DrummondWoodsum **2025**

Estate Planning Year in Review

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"We are ... lawyers dedicated to protecting due process and the right to independent counsel for all, and the rule of law, not rule by the powerful."

- From the mission statement of Maine Lawyers for the Rule of Law, a non-profit organization created in 2025

As we close the books on 2025, we reflect upon the importance of the rule of law – the fundamental principle that all people are equal before the law. The rule of law is woven into every aspect of our practice. From our commitment to pro bono work, to our immigration work, to the day-to-day work we do advocating for our clients of every background, we as lawyers take great pride in and are committed to practicing in a way that shows our dedication to the rule of law.

However, 2025 was a year that saw those in power test – and, arguably, violate – the rule of law. Regardless of political leanings, it is undeniable that when lawyers and judges are intimidated, threatened, and even penalized for doing their jobs, this fundamental principle upon which our country was built falters.

On Law Day 2025, our firm and many of its individual attorneys were proud to sign on to a declaration in support of the rule of law. By signing the declaration, law firms and lawyers "reaffirmed their commitment to the Constitution of the United States, and denounced the current Administration's attacks on judges and lawyers for performing their constitutional duties." It was signed by over 700 Maine lawyers and 100 Maine law firms.

Rest assured that no matter the political storm swirling around us, we continue to support and defend the Constitution, the justice system, and every person's entitlement to appropriate legal representation.

SUNSHINE, NOT SUNSET

"The law must be stable, but it must not stand still."

- Roscoe Pound (1870–1964), American legal scholar

Stability in the law is critical – it provides consistency, predictability and fairness. However, the law also must be able to change to adapt to economic developments and societal changes. Since 2017, the estate and gift tax exemption has predictably increased annually with inflation. And since 2017, we have reported to you that the sun would set on the historically high estate and gift tax exemption when we turned the calendar to 2026. That did not happen.

The 2017 Tax Cuts and Jobs Act (TCJA) was one of President Trump's much-touted achievements of his first term. Among other things, it doubled the estate and gift tax exemption and provided for annual inflationary adjustments through 2025. Under the TCJA, the estate and gift tax exemption amount was to sunset at the end of 2025, reverting back to the 2011 amount of $5 million, indexed for inflation to 2026.

However, under the One Big Beautiful Bill Act (OBBBA), which was signed into law on July 4, 2025, the federal estate and gift tax exemption was in fact made permanent – or at least as permanent as anything in government can be. Instead of reducing by half, OBBBA set the estate and gift tax exemption for 2026 at $15 million. As under the TCJA, this amount is indexed to inflation for future years. Unlike the TCJA, however, in which the exemption amount was set to roll back at the end of 2025, the OBBBA contains no such sunset provision for the estate and gift tax exemption. This means that it will continue to adjust with inflation each year – unless and until Congress acts to change the law.

Given the increased exemption amount, one might think that there is less need for estate tax planning. Don't worry — we will not be sitting around twiddling our thumbs waiting for Congress to act to roll back the exemption amounts. In fact, there remain plenty of opportunities for planning thanks to the increased exemption.

Not so long ago, back in 2003, the federal exemption amount was a mere $1,000,000. This amount applies against everything a person has a legal ownership interest in, including bank and investment accounts, equity in real estate, retirement accounts, business interests, and the death benefits of life insurance on the decedent's life if the decedent was the owner of the policy.

Given how easy it was to tick up to the $1,000,000 exemption amount, bearing in mind the wide variety of assets included, many people made use of irrevocable trusts as part of their overall estate planning. Irrevocable trusts can be a valuable tool to move assets out of a person's estate, allowing appreciation of those assets to occur outside of their estate. Irrevocable trusts can also be structured to benefit a surviving spouse or child during their lifetime, without being included in their estates for estate tax purposes at their later death. With an estate tax rate of 40% on amounts over the exemption amount, these types of irrevocable trusts for estate tax planning often made good sense. However, as we've seen the estate tax exemption amount tick up, and especially now that inflationary adjustments are "permanent," those irrevocable trusts holding highly appreciated assets may no longer make sense for estate tax purposes – and may in fact be detrimental for income tax purposes.

