the Westchester County Bar Association (WCBA) Board of Directors, and Chair of the WCBA Elder Law Committee, and President of the Columbian Lawyers Association of Westchester County.

Mr. Amoruso is a nationally published author and frequent lecturer on cutting-edge estate planning, elder law and special needs topics and hosts the weekly "Elder Care on the Air" radio show on WFAS AM. He is a frequent source of quotes and opinions for the local and national press.

Mr. Amoruso is a Founding Principal of ElderCounsel LLC, the premier elder law and special needs planning document drafting solution for attorneys.

ROBERT F. BALDWIN, JR., ESQ.

A partner in Baldwin & Sutphen, LLP, of Syracuse, New York, Robert F. Baldwin, Jr., concentrates his practice on estate planning and administration, charitable tax planning and related matters. He is formerly an adjunct professor of law at Syracuse University College of Law, where he lectured on estate planning and related issues. He is an active member of the New York State Bar Association and American Bar Association and is a Fellow of the American College of Trust and Estate Counsel, where he is a past chair of the Committee on Employee Benefits in Estate Planning. Mr. Baldwin has frequently lectured on and has authored various programs relating to estate planning, administration and employee benefit matters. He received his undergraduate degree and his law degree from Syracuse University.

KARIN J. BARKHORN, ESQ.

Karin Barkhorn is counsel to Bryan Cave LLP in New York City. She lectures on trusts and estates issues for the New York State Bar Association on topics such as "Litigation Involving Validity of Revocable Trusts," "Basic Will Drafting" and "Use of Trusts in Estate Planning." A graduate of Boston University Law School, Ms. Barkhorn is vice chair of NYSBA's Trusts and Estates Law Section's Committee on Continuing Legal Education. She is also a member of the New York City Bar Association and the American Bar Association.

LUKE A. BEATA, ESQ.

Luke A. Beata is an associate at Hancock Estabrook, LLP in the Elder Law & Special Needs, Tax and Trusts & Estates Practices. He assists clients with a wide range of trusts, estate planning and retirement planning matters. Mr. Burke received his J.D. degree from Syracuse University College of Law and his B.A. degree from Boston University.

PHILIP L. BURKE, ESQ.

Philip L. Burke is a partner in the Family Wealth and Estate Planning Department of Woods Oviatt Gilman LLP in Rochester and a member of the firm's Management Committee. He concentrates his practice in estate planning, charitable giving, estate administration, probate, estate tax law and long-term care planning. He works closely with clients and their advisers to develop appropriate estate plans for them and their families, which includes drafting of last wills and testaments, revocable and irrevocable trusts, family limited partnerships and limited liability companies, business succession documents, powers of attorney, living wills, health care proxies and related documents. Mr. Burke received his J.D. degree from Albany Law School and his B.A. degree with distinction from Boston University. He is a Fellow of both the American College of Trust and Estate Counsel and the New York State Bar Foundation.

AARON CONNOR, ESQ.

Aaron Connor currently concentrates in the areas of guardianship, will/trust contests and estate litigation. Mr. Connor also practices in the areas of estate planning and administration. He is admitted to practice in the

State of New York as well as the United States District Court for the Northern District of New York.

Mr. Connor is a member of the New York State Bar Association and the Albany County Bar Association. He formerly served on the New York State Bar Association Committee on Legal Education and Admission to the Bar and was a board member of the Leukemia and Lymphoma Society of Northeastern New York.

Mr. Connor received his Bachelor of Arts Degree from the University at Albany and his Juris Doctorate from Albany Law School. After law school, Mr. Connor worked at a prominent local law firm where he assisted in the representation of clients in several high profile legal matters. He joined the Pierro Law Group in 2012.

WILLARD H. DASILVA, ESQ.

