CURRICULUM VITAE

LAWRENCE A. FROLIK

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University of Pittsburgh
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PROFESSIONAL EXPERIENCE:

1975-Present
University of Pittsburgh School of Law
1975 - Assistant Professor of Law
1978 - Associate Professor of Law
1981 - Professor of Law
2011 - Distinguished Faculty Scholar
2016 - The John E. Murray Faculty Scholar

1972-75	Attorney, Lourie & Cutler, Boston, MA
1977 (Summer)	Visiting Assistant Professor of Law, West Virginia University College of Law
1978	Visiting Associate Professor of Law, University of Illinois College of Law
2000- to date	Visiting Professor, University of Miami Law School Graduate Program in Estate Planning

TEACHING:

Torts (1999-)
Employee Benefits (1998-)
Elder Law (1988-)
Elder Law Seminar (1992-2004, 2008, 2011)
Biology, Human Nature and the Law Seminar (1995-97)
Literature and Law Seminar (1988-97, 2001, 2006, 2009, 2013, 2014, 2016- 18)
Property (1983-90)
Federal Income Taxation (1975-1998)
Federal Tax Policy Seminar (1976-88)
State and Local Finance and Taxation (1978-85)
Estate Planning (1976-83)
Estate and Gift Tax (1977-83)

Estates and Trusts (1975-80)

OTHER EXPERIENCE:

1969-71	Captain, U.S. Army; 2nd Division Artillery, Korea
1980-81	Consultant on Issues in Guardianship, Pennsylvania Developmental Disabilities Council
1984-87	Consultant, Pennsylvania Joint Legislative Advisory Subcommittee on Guardianship Reform
1985-86	Consultant, American Association of Retired Persons, Elderly "Hotline" Project
1988	Participant, Johnson Foundation/ABA Wingspread Guardianship Conference
1989	Consultant, Wisconsin Supreme Judicial Council Guardianship Reform
1992	Lecturer, Louisiana Judicial College
1993	ABA Senior Lawyers, Task Force on Guardianship Reform
1993-95	Participant, Gruter Institute Conference, Biology and the Law
1996-2000	Director, Gruter Institute, Law, Biology and Human Behavior Annual Squaw Valley Conference
1997-2002	Director, Pittsburgh Office, Gruter Institute for Law and Behavioral Research
1998-2000	Chair, Planning and Programming Committee, Gruter Institute for Law and Behavioral Research
1999-	Member, The Borchard Foundation Center on Law & Aging, Academic Advisory Board
1999-	Member, Treasurer (2005- 2011) Board of Directors, The Kendal Corporation (Affiliated with Society of Friends (Quakers) Parent corporation for Continuing Care Retirement Communities)
2001-2003	Chair, Pennsylvania Bar Association Elder Law Section
2002- 2010	Trustee, The Family Trust (ARC created pooled trust for disabled persons)
2001-2006	Member, American Bar Association Bioethics Committee
2002-2003	Chair, Seniors Issues Committee, American Bar Association Torts Trial and Insurance Practice Section
2008-2012	Member, American Bar Association Senior Lawyers Division Council
2008-2011	Chair, Publications Committee, American Bar Association Senior Lawyers Division
2007- 2010	Member, Emerging Issues Committee, American Bar Association Torts Trial and Insurance Practice Section
2002-2008	Pennsylvania AARP Executive Council, Member for Policy Issues
2003-2005	Member, Pennsylvania Council on Aging
2009 -	Member, Board of Directors, Pennsylvania Association of Elder Law Attorneys
2012 -2016	Member, Program Planning Committee, NAELA Certified Elderlaw Practitioners.
2015 -	Member, Pennsylvania Supreme Court Advisory Council on Elder Justice in the Courts
2016 -	Member, Steering Committee, NAELA Certified Elderlaw Practitioners.

EDUCATION:

1971-72	Harvard Law School	LL.M. cum laude
1966-69	Harvard Law School	J.D. cum laude
1962-66	University of Nebraska	B.A. with Distinction
	Majors:	English and History
	Awards:	Phi Beta Kappa

AWARDS:

2011	University of Pittsburgh Chancellor's Distinguished Service Award
1996, 2008	University of Pittsburgh Law School Excellence in Teaching Award
1993	University of Nebraska Outstanding Alumni Award

PROFESSIONAL AND COMMUNITY ACTIVITIES AND COMMITTEES:

Academic Fellow—American College of Trust and Estate Counsel

Academic Member – Special Needs Alliance

Editor-in-Chief, NAELA Law Journal (2006-2008)

Fellow, TIAA-CREF Institute (2006 -2010)

AARP Financial Management Group Volunteer Representative (2007-2008)

American Bar Association Committee on Bioethics

Past Chair ABA Torts and Insurance Practice Section Seniors Issue Committee (2002-2003)

Past Co-Chair ABA Tort Trial and Insurance Practice Section Medicine and Law Committee (2000-2001)

Editorial Board Member, Tort Trial and Insurance Practice Law Journal

Board of Directors, Kendal Corporation

Member, Pennsylvania AARP Executive Council

Board of Advisors, Journal of Victimization of the Elderly & Disabled

Board of Advisors, Elders Advisor

Academic Advisor, The Borchard Foundation Center on Law & Aging (1999-2004)

Member, Pennsylvania Council on Aging (2000 -2002) (appointed by Governor Rendell)

Member, Allegheny Children, Family and Youth Services Advisory Committee

Chair, Pennsylvania Bar Association Elder Law Section (2001-2003)

Director, Gruter Institute Teaching Conference on Law, Biology & Human Behavior, Squaw Valley, California (1996-2000)