We've reviewed the concept of basis step-up before. In general, an asset gets a basis step-up to its fair market value when it is included in a person's estate upon death. Assets gifted by a person during lifetime, whether outright or to an irrevocable trust, are generally not included in the estate of the transferor and do not receive a step-up in basis at their death. Instead, a person receiving an asset via lifetime gift or via an irrevocable trust generally receives the asset with the basis of the person transferring it.

For simplicity's sake, we'll ignore any state-level income or estate tax implications for purposes of this article. Assume that John transfers real estate into an irrevocable trust for the benefit of his only child, Jane. At Jane's death, the trust will terminate and any remaining trust property will be distributed to Jane's three children, Ken, Kim and Kevin. John's basis in the real estate is $500,000. John died when the property was worth $800,000. Jane enjoyed using the property for many more decades, but in her old age is now unable to use the property as much as she would like. Contrary to John's hopes and wishes for the property – and his descendants – none of Ken, Kim or Kevin want to keep the real estate. They've told Jane that when she dies, they will sell the property.

The property is now worth $1,500,000. If it's sold for $1,500,000, there will be a taxable capital gain of $1,000,000, representing the difference between the sale price and John's $500,000 basis. Since it's now 2026, Jane has a $15 million gift and estate tax exemption available to her (assuming she made no taxable lifetime gifts). She will not have a taxable estate upon her death, and could easily absorb the value of the real estate without any estate tax implications. If only we could somehow get the real estate to Jane so it could be included in her estate upon her death. That would allow it to then pass to Ken, Kim and Kevin with a stepped-up basis to its fair market value as of her death, minimizing, if not avoiding, any capital gains tax when they then sell it.

But, what can we do? The trust is irrevocable . . . right? Maybe not.

There are three general ways to modify or terminate an irrevocable trust. First, state law or the trust document itself may provide a mechanism to modify or terminate the trust. For example, many states' trust codes permit termination of "uneconomic" trusts, where the value of the trust property no longer justifies the formality and related expense of keeping the property in trust. Or, a trust document may grant an independent trustee the power to terminate the trust if retaining assets in the trust no longer makes sense for any other reason. That's an extraordinary power, though, which is not always included.

If modification or termination is not permitted under state law or the terms of the trust document itself, we may seek judicial modification or termination of the trust. That requires a court proceeding, which is often costly and time-consuming.

A third option, if all parties are in agreement, is for the required parties to enter into a "Nonjudicial Settlement Agreement" to modify or terminate the trust. A Nonjudicial Settlement Agreement is an agreement that parties sign to modify or terminate an irrevocable trust without requiring court involvement. The trust codes of both Maine and New Hampshire authorize the use of such Agreements, generally so long as the Agreement doesn't violate a material purpose of the trust, and all required parties – the trust creator (if living), and all current and future beneficiaries – agree to its terms. Both the Maine and New Hampshire trust codes include provisions allowing parties to bind minor and unborn current or future beneficiaries. Terminating a trust because of unforeseen circumstances – for example, unprecedented increases in the gift and estate tax exemption, such that estate tax planning that made sense years ago is no longer required – can be sufficient justification to modify or terminate a trust using a Nonjudicial Settlement Agreement.

Of course, the tax consequences – income and estate – are only one piece of the planning puzzle. If Jane has creditor issues, is likely to sell the property herself and squander the proceeds, or may change the disposition of the property from her three children to her new life partner, the potentially favorable tax treatment is meaningless to her children, and they should not enter into a Nonjudicial Settlement Agreement. In that case, waiting until Jane's death, selling the property and dealing with the capital gain tax consequence is a better outcome for her children, rather than risking losing the property altogether. Additionally, the IRS may claim that Ken, Kim and Kevin made a taxable gift to Jane by their agreement to have the trustee terminate the trust and distribute the property to her, leading to potential gift tax consequences for Ken, Kim and Kevin.

If you created an irrevocable trust, or are the beneficiary of an irrevocable trust – especially one that holds an appreciated asset – let us know if you would like to review the appropriateness of the trust in light of current estate and gift tax laws.

CHANGING RESIDENCY

"Reality isn't round, it's flat. There are edges where you can fall off and this October when I moved to Maine, I fell off one."

- Carrie Jones, author, in "Captivate"

Anyone who has spent a winter in Maine or New Hampshire knows the feeling of falling off the edge. It's easy to understand why some of our clients flee south in the winter. It's cold and dark here. And Maine, at least, is full of income and estate taxes that do not exist in warmer states like Florida. In these cold, dark months, you may consider changing your residency. But doing so from a tax perspective is not as simple as you might think.

Under the Constitution, in order to impose a tax on an individual, a state needs jurisdiction over both the person and the item subject to the tax. People often assume that once – in their minds at least – they've left a state behind, they've left the state taxing authority behind as well. But that's not always the case.

Tax auditors in higher-tax states have incentive to pursue former residents, and the taxpayer will have the burden of proving a change of residency to a new state. And spending that magic "six months and a day" in a new state, or getting a new driver's license there, isn't always enough. A state tax auditor will instead look at the totality of circumstances in evaluating whether a taxpayer has truly left its taxing jurisdiction.

For example, an auditor may look at where you return to after an international vacation, where you host major holidays, where you keep your valuable and sentimental items, what social or golf clubs you belong to, and what church or synagogue membership you maintain. The auditor may also consider the comparative sizes and values of your homes – generally, downsizing in the former state and upsizing in the new state is more conclusive of your intent to establish residency in the new state. An auditor will also look to where your spouse and minor children reside – if they reside in a different state than you, it will be harder for you to establish residency in your new state. Factors like where you claim a homestead exemption may also be relevant – claiming a local homestead exemption for your Maine home while arguing that you are a resident of Florida will not get you far with a state tax auditor.

Finally, if you're looking to cut ties with a state for residency purposes, you not only need to leave that state but you need to establish residency in a new state. Living the nomad lifestyle may sound romantic, but it will make it impossible for you to establish that you have a new residency if a tax auditor comes knocking.

Technology makes it easier for an auditor to confirm information. Cell phone records can tell an auditor exactly where you were each day of the year. Auditors can also access credit card statements, highway toll records, and other records that may show inconsistencies in what you report.

If you do change residency, keep in mind that estate planning documents are very state specific. Even though the general rule is that if your documents were valid when and where they were executed, they'll be valid in any other state in which you may wish to use them, states differ as to what can and has to be in their documents. Best-case scenario, it takes a bit longer for a Florida bank to get comfortable relying on a Maine or New Hampshire Financial Power of Attorney because it looks different than what they're used to seeing. Worst-case scenario, you miss out on tax or other benefits that are available to you by not including certain required language for your new state in your estate planning documents. Although we take pride in drafting documents with flexibility, we are licensed to practice only in Maine and New Hampshire and encourage our clients moving to another state to consult an estate planning attorney licensed in their new state to determine whether any updates are required or advisable. We can help make those referrals.

CHANGING BENEFICIARY DESIGNATIONS AFTER DIVORCE

"They always say time changes things, but you actually have to change them yourself."

- Andy Warhol (1928–1987), artist

We often remind our clients of the importance of making sure that the beneficiary designations of their retirement accounts and life insurance policies are coordinated with their overall estate plans. Because beneficiary designations take priority over what a person's Will or Living Trust provides, it is critical to address them in the context of a comprehensive estate plan. Last year, we wrote to you about transfer-on-death (TOD) and pay-on-death (POD) designations and their usefulness in avoiding probate. However, it is important to carefully consider how you use any beneficiary designation, and especially important to update them upon major life events. A recent Tennessee case highlights the importance of updating beneficiary designations after divorce.

Although many states, including Maine and New Hampshire, have so called "revocation-on-divorce" statutes, which automatically remove a former spouse as fiduciary and beneficiary upon divorce, these statutes do not apply to all documents and assets. For example, in 2013, the United States Supreme Court held that a state's revocation-on-divorce statute did not apply to remove a former spouse who was named as beneficiary on a Federal Employees' Group Life Insurance (FEGLI) policy. Federal law views beneficiary designations as a matter of contract, and therefore provides that FEGLI proceeds are to be paid to the person or persons listed on a beneficiary designation form, and no one else. Where federal and state laws conflict, federal law wins. Therefore, the Court concluded that the beneficiary designation naming the decedent's former spouse prevailed over state law that provides that a beneficiary designation naming a spouse is revoked upon divorce from that spouse. A similar result occurred in 2025 in a decision of the Tennessee Court of Appeals concerning Mr. Birdwell and Ms. O'Dell.

The case of Mr. Birdwell and Ms. O'Dell is not unusual, unfortunately. They divorced in 2015. During the marriage, Mr. Birdwell named Ms. O'Dell as beneficiary of his employer-sponsored retirement plan. Tennessee law, like that of many states, prohibits a party from changing the ownership or beneficiary of marital assets once a divorce begins, so Mr. Birdwell did not change his beneficiary designation while the divorce was pending. The final divorce decree provided that Mr. Birdwell and Ms. O'Dell were to retain their separate bank accounts, retirement accounts and any other accounts that were in their own names, and required each party to execute any documents required to comply with the divorce decree.

In 2022, Mr. Birdwell, now physically ill, realized that his now ex-wife was still named as the beneficiary of his retirement account. He took steps to implement a new beneficiary designation naming his Estate as beneficiary, rather than Ms. O'Dell. However, the plan administrator repeatedly refused to accept the beneficiary designation. Then, Mr. Birdwell died. The balance of his retirement account was nearly $270,000. The plan administrator provided paperwork to Ms. O'Dell, as the named beneficiary, which she completed and submitted. The plan administrator then distributed the funds to her.

The beneficiaries of Mr. Birdwell's Estate objected to the disbursement of the retirement account funds to Ms. O'Dell under two main arguments. First, they argued that even though the updated beneficiary designation had not been accepted by the plan administrator, the divorce decree clearly stated that neither party had any interest in the other party's retirement accounts. Second, they argued that the divorce decree required each party to execute necessary documents to comply with the decree, and by signing documents to accept Mr. Birdwell's retirement account, Ms. O'Dell violated the terms of the decree. Ms. O'Dell, of course, disagreed, arguing that the divorce decree merely removed any interest she may have had as Mr. Birdwell's spouse, but he could still leave her as beneficiary of an account. She also pointed out that Mr. Birdwell was the only person who could have executed a document removing her as beneficiary, so she had not violated any terms of the divorce decree by simply accepting something he left to her.

Because the retirement account at issue was an employer plan, it was covered by the Employee Retirement Income Security Act of 1974 (ERISA). ERISA is a federal law. As we know from the above, federal law views beneficiary designations as a matter of contract, with proceeds payable solely to the named beneficiary regardless of any state revocation-on-divorce law.

Mr. Birdwell's Estate acknowledged that a divorce decree does not automatically remove a former spouse as a beneficiary of an ERISA-governed retirement account, but argued that the language of the decree required that Ms. O'Dell receive no benefit from the account. Although the trial court agreed with the Estate, the appellate court overturned the trial court's ruling. It held that beneficiary designations are matters of contract between the owner or participant and the company or organization. And the divorce decree does not change the terms of that contract. Rather, it was up to Mr. Birdwell – who, per the divorce decree, was granted full ownership of and control over his retirement account – to make any changes he wished to the account after the divorce.

These cases reinforce what we tell our clients – it's critically important that you confirm periodically that your beneficiary designations are in line with your current plans and goals. We are happy to review your current designations to confirm whether they align with your intent and assist with any updates.

CORPORATE TRANSPARENCY ACT – STILL UP IN THE AIR

The Corporate Transparency Act (CTA) underwent significant changes and legal contention over the past year. Initially designed to apply to most entities, the CTA's reporting regime aimed to shed light on ownership structures that could potentially further money laundering by requiring disclosure about their owners. However, as 2025 progressed, both regulatory and judicial actions reshaped how the law functions and who must comply.

At the start of 2025, enforcement and compliance under the CTA was uncertain. After temporary injunctions blocked enforcement in late 2024 and early 2025, the Financial Crimes Enforcement Network (FinCEN) reinstated the CTA's beneficial ownership information (BOI) reporting obligations in February, setting an extended March 21 deadline for many entities to file initial reports.

However, in March 2025, FinCEN issued an interim final rule that dramatically narrowed the scope of the CTA. Under this rule, domestic companies and U.S. persons were exempted from BOI reporting requirements, significantly reducing the number of entities required to report – from millions to only a few thousand. The revised definition of "reporting company" now limits obligations largely to foreign entities registered to do business in the U.S. and only to the extent of reporting non-U.S. beneficial owners.

In late 2025, the U.S. Court of Appeals for the Eleventh Circuit upheld the constitutionality of the CTA, rejecting claims that Congress lacked authority to implement it, but leaving in place the new regulatory exemptions enacted by FinCEN. This decision settled – at least for now – a key constitutional question that has fueled litigation.

What does this mean for now? The net effect of 2025's developments is a substantially recalibrated CTA. Though originally intended to require wide-ranging BOI disclosures from many U.S. companies, the law now primarily applies to foreign entities doing business in the United States, with domestic businesses largely exempt. We will continue to monitor both the regulatory process to finalize 2025's interim rules and further judicial outcomes that could affect the CTA's future.

If you have any questions about the enforceability of the CTA, please reach out to us or your business attorney, or check our website for the latest update on the reporting requirements.

THE NEW AGE OF ASSETS – PLANNING FOR CRYPTOCURRENCY AND OTHER DIGITAL ASSETS

"The advance of technology is based on making it fit in so that you don't even have to think about it."

- Bill Gates, Microsoft founder and philanthropist

Estate planning for digital assets has become an increasingly important topic for us to think about, as they grow in popularity and value. Unlike traditional assets, such as bank accounts or real estate, digital assets are often decentralized and anonymous, which can make them difficult to locate, manage and transfer after someone's death. Without proper planning, digital assets can be permanently lost.

One important digital asset to address in the context of estate planning is cryptocurrency, as some sources suggest as many as one-fifth of adults now own some form of crypto. Cryptocurrency assets are stored in two basic forms: through storage in a personal account on a Coinbase or other crypto exchange platform, or through a direct blockchain holding.

Direct blockchains have two parts – a public key and a private key. Each key is made up of a lengthy string of letters and numbers. No one other than you has the private key. If you lose your private key, you can no longer access or transfer your cryptocurrency. There is no "I forgot my password" button or helpdesk that you can call. No statements like those you routinely receive from your bank or investment manager will arrive in the mail or your e-mail. The only record is on the blockchain. And if you become incapacitated or die without making provision for access, the key dies with you and the asset is lost. Therefore, one of the biggest challenges in cryptocurrency estate planning is access, and communication plays a key role in successful planning. Your fiduciaries should be aware that digital assets exist and understand, at least at a basic level, how they work. Simply mentioning cryptocurrency in a Will or Living Trust is not enough, because your personal representative, executor, or trustee – and ultimately, your beneficiaries – needs a secure way to obtain the necessary credentials. Estate planning for cryptocurrency therefore requires balancing competing concerns: maintaining the asset's security (both during the owner's lifetime and following death), and ensuring accessibility for fiduciaries and beneficiaries. Some people use detailed instructions stored with a trusted person, while others rely on hardware wallets, multi-signature wallets, or specialized digital inheritance services. Each approach has advantages and risks. For example, multi-signature wallets can require multiple parties to approve a transaction, which adds security but also burden and complexity. The best solution may differ for each person.

Coinbase or exchange cryptocurrency is a digital asset covered by the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA). RUFADAA was designed to balance the need for a fiduciary to access information stored digitally, with privacy concerns of the principal and/or asset custodian, who is otherwise reluctant to divulge customer information. Nearly every state, including Maine in 2018 and New Hampshire in 2019, has implemented RUFADAA. If you grant your fiduciary access to your digital assets under RUFADAA, they will be able to access your Coinbase or exchange cryptocurrency. RUFADAA also applies to other digital assets, such as email accounts (but in catalogue form only – access to the content of messages requires express consent), cloud storage accounts, and social media profiles.

Over recent years, the estate planning documents we have prepared include language specifically authorizing anyone serving as your fiduciary to access your digital assets under RUFADAA. If you have not revisited your documents in more than 5 years, you may wish to update them to include this specific authority.

THE FEDERAL GIFT AND ESTATE TAX EXEMPTION

Effective January 1, 2026, the federal gift and estate tax exemptions are unified at $15 million per taxpayer, representing an increase of $1.01 million from the 2025 exemption of $13.99 million. A person may use their $15 million exemption during lifetime or upon death. The maximum tax rate on transferred net worth over the estate tax exemption threshold remains 40%. Any exemption consumed during life through gifting reduces dollar-for-dollar the estate tax exemption available at death.

