

ACBA Probate and Trust Law Section

2010-2011 Year-End Report

Submitted by: Edward S. McKenna

I am pleased to report on the activities of the Probate and Trust Law Section for the year 2010-2011. It was a very active and busy year with the disarray in the tax code as far as the federal estate tax return is concerned. We conducted a seminar to deal with this transition period which will last until Congress is either inactive again in 2012 or passes another tax bill. We also had Judge Lucchino moving to senior status and Judge Nauhaus joining the Orphans' Court with Larry O'Toole taking over as the Administrative Judge.

We worked very hard with Judge O'Toole to assist and provide help for both the judges, the staff and other members on practice and procedure in the Orphans' Court focusing it first on Motions practice. We formed an ad hoc committee to address the issues and have made several recommendations which have been accepted by the court and changes that we feel are easing the confusion on both the court and staff, and those lawyers practicing before the court.

E-filing has been a big project for the county and for members of the Probate and Trust Law Section since all of our filings are undergoing a conversion to electronic filing.

We have assisted the committee working on electronic filing offering suggestions and voicing our concerns over privacy and testing out the system. We have also begun a series of seminars which will be continued as the system goes live.

We were able to offer members of our section an hour of ethics, and once again, Jim Schadel spoke to the group at our annual meeting and gave us an update on issues in Orphans' Court practice and discussion on the ethics of practice.

At the Bench Bar Conference we had what we refer to as the judge's sound off and more. Specifically, we had a report on recent cases affecting the uses and protections afforded by Powers of Attorney and also decisions affecting end of life care and Healthcare Powers of Attorney.

We continue to act in conjunction with the Bar Association and try to serve our community as well and completed a series of seminars for the public entitled The Truth About Probate. In the coming year, we expect to develop another series of programs for the public and we will continue the interaction with the medical community which Bob Wolfe spearheaded in updating the joint Living Will documents between the medical society and the Allegheny County Bar Association.

We look forward to another grant to either continue these seminars for the benefit of the public or perhaps in assisting our veterans and returning military men and women from overseas.

With all this in mind we are generating ideas over the summer and will continue our monthly meetings continuing the interaction with the staff at the Orphans' Court and the Judges.