

Mark Himsworth and his sons, his brother and sisters, ran in the Run for Your Life 5k on Father's Day in an effort to raise money for prostate cancer research, and Mark's sons finished well ahead of their aunts and uncles. Mark also ran the Philadelphia Race for the Cure on Mothers' Day for breast cancer research.

John Iannozzi, Steve Barrett and **Mark Himsworth** ran the Broad Street Run on May 4, 2008, and their times respectively were 1 hour 25 minutes, 1 hour 28 minutes and 1 hour 36 minutes. The run benefited cancer research for the American Cancer Society.

Steve Lupin has been elected Vice President of the Montgomery Bar Foundation.

Scott Maxwell and **Steve Hann** will again be making presentations to professionals attending the Pennsylvania Municipal Authorities Convention in Hershey PA.

William C. Roeger, Jr., presented an award to 2008 graduate Dana Lauver at Pennridge High School's annual Senior Awards program in June.

Bill Roeger was elected to the Executive Committee representing the Eastern PA Caucus for the Pennsylvania Association for Justice (formerly known as PaTLA). In addition,

Bill Roark was named Representative to the Board of Governors for the New Lawyer Section and **Steve Lupin** is serving his 2nd year of his two year term as Member of the Board of Governors.

And we have GRANDmoms:

Congratulations to **Diane Foxman** on the birth of her grand-daughter, Heidi on July 21; best wishes to **Helen Strohecker** on the birth of Samuel ("Sam") Garrison Strohecker who joined us July 16; and, many happy returns to **Sandie Moll** on the birth of her new grand-daughter, Lauren, who was born Sunday, July 6, 2008.

Pennsylvania Long-Term Care Partnership Policies

All of us are acutely aware of the imminent crisis (in the not so distant future) which faces our health-care institutions and the medical assistance system supporting long-term care. As the graying of America occurs, a question frequently arises as to the viability of long-term care insurance as part of an individual's estate plan. Medical assistance, though originally considered a safety net, is now the largest provider of long-term care in Pennsylvania.

On July 17, 2007, Pennsylvania Governor Edward G. Rendell joined a national effort to encourage private purchase of long term care insurance by signing Act 40 into law. This Pennsylvania statute is an attempt to address the perceived need to protect purchasers of long-term care policies and to conserve taxpayer funds by reducing the medical assistance burden.

Traditionally, an individual was forced to "spend down" resources in order to qualify for medical assistance for long-term care. This new statute provides an incentive for Pennsylvania residents to purchase long-term care policies by providing, by law, that the resident's assets will be protected in an amount equal to the amount of "Partnership Policy" insurance coverage purchased. As a result, individuals who purchase this coverage may qualify for medical assistance after their insurance coverage is exhausted, without jeopardizing all of their assets by a forced "spend-down." These Partnership Policies also offer beneficial tax treatment and inflation protection to protect younger purchasers.

It should be noted that the cost of such a policy will vary, depending on the provider and the applicant's age. In addition, you must determine if premiums may increase over time. While the Partnership Policies are definitely not for everyone, it is worth the investment of time to investigate these asset-protection products.



What's In Your Car Insurance Shopping Cart?

By William C. Roeger, Jr.



You knew you were required to have car insurance. You went to your agent and were taken through the application process and: Walla! You had a policy. Your agent seemed pleased and, at the time, you thought you kind of understood it, but did you? And, do you understand it today? Let's see if we can help.

I often tell clients that buying motor vehicle insurance policy is a lot like shopping for groceries. You go to the supermarket and go up and down the aisles with your shopping cart. You have a list. You need meat, potatoes, vegetables, milk, some miscellaneous things (like paper towels and soap) and ice cream. As you go around the aisles, you realize that all of these things come in different sizes. For instance, you can buy a half pound of meat, or 1 pound, 5 pounds, or more. Depending on your budget that day, you decide what sizes you need and you may even be tempted to skip some of the items or buy some more.

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Who Knew They'd End Up On The Super Lawyers® List



They all had dreams of what they'd become...

Today, **Ed Mullin** doesn't fly planes. Instead, he has become widely known for his 35 years of navigating clients through the maze of real estate and land use law.

And while **Ed Rubin** didn't become a cowboy, he did grow up to become one of only a handful of Montgomery County lawyers to be board certified as a trial advocate by the National Board of Trial Advocacy.

And **Steve Lupin**? As Managing Partner at HRMM&L, one of Montgomery County's largest law firms, he's still on the phone - usually on behalf of clients involved in some of the area's biggest, most high profile cases.

And although, they each had different childhood dreams...

They all grew up to be included on the **Super Lawyers®** list.



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DO YOU
KNOW



Jonathan
Samuel



Jon has been a Partner with Hamburg, Rubin, Mullin, Maxwell & Lupin since 1989 and has successfully combined his wide practical experience in business law, estates, real estate law and financing, developed over the past 25 years, with a detailed technical knowledge of tax law. His practice focuses on structuring and implementing business transactions and tax planning for closely held businesses and individuals. Jon strives to provide his clients with creative and practical solutions which assist them in reaching their financial goals and which achieve tax savings.

Jon has also helped dozens of successful family businesses with succession planning. He is a member of the Automobile Dealership Group of Hamburg, Rubin, Mullin, Maxwell & Lupin, which focuses on the areas of acquisition and sale of dealerships, franchise litigation, succession planning, tax and estate planning, real estate law, environmental issues, employee relations and other regulatory issues affecting automobile dealers.

But the real Jon Samel, the one we know and love, is married and has two children. Jon crumples up paper balls and aims at (but usually misses) the trash basket. In his leisure time, he serves as the Co-President of his synagogue, he visits the Baseball Halls of Fame and attends lots of games. His latest endeavor is assisting his son in the formation of a not-for-profit corporation that educates people on fire prevention and emergency preparedness as it relates to the disabled community. Jon and his son have also started a collection of patches from fire companies across the nation and have been cataloging them.

Back to the professional Jon who is a member and past chairman of the Corporation Banking and Business Law Committee of the Montgomery Bar Association. He is also a member of the Probate, Estates and Trusts Committee of the Pennsylvania Bar Association, and of the Montgomery County Estate Planning Council. He serves on the Advisory Board of the Delaware Valley Family Business Center. In addition, Jon has been the author of a monthly column on estate planning and retirement planning in *The Legal Intelligencer*, which is the daily law journal for attorneys in Philadelphia and the surrounding counties, and he is also a frequent speaker on these subjects.

Jon received a B.A. from the University of Rochester in Rochester, New York in 1974, a J.D. degree from Temple University in 1978 and a Master's degree in tax law from Temple University in 1990. And, oh, yes, Jon is also a Dead Head – he loves going to Grateful Dead and Ratdog concerts. . .

Pennsylvania's New Right-to-Know Law

By James C. Walker

January 1, 2009, will be a date known, not only for the Mummers' Parade and numerous college football bowl games, but also as the effective date of Pennsylvania's new "Right-to-Know Law." Competing interests are at work as those who are concerned with privacy protection and identity theft come into conflict with those who seek to have new access to public records at all levels of Pennsylvania government. This new statute attempts to straddle this conflict by allowing access to an increased number of public records, while protecting documents through exceptions from disclosure. This new statute was signed into law by Governor Edward Rendell on February 14, 2008, and will most definitely have an impact on almost all levels of state and local government.

Pennsylvania's prior law was often criticized as one of the poorest of the state laws guarding right-to-know issues, as it put the burden on the requesting party to prove that a requested document was in fact a public record. In what strives to be a more transparent government-records system, now all documents are presumed to be public records unless they fall

within the 30 exceptions provided for in the new law.

The goal of the new statute is to make access to public records easier, while at the same time protecting personal identifiers, medical records and other investigational materials. With certain exceptions, and of course the ubiquitous fees to be charged, most record requests will now be required to be responded to within five business days. However, if legal review by the agency is necessary or if the requested documents are excessive, a 30-day extension may be agreed to by the individual making the document request.

The Office of Open Records has been established to facilitate the processing of these record requests. If records are improperly withheld or if a document request is deemed to be frivolous, there is a provision in the new law which may allow the grant of counsel fees as well as civil penalties.



Obviously, determining if one of the 30 exceptions applies to the materials being requested, and resolving what number of records, if any, should be made public,

will provide the Pennsylvania state agencies and the courts with significant challenges both as to disclosure and privacy issues. While it is difficult to determine at this time what effect this new law may have on access to public records, it is clear that many areas of previously restricted data should now become available to public scrutiny. If you should have a question concerning the availability of Pennsylvania public records, or if you feel that your request for public records has been improperly denied, you may wish to consult with counsel at Hamburg, Rubin, Mullin, Maxwell & Lupin. ▲

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Hamburg, Rubin, Mullin, Maxwell & Lupin's IN BRIEF is intended to provide information on recent legal developments. The information contained in this newsletter is not offered as legal advice or legal opinion on specific facts.

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Car Insurance Shopping... continued from page 1

So let's see what's in your cart, or policy.

When we normally think about car insurance we think of liability coverage. This is like the meat in your cart. This is the coverage that protects you in case you injure someone else. The law requires that you carry a minimum of \$15,000 per person and \$30,000 per accident of liability coverage. This is commonly referred to as 15/30. You can, and many people do, carry more coverage, such as 25/50, 100/300, or 250/500. It all depends on what you want to protect and how much you can afford to spend.

The vegetables in your cart are analogous to your collision coverage. Depending on how old your car is, you should have it, but again there are different size deductibles.

The potatoes in your cart relate to your comprehensive coverage. It comes in a variety of styles and sizes to cover a variety of situations. If a tree falls on your call while it's parked somewhere – think comprehensive coverage.

We all know that milk does a body good. Well, the milk is analogous to your first party medical benefits. Did you even know that your car insurance is also your health insurance if you are injured in a motor vehicle accident? If you are injured, you submit the bills for your treatment to your carrier and not the other person's. And yes, this too comes in different sizes.

The paper towels and bottles of detergent in your cart are akin to your towing and rental car coverages in your policy. Not exciting, but necessary none the less.

Now we get to the ice cream, which I think is the most important thing in your cart – or the most important part of your policy. That is your uninsured motorist (UM) and underinsured motorist (UIM) coverages.

While you can control how much insurance you buy to protect yourself if you injure some other person, you cannot control how much coverage the other guy has if he injures you, and you cannot really control whether he has insurance at all. This is where your UM and UIM coverages come in. If the other person isn't insured at all, your uninsured motorist coverage kicks in to protect you. If the other person had a minimum policy of say 15/30 and your claim was worth \$250,000., your UIM coverage would apply. These UM and UIM coverages also come in different sizes, but there are two catches.

First, you can't have any greater UM or UIM coverage than your liability coverage. For instance, if you had 100/300 of liability coverage, your un- or under- insured motorist coverage could be less than that (say 15/30), but not more. The maximum it could be would be 100/300.

The second catch is something called "stacking." You are entitled on your policy to elect to be able to "stack" your UM and UIM coverages so that, if you have two cars, you could stack these two coverages – one on top of the other. This is sort of the buy one – get one free approach. So if you have 100/300 of UM and UIM coverage and chose to stack those coverages for each of your two cars, you would end up with 200/600 in coverage. Again, to me, UM and UIM coverage is the most important coverage in your policy. Don't cut pennies here – Buy the ice cream.

Well, that's it for this week's groceries and this year's policy coverages. If you didn't understand it fully, go back to your agent and reanalyze what is in your shopping cart. If you have any questions that you think we can help you with, please give us a call too. ▲