For married couples, the federal exemption is portable – meaning that a surviving spouse can elect to use their deceased spouse's unused federal exemption amount, making it possible for a married couple dying in 2026 to leave their beneficiaries $30 million free of estate tax without including estate tax savings provisions in their estate planning documents. The election to use a deceased spouse's unused federal exemption amount can only be made on a timely filed federal estate tax return, Form 706.

The generation-skipping transfer tax exemption is tied to the gift and estate tax exemption and also increased to $15 million on January 1, 2026.

The annual federal gift tax exclusion amount remains at the 2025 amount of $19,000 for gifts made in 2026. The annual gift tax exclusion permits a person to give $19,000 per year to as many recipients as desired, without using any of the giver's $15 million federal gift and estate tax exemption. Married couples can also elect to "split" gifts, allowing them to make total gifts of $38,000 per year to as many recipients as they desire, even if more than one-half of the gift comes from only one spouse's assets. Direct payments of tuition and certain medical expenses are not subject to gift tax, meaning that those gifts may exceed the $19,000 annual gift tax exclusion without reducing the $15 million exemption.

The annual gift tax exclusion for gifts to non-U.S. citizen spouses increased to $194,000 on January 1, 2026, up from the 2025 exclusion amount of $190,000.

Neither Maine nor New Hampshire has a separate gift tax, but gifts made within one year of death are included in the calculation of Maine estate tax.

THE MAINE ESTATE TAX

Maine is in the minority of states that impose their own separate estate or inheritance tax. As of January 1, 2026, the Maine estate tax exemption amount increased to $7.16 million for those dying in 2026, up from the 2025 exemption of $7 million. Estate value in excess of the exemption amount is taxed at rates of 8% for the first $3 million over the exemption, 10% on the second $3 million, and 12% on anything more than $6 million in excess of the exemption.

Unlike the federal exemption, the Maine exemption is not portable. If the first spouse to die does not use any of their Maine exemption because all assets are left to the surviving spouse, therefore qualifying for the unlimited marital deduction, a potential tax shelter – the exemption of the first spouse to die – is wasted. The surviving spouse will then have only their own Maine exemption amount to apply to the taxable estate at their later death. While that may be fine for those married couples with combined estates comfortably below the Maine exemption amount, those with combined estates valued at more than $7.16 million are well advised to design their estate plans with enough flexibility to account for the lack of portability of the Maine exemption.

NEW HAMPSHIRE – LIVE FREE OR DIE

Our New Hampshire clients reside in one of the 34 states that impose neither an estate tax nor an inheritance tax. For those of you comparing notes to last year's *Year in Review*, where we noted that 33 states impose neither an estate nor an inheritance tax, during 2025, the State of Iowa joined the list of states not imposing an estate or inheritance tax.

STATE OF THE ESTATE REVIEW

"An ounce of prevention is worth a pound of cure."

- Benjamin Franklin (1706–1790), statesman, inventor, and co-drafter of the Declaration of Independence

Clients often ask us how often they need to update their estate planning documents. Our answer is the classic lawyer's response: it depends. It depends upon whether there have been any changes to tax or other laws that may impact their documents. But more often, it depends upon whether there have been changes in our clients' personal situations. Rarely, changes are necessitated due to a financial windfall that now requires tax planning or reevaluating priorities. Frequently, changes are necessitated due to a retirement, a marriage, a death or divorce, or children reaching an age at which they are capable of being added to the mix of role players, or inheriting assets directly (or not!). Or the people that clients have named to serve as their agents, trustees, or personal representatives/executors may have moved – either geographically or out of their day-to-day lives. Finally, even if no life changes have occurred, tax changes may have, so a periodic review or "check in" every few years can be the smart approach.

We use this annual newsletter not only to provide updates that we hope you will find informative and interesting but also as a way to check in and remind you that it is up to you to let us know when you would like to see updates to your documents.

Remember: Absent your express request and direction, we will not be responsible for reviewing or updating your estate plan to reflect changes in the law, or for any other purpose.

EXCELLENT PROFESSIONALS

"The law is the true embodiment of everything that's excellent."