Willard H. DaSilva, senior member of DaSilva & McEvily LLP and a veteran matrimonial law practitioner in New City, New York, is one of fewer than 100 attorneys in the United States honored as a Diplomate of the American College of Family Trial Lawyers. He is among the top 1% of attorneys in the United States recognized as a Preeminent Attorney with an AV rating in the *Martindale-Hubbell Law Directory*. His biography appears in *Who's Who in America*, and he is currently listed in *New York Magazine* as one of "The New York Area's Best Lawyers," in *The New York Times'* "Super Lawyers" and for more than 25 years has been listed in *The Best Lawyers in America*.

He is a past president of the American Academy of Matrimonial Lawyers, New York Chapter, and is executive editor of the ABA *Family Advocate* magazine and editor emeritus of the *New York State Bar Journal*; chairman of the board of editors of the nationally published *The Matrimonial Strategist*; and author of *New York Matrimonial Practice, 2d Edition*, published by The West Group. He is a former council member of the ABA Section of Family Law; is a Master and past president of the New York Family Law American Inn of Court; past chair of NYSBA's General Practice Section; and is a member of NYSBA's Committee on Continuing Legal Education. His lecturing schedule to judges and lawyers includes seminars sponsored by bar associations and civic organizations throughout the United States, Canada and Europe.

Mr. DaSilva, a *magna cum laude* graduate of New York University and member of Phi Beta Kappa, received his law degree at Columbia University Law School. He is a widely quoted commentator in *The New York Times*, *Newsday*, *USA Today*, *Newsweek, U.S. News & World Report* and the *New York Law Journal*, which has referred to him as the "Dean of Matrimonial Lawyers." He has appeared on both network and syndicated television programs such as the *Today Show,* Regis Philbin's show and NBC Network News, and on radio programs throughout the United States, among other news media.

KARIN SLOAN DELANEY, ESQ.

Karin Sloan DeLaney is the founding member of Sloan DeLaney, P.C., located in Baldwinsville, New York, where she practices trusts and estates law and elder law. She received her B.A. at the State University of New York at Albany, her J.D. at Western New England College School of Law and her LL.M. in Taxation from Syracuse University College of Law. She is a member of the Central New York Estate Planning Council, the Onondaga County Bar Association and the New York State Bar Association and is a past president of the Central New York Women's Bar Association. She serves on the board of directors and the Governance Committee of Home Care of Central New York, Inc. and VNA Homecare, Inc., and is a member of the Advisory Board of Maureen's Hope Foundation. Ms. DeLaney is also a frequent lecturer and author on estate planning and elder law topics.

PHILIP A. DI GIORGIO, ESQ.

Philip Di Giorgio is a partner at the Pierro Law Group LLC and concentrates his practice in the areas of estate planning, estate and trust administration, and estate and gift taxation. Mr. Di Giorgio is a member of NYSBA's Trusts and Estates Section and previously served as vice chair of its Estate Planning Committee. Mr. Di Giorgio also helped to establish the Albany County Bar Trusts, Estates and Elder Law Committee, for which he served as co-chair from 2002 to 2003. He is a graduate of the Albany Law School of Union University, and received his B.A. from State University of New York at Albany. Mr. Di Giorgio frequently writes and lectures on estate and trust administration and estate and gift taxation.

WILLIAM R. DUNLOP, ESQ.

William Dunlop is counsel to Schnader, Harrison, Segal & Lewis LLP. Prior to joining that firm, he was a partner in Shea & Gould and Jackson & Nash, LLP. Mr. Dunlop received his undergraduate degree from St. John's University and his law degrees from St. John's and New York University Schools of Law. Mr. Dunlop is or has been an adjunct assistant professor and lecturer at the New York University School of Continuing

Education and a lecturer at the New York University Institute on Federal Taxation, and the Practising Law Institute. He is acting as a mentor for the New York Law School Wills Clinic. Mr. Dunlop co-authored course material texts titled “Federal Estate and Gift Taxation” and “Preparation of the Federal Estate Tax Return,” used by the New York University Institute on Federal Taxation and the New York State and New York County Bar Associations. A member of the American Bar Association’s and NYSBA’s Tax, Trusts and Estates, and Elder Law Sections, Mr. Dunlop lectures frequently on estate administration, estate and gift tax, generation-skipping transfer tax and estate planning. He has been selected to Super Lawyers, New York Metro edition.

RALPH M. ENGEL, ESQ.

Ralph M. Engel heads the New York Trusts, Estates and Wealth Preservation Group at the international law firm of Dentons. Prior to joining the firm, he was chairman of the Trusts and Estates Department at Rosen & Reade LLP, and prior thereto, he ran the Trusts and Estates Department at Summit Rovins & Feldsman. Mr. Engel received both his undergraduate and law degrees from New York University. He was consultant on *The New York Times Book of Personal Finance* and *The Lifetime Book of Money Management*, and has authored numerous articles on estate planning, which have appeared in various publications, including the *New York Law Journal*, *Trusts & Estates, The CPA Journal* and *Estate Planning*. A Fellow of the American College of Trust and Estate Counsel, Mr. Engel was chairman of the Trusts and Estates Committee of Lex Mundi, a worldwide association of leading law firms, and vice chairman of the Committee on Practice and Ethics of NYSBA’s Trusts and Estates Law Section. He is a former director of the Estate Planning Council of Westchester County. Mr. Engel is also a frequent speaker on topics relating to estate planning and administration.

DOUGLAS H. EVANS, ESQ.

Douglas Evans is special counsel to the New York City firm of Sullivan & Cromwell, where his practice centers on trusts and estates law. He earned his J.D. from Cornell Law School and is admitted to practice in New York and New Jersey. A member of NYSBA’s Trusts and Estates Law Section, Mr. Evans is a former chair of that section’s Committee on Continuing Legal Education. He is also on that section’s Committee on Estate Litigation and Committee on Trust and Estate Administration. He is a member of the New York City Bar Association and has served on its Estate and Gift Tax Committee, Charitable Organizations Committee and Surrogate Courts Committee. In addition, Mr. Evans is a member of the American

Bar Association, the New York County Lawyers Association and the New Jersey State Bar Association, and is a Fellow of the American College of Trusts and Estates Counsel. He is a frequent writer and lecturer on topics relating to trusts and estates law and is editor-in-chief and co-author of the NYSBA handbook *Probate and Administration of New York Estates*.

MAGDALEN GAYNOR, ESQ.

Magdalen Gaynor's practice is in the area of Trusts and Estates and she maintains offices in White Plains and Manhattan. She is a graduate of Fordham University School of Law, New York, and Simmons College, Boston, Massachusetts. She is a member of the Executive Committee of the New York State Bar Association's Trusts and Estates Law Section and has served as chair and co-chair on several of its committees, edited the Section's quarterly newsletter for four years and presently is the Treasurer of the Section. She is a Fellow of the American College of Trust and Estate Counsel. She is a former Chair of the Trusts and Estates Committee of the Westchester County Bar Association. She has lectured extensively in the area of Trusts and Estates and participated in many of the programs sponsored by the New York State and Westchester County Bar Associations.

CHRISTOPHER M. KLUG, ESQ.

Christopher Klug focuses his practice in the areas of Estate Planning, Business/Corporate Law, Business Succession Planning, Tax Planning, Charitable Planning, and Estate and Gift Taxation. He works closely with business owners to plan for the succession of their businesses to ensure an orderly and smooth transition, including analysis of the tax implications of the succession plan and to coordinate the planning with the owners overall estate planning objectives. Mr. Klug is admitted to practice law in New York, Michigan, Illinois, and the District of Columbia.

Mr. Klug served as an Adjunct Professor of Advanced Tax Accounting at Siena College in Loudonville, NY, where he taught the *Principles of Corporate and Partnership Taxation* in the Masters in Accounting Program and at the Undergraduate level.

Mr. Klug is a member of the Albany County Bar Association, New York State Bar Association and American Bar Association. Within the New York State Bar Association, he is a member of the Business Law, Elder Law, Real Property, Tax, Trust and Estates, and Young Lawyers Sections. Mr. Klug currently serves on the Board of Directors of the Albany Community Action Partnership and is a member of the Finance Committee. Mr. Klug serves on the Board of Directors of the Hudson

Area Library where he is Treasurer and a member of the Finance Committee. Mr. Klug is a member of the Guardianship Committee of Columbia County ARC where he advocates for an individual residing in a group home. He is also active in the Capital Alliance of Young Professionals (CAYP).

Mr. Klug received his Bachelor of Arts from Michigan State University and his Juris Doctorate from its College of Law with a concentration in Corporate Law. After law school, he worked for a Michigan law firm that practiced in the areas of Business/Corporate Law, Debtor/Creditor Law, Estate Planning, and Taxation before attending Georgetown University Law Center where he received a Master of Laws in Taxation with a Certificate in Estate Planning. While at Georgetown, Mr. Klug received a Pro Bono Pledge Certificate for his volunteer work helping low income individuals or families on tax issues. Mr. Klug joined the Pierro Law Group in 2009. He currently resides in Washington, D.C. and continues to serve in an Of Counsel capacity to the Pierro Law Group.

HOWARD S. KROOKS, J.D., CELA, CAP

Howard S. Krooks, a partner of Elder Law Associates PA with offices throughout Southeast Florida, is admitted to practice law in New York (1990) and Florida (2004). Mr. Krooks is Of Counsel to Amoruso & Amoruso, LLP, in Rye Brook, New York.

Mr. Krooks splits his time between New York and Florida, where his professional practice is devoted to elder law and trusts and estates matters, including representing seniors and persons with special needs and their families in connection with asset preservation planning, supplemental needs trusts, Medicaid, Medicare, planning for disability, guardianship, wills, trusts and health care planning with advance directives.

Mr. Krooks is certified as an Elder Law Attorney by the National Elder Law Foundation and is currently serving as Immediate Past President of the National Academy of Elder Law Attorneys (NAELA). He is a Past Chair of the Elder Law Section of the New York State Bar Association (NYSBA). He was selected as a Florida Super Lawyer and a New York Super Lawyer every year since 2007. He was also named a Top 25 Westchester County Attorney (*New York Times* – Sept. 2012, 2013). Mr. Krooks has a 10.0 (Excellent) rating from Avvo and is AV Preeminent® rated by Martindale-Hubbell.

Mr. Krooks received the 2006 Outstanding Achievement Award from the NY Chapter of NAELA for serving as Co-Chair of a Special Committee on Medicaid Legislation formed by the NYSBA Elder Law Section to oppose New York Governor George Pataki's budget bills containing numerous restrictive Medicaid eligibility provisions that, if enacted, would severely impact the frail elderly and disabled populations. He was also recognized for serving as Co-Chair of the NYSBA Elder Law Section Compact Working Group, which received national attention for developing alternative methods of financing long-term care. Additionally, Mr. Krooks served as Chair of a Special Committee created by the NYSBA Elder Law Section to address the Statewide Commission on Fiduciary Appointments formed by Chief Judge Judith Kaye.

Mr. Krooks co-authored the chapter, "Creative Advocacy in Guardianship Settings: Medicaid and Estate Planning Including Transfer of Assets, Supplemental Needs Trusts and Protection of Disabled Family Members" in *Guardianship Practice in New York State*, published by NYSBA. He is widely published on many elder law topics. A former Adjunct Assistant Professor at New York University's School of Continuing and Professional Studies, Mr. Krooks taught a course on Asset Protection Planning. He has also served as an instructor for the NY Certified Guardian & Court Evaluator Training program.

Mr. Krooks is a Founding Principal of ElderCounsel LLC, the premier elder law and special needs planning document drafting solution for attorneys.

As a frequent lecturer, Mr. Krooks has addressed many organizations including NAELA, Stetson Special Needs Conference, ALI-ABA, ElderCounsel, WealthCounsel, the National Guardianship Association, the Florida Bar Association, the Academy of Florida Elder Law Attorneys, the NYSBA, the North Carolina Bar Association, the Association of the Bar of the City of New York, UJA Federation, the Brooklyn Bar Association, the Queens County Bar Association, Berkeley College, the United Federation of Teachers and the New York State United Teachers, among others. Mr. Krooks has been quoted in *The Wall Street Journal*, *The New York Times*, *Kiplinger's*, *USA Today*, *The New York Post*, *Newsday*, *The Journal News* and the *Boca Raton News*. He has appeared on PBS, the CBS Early Morning Show and elder law focused local cable television programs.

ROBERT P. MASCALI, ESQ.

Robert Mascali has over 35 years of experience and concentrates in the areas of Special Needs Planning for persons with disabilities, Long-Term Care Planning, and Estate Planning. Before joining the Pierro Law Group in 2012, Mr. Mascali served as the Associate General Counsel at NYSARC, INC. and as Counsel to NYSARC Trust Services which operates a nationally renowned special needs trust program, including one of the largest pooled trusts in the nation. Prior to that position, Mr. Mascali was appointed and served as Deputy Counsel and Managing Attorney for the New York State Office of Mental Retardation and Developmental Disabilities (now the Office for People with Developmental Disabilities) and was primarily responsible for providing legal advice to senior state officials on guardianship matters and special needs trusts.

Mr. Mascali is a member of the New York State Bar Association and its Elder Law and Trusts and Estates sections. He serves on the Executive Committee and is Co-Chair of the Special Needs Planning Committee of the Elder Law Section. In 2013, Mr. Mascali was elected as the Third District Representative for the Elder Law Section to the NYSBA House of Delegates. He is a member of the National Academy of Elder Law Attorneys (NAELA), a member of the Board of Directors of the New York Chapter and currently serves as Secretary. Prior to his governmental service, Mr. Mascali was a founding partner of Cohen, Jason and Mascali in Scarsdale, New York and was engaged for over 20 years in private practice in metropolitan New York concentrating on real property and estate and trust matters.

Mr. Mascali currently serves on the Board of Directors of Northern Rivers Family Services, Inc., which provides services and supports to vulnerable children and their families in upstate New York, and is a member of the Executive Committee and chair of its Audit and Compliance Committee. He is a graduate of St. John's University (1973) and its law school (1976).

Mr. Mascali has lectured at a number of NYSBA and NAELA sessions dealing with planning issues for the elderly and for individuals with special needs and their families and care givers and has authored and co-authored a number of articles on these and related issues.

JONATHAN P. MCSHERRY, ESQ., CPA

Jonathan McSherry is an associate attorney and certified public accountant at DeLaney & O'Connor, LLP, in Syracuse, New York, where he practices primarily in the fields of trusts and estates law, estate planning and litigation, and tax law. Mr. McSherry is a member of the Central New York Estate Planning Council, New York State Bar Association, and Onondaga County Bar Association. He has written and lectured on retirement accounts and special needs planning. Mr. McSherry received his bachelor's degree from Syracuse University and his law degree from the University of San Diego School of Law.

LOUIS W. PIERRO, ESQ.

Lou Pierro is the founder and principal of the Pierro Law Group LLC, where he concentrates his practice in the areas of estate planning, estate and trust administration, business succession planning, Medicaid and elder law. Mr. Pierro has chaired the Estate Planning Committee and the Committee on Taxation of NYSBA's Trusts and Estates Law Section, and has chaired its Elder Law Section. He is currently legislative liaison for the Elder Law Section and a member of its Executive Committee. Mr. Pierro has been selected to *Best Lawyers in America*, *Best Lawyers in New York* and Super Lawyers, and he has maintained an AV Preeminent attorney rating from Martindale-Hubbell. He is a graduate of Lehigh University and Albany Law School. Mr. Pierro extensively writes and lectures across the country on estate planning, estate and gift taxation and elder law.

SUSAN PORTER, ESQ.

