

Will Powers

Meet the top 22 estate lawyers in the area.

BY KIM EISLER



Estate lawyers like to tell a joke that goes something like this:

The most boring college graduates go to law school.

The most boring law school graduates become tax lawyers.

The most boring tax lawyers become will and estate lawyers.

Admittedly, they're not the ferocious litigators seen on TV, but will and estate lawyers do deal with their share of drama.

"It can be like divorce sometimes," says Marcia Fidis, who used to try divorce cases before settling in at Bethesda's Pasternak & Fidis, one of the area's top estate practices. "You can get the same raw emotions," she says, "but instead of a husband and wife, you get an emotional situation between siblings."

Dena Feeney of Feeney & Kuwamura in Silver Spring remembers a case in which two brothers battled over

who would get the copy of *Grimm's Fairy Tales* that their mother read to them when they were small. (They ended up sharing custody, with each getting the book for six months at a time.)

Even when there's no conflict to avert, there can be unusual situations to negotiate. Jay Eisenberg of Shulman Rogers in Potomac remembers one client who had him add a provision that his cat be euthanized and cremated after the client's death. "Then he wanted both his ashes and the cat's ashes intermingled and shot into space."

Eisenberg also had a client who went on a golf trip with nine close friends every year. "He had me set up a trust so the golf outing could continue after his death, fully paid."

Dealing with such complications can require a professional. The airwaves and Internet are awash with advertisements for online programs to write a will and set up estate plans—often for less than \$100. But "you get what you pay for," says Feeney, who has been writing wills for 40 years. "I had a case where,

because a husband tried to write his own will on the computer, his spouse not only had to sell the business, she had to go to work in it.”

Brian Liu, co-founder and chairman of LegalZoom.com, an online legal document service, acknowledges that anyone whose estate is subject to the death tax should see an attorney. But, he says, “for the large percentage of Americans who have a net worth of under \$100,000 and just want to leave things to their spouse and children...making a will is very straightforward.”

The federal estate tax, which expires at the end of 2012, applies to individuals with more than \$5 million in unprotected assets and to couples with \$10 million. State inheritance taxes can be less forgiving. Virginia has no estate tax, but Maryland and the District of Columbia both tax inheritances after the first \$1 million. “I have told clients,” Eisenberg says: “Your best move is to Virginia.”

Top estate lawyers in Montgomery County charge \$375 to \$450 an hour, with a somewhat complicated will costing as much as \$4,000, according to Frank Baldino of Bethesda’s Lerch, Early & Brewer. One way to lower that cost is to request the involvement of paralegals or associates, who charge as little as \$175 to \$200 an hour. You also can ask to pay a flat fee, often the equivalent of 10 hours at the lawyer’s hourly rate.

Based on interviews with more than two dozen Montgomery County lawyers, here are 22 of the top estate attorneys in the area listed in alphabetical order.

Jay M. Eisenberg

Shulman Rogers, Potomac

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Jay Eisenberg, chairman of the trusts and estates department at Montgomery County’s largest law firm, knows what it’s like to deal with the death of a parent at an early age. He was only 10 when his father died. Eisenberg attended the University of Delaware as an undergraduate and has a law degree from George Washington University and a master’s in taxation from Georgetown.

Formerly a litigator in a small, all-purpose firm, Eisenberg has specialized in estate planning at Shulman Rogers for 11 years. He no longer enjoys legal combat, and when a case goes to court he is likely to refer it to his litigation partner, Kim Fiorentino. “My goal in the estates practice is to work with people,” Eisenberg says, “instead of creating something that is going to later pit people against each other.”