- W.S. Gilbert (1836–1911), playright and poet

What makes an excellent law firm is how well its lawyers serve their clients and uphold professional standards. We strive every day to make our firm excellent. Our trusts and estates attorneys provide high quality planning and administration services for our clients. We also serve as fiduciaries and as counsel to fiduciaries, and provide succession planning for our business owner clients. Our colleagues provide the best legal services in real estate, intellectual property, general business matters, and litigation as well. We are pleased to be able to provide our clients with excellent service in all our practice areas.

For the 9th year in a row, Drummond Woodsum has been recognized as one of the *Best Places to Work in Maine*. In addition to this firmwide recognition, many of our individual attorneys have been recognized for the excellent quality of their work. Fifty-two lawyers from 45 practice areas are listed in the current edition of *The Best Lawyers in America*, and 10 lawyers were named as 2026 Lawyers of the Year by *Best Lawyers*. Twenty-seven lawyers in three offices were selected by peers for inclusion in New England *Super Lawyers* and *Rising Stars by Super Lawyers* for the current year.

The reputation of our practice group extends beyond Maine and New Hampshire. David Backer, Jana Magnuson, Jessica Scherb, and John Kaminski were each recognized by *Super Lawyers* and/or *Best Lawyers* for their work in trust and estate planning and probate, and John was also recognized for his skill in tax law.

Both David and John are elected Fellows of the American College of Trust and Estate Counsel. A lawyer cannot apply for membership in the College. Fellows of the College are elected by their peers on the basis of professional reputation and ability in the fields of trusts and estates.

In 2025, David was reappointed by the Chief Justice of the Maine Supreme Judicial Court to his sixth three-year term as a member of Maine's Probate and Trust Law Advisory Commission, created by the Maine Legislature in 2009, and has served as Chair of the Commission since its creation. The Commission, made up of lawyers and judges, is charged with conducting a continuing study of the probate and trust laws in Maine and making recommendations to the Legislature for how those laws may be improved.

Additionally, Drummond Woodsum is ranked as a "Band 1" law firm in the area of High Net Worth private wealth law by the respected international ranking firm, *Chambers and Partners*, which reviews the private wealth market in key jurisdictions around the world and is designed to be an all-encompassing resource for clients and their advisors. Both David and Jana are individually recognized by *Chambers* as well. David was one of only seven lawyers in Maine recognized by this year's *Chambers High Net Worth Guide* as a "Band 1" lawyer – the highest distinction awarded by *Chambers* – in the realm of Private Wealth Law. *Chambers*' reviews of David, based on interviews with other professionals in the field of private wealth law, praise his abilities as a practitioner. "He's technically strong and is also very dedicated to improving the trust and estates practice in Maine", enthuses a source, adding "[h]e is well known for his sophisticated trust and estate work." David has been consistently ranked in Band 1 since 2017.

For the 6th consecutive year, Jana Magnuson was recognized in this year's *Chambers High Net Worth Guide* as well. Jana represents and advises individuals, families, trustees, and other fiduciaries in a wide range of trust and estate planning and administration matters. Clients have expressed their appreciation of Jana's strong professional guidance, "sound advice," and skills in "managing sensitive issues and people."

In addition to her inclusion in *Best Lawyers*, Jessica Scherb has been recognized as a *Super Lawyers Rising Star* in estate planning & probate, as well as mergers & acquisitions. Jessica is licensed to practice in both Maine and New Hampshire, where she provides estate planning and trust and estate administration services, plus a broad range of business services.

Chris Stevenson is a tax attorney and certified public accountant. We turn to Chris for input on the many tax issues inherent in trust and estate planning and administration. Chris also regularly advises clients with respect to federal gift taxation and prepares federal gift tax returns. In addition to being recognized in *Best Lawyers* for his skill in tax law, Chris is ranked in the *Chambers USA Guide* for Employee Benefits & Executive Compensation.

We regularly turn to Jeff Piampiano when disputes arise in estate and trust administration. Jeff has been a litigator at Drummond Woodsum for more than 20 years and serves as co-chair of our Trial Services Group. Jeff has a keen understanding of the business and fiduciary-related aspects of disputes relating to trusts and estates, and is always ready to offer prompt, business-minded, and sound legal advice on trust and estate litigation matters. Jeff is regularly recognized by *Best Lawyers* and the *Chambers USA Guide* for his litigation skills.

THANK YOU FOR YOUR TRUST

We take seriously the trust you place in us and will continue to do everything possible to continue to earn it.