Susan Porter is an active member of the American Bar Association's Real Property, Probate and Trust Law Section, where she serves as a member of Council, the National Conference of Lawyers and Corporate Fiduciaries Committee, and is Co-Vice Chair of Groups and Substantive Committees. She is also a member of BNA's Estate, Gifts & Trusts Advisory Board, the Surrogate's Court Committee of the Association of the Bar of the City of New York, the Estate and Trust Administration Committee of the New York State Bar Association, the Estate Planning Council of New York City and the New York, Florida and Wisconsin State Bar Associations.

Ms. Porter is a visiting adjunct professor at the University of Miami School of Law Graduate LL.M. Program in Estate Planning and a member of the Advisory Committee of the Philip E. Heckerling Institute on Estate Planning. Additionally, she is a lecturer on discretionary trusts for the American Bankers Association's National Graduate Trust School. She frequently lectures about estate planning and administration and fiduciary law for professional and civic groups.

Ms. Porter has been elected a Fellow of the New York Bar Foundation, a life member of the Fellows of the American Bar Association, a member of the Academy of Women Achievers of the YWCA of the City of New York, a Distinguished Accredited Estate Planner by the National Association of Estate Planners and Councils, and was the 2005 honoree of the Trusts & Estates Group of the Lawyer's Division of the UJA-Federation of New York.

Community-minded, Ms. Porter is chairman and director of the People's Symphony Concerts, a member of Weill Cornell College Dean's Council, a member of The Metropolitan Museum of Art Professional Advisory Council, past chair of the Bankers and Lawyers Advisory Committee of the New York Philharmonic, and served for 15 years as a member of the board of directors of the YMCA of Greater New York and for four years on the Board of Directors of the Alumnae/i Association of Vassar College.

Ms. Porter has been quoted in the following media publications: *The Wall Street Journal*; *Fortune*; *Investor's Business Daily*; *Business Week*; and *Crain's New York Business*. She also appeared on *Lawline*, a nationally syndicated cable-TV talk show.

Ms. Porter received her A.B. from Vassar College, her J.D. from the University of Wisconsin Law School and her LL.M. from New York University Law School. She is a Certified Trust and Financial Advisor (CTFA) and an Accredited Estate Planner (Distinguished).®

JANE-MARIE SCHAEFFER, ESQ.

Jane-Marie Schaeffer is a senior associate at the Pierro Law Group LLC and concentrates in the areas of elder law, long-term care, Medicaid, supplemental needs trusts, guardianships, estate and tax planning and charitable giving. She is a member of NYSBA's Elder Law Section and the Capital District Women's Bar Association. Ms. Schaeffer is a graduate of St. John's University School of Law and received her B.A. from New York University. She is admitted to the New York State and Massachusetts bars.

JAMES N. SEELEY, ESQ.

James Seeley is a member of Bond, Schoeneck & King, PLLC, in Syracuse, New York, where he has practiced trust and estate law for more than 32 years. He is the past head of the firm's Trust and Estate Department. Mr. Seeley's practice includes all aspects of estate planning: estate and gift tax analysis and planning; trust, will and related document drafting;

planning to assist disabled individuals and beneficiaries to manage their assets and persons; and general business and tax planning for owners of closely held businesses. Mr. Seeley also has extensive experience administering trusts and estates and representing aggrieved beneficiaries in litigation against fiduciaries. He serves as general counsel to several large family offices. Mr. Seeley is a frequent contributor to the New York State and Onondaga County Bar Associations' continuing legal education programs as a speaker and outline author, and a contributing editor to a NYSBA publication on estate planning and will drafting. In addition, he regularly addresses lay audiences on estate planning, pre-retirement issues and planned giving.

Mr. Seeley is a past director of the board of the MOST Foundation, where he chaired its planned giving committee, and is a past president of the board of the Alzheimer's Association of Central New York, where he continues as a member of its Nominating Committee. He received his B.S. from Cornell University and his J.D., *cum laude*, from Cornell Law School. Mr. Seeley is a Fellow of the American College of Trust and Estate Counsel.