Executive Committee Gruter Institute for Law and Behavioral Research (1996-2002)

Gruter Institute Research Fellow, Gruter Institute for Law and Behavioral Research

Fellow, American Bar Foundation

University of Pittsburgh Task Force on Healthy Aging

Chair, ABA Section on Real Property, Probate and Trust Law; Committee on Special Problems of Guardians and Conservators (1992-96)

Congressional Appointed Delegate, 1995 White House Conference on Aging

Board of Directors, Allegheny County Association for Retarded Citizens (1991-93)

Chair, Pennsylvania Protection and Advocacy Network (1980-81)

President, Aging and the Law Section, Association of American Law Professors (1993-94)

Member, University of Pittsburgh Benedum Geriatrics Group

Member, Allegheny County Aging Task Force

Member, Allegheny County United Way Senior Connection

Member, Pennsylvania Attorney General's Task Force on Elder Abuse

Member, National Academy of Elder Law Attorneys

Member, ABA Section on Real Property, Probate and Trust Law

Member, Allegheny County Bar Association, Trust and Probate Section Council

Member, Allegheny County Bar Association, Elder Law Committee

Member, Pennsylvania Par Association Elder Law Committee

Member, University of Pittsburgh Council on Aging

Member, Programming Committee, Council of Advance Practitioners, NAELA

SELECTED PRESENTATIONS:

Pennsylvania Bar Institute Programs:

Course Planner and Presenter:
Annual Elder Law Institute (1998-2012)
Long-Term Care Insurance (2007)
Private Insurance Solutions for Elderly Client (1997)
Alternative Housing Solutions (1997-99)
Planning for the Very Old Client (2002)
Pooled Trusts (2005)
Assisted Suicide (1997-98)
Advising Older Adults (1998)

Presenter at:
Social Security Planning Strategies - ACTEC Fall Meeting (2015)
Imagining Life Care Planning as a Practice of Law – Life Care Planners' Annual Meeting (2015)
Solving Elderly Clients Problems - Heckerling Estate Planning Institute (2018)
Social Security Issues - Heckerling Estate Planning Institute (2017)
Trust Protectors (with Bernie Krooks) – Heckerling Estate Planning Institute (2015)
Future of Elder Law – New Jersey Elder Law Section Retreat (2015)
The New Intergenerational Challenge: Caring for Elder Parents - Altair Financial Advisers Program, Chicago (2015)
Future of Elder Law - Michigan Elder Law Section Annual Meeting (2014)
Trusts and Trust Protectors – Notre Dame Estate Planning Institute (2014)
Undue Influence in the Making of Wills: The Most Lucrative Form of Financial Exploitation (with Karen Boxx and Eric Mart) - American Society on Aging – Aging in America Conference (2014)
Assessments of Undue Influence in the Elderly (with Eric Mart) – NAELA Law and Aging Conference (2013)
Protecting Aging Retirees: Pensions and the Elderly - University of Connecticut Law School (2013)
Death and Dying – Columbia University (2012)
What is Elder Law? - Georgia State University School of Law (2010)
Advising Client Entering a Nursing Home (1997)
Annual Health Law Institute (1996, 1997, 1998, 1999)
Divorcing the Elderly (1995)
Advising the Disabled Client (1994)

General Practitioners' Update (2002)
Advance Health Care Directives (1992)

38th, 40th, 43rd, 45th Annual, and 46th University of Miami Philip E. Heckerling Institute on Estate Planning

Ethical Issues in Genome Research—Annual Review of Law & Ethics (Europa-Universität, Viadrina, Frankfurt, Germany)

American College of Trust and Estate Lawyers Regional Meeting

Association of American Law Schools Annual Meetings

National Academy of Elderlaw Attorneys Annual Meetings

American Popular Culture Association National Meeting

American Bar Association Annual Meeting

American Bar Association Real Property and Trust Annual CLE Meetings

American Bar Association—Torts and Insurance Practice Section

Gerontological Society Annual Meeting (2001)

Joint Conference on Law and Aging

25th World Congress on Law and Mental Health, Siena, Italy (2000)

28th World Congress on Law and Mental Health, Paris, France (2005)

National Association of Elder Law Attorneys National Guardianship Conference

University of Pittsburgh CLE Programs

Pennsylvania State Judicial Conference (1999, 2000)

Pennsylvania Bar Association Annual Meetings

Louisiana Annual Judicial Training Seminar

Professional Education Systems CLE

University of Nebraska Estate and Business Planning Council

New Jersey CLE for Attorneys

South Carolina CLE Annual Estate Planning Meeting

Tennessee CLE for Attorneys

Washington State CLE

Wisconsin State CLE for Attorneys

West Virginia State CLE for Attorneys

PUBLICATIONS:

BOOKS:

Elder Law and Later-Life Legal Planning (ABA 2017)

The Law of Later-Life Health Care and Decision Making 2d ed. (ABA 2017)

ERISA Litigation 5th ed. (BNA 2014)(co-authors Jayne E. Zaglein, Susan A. Stabile)

Everyday Law for Seniors, (Revised ed. 2012 Paradigm Press)(co-author Linda Whitton)

Residence Options for the Elderly or Disabled Client (ABA 2008)

Law of Employee Pension and Welfare Benefits, 3rd ed. (LexisNexis 2012) (co-author Kathryn Moore) (2012)

Residential Options for Older or Disabled Clients, ABA (2007)

Counseling the Older Client, American Law Institute-American Bar Association (co-authors, Barnes & Whitman) (1997)

Elder Law in a Nutshell, 6th edition, West (co-author, Richard Kaplan) (2014)

Advising the Elderly or Disabled Client, 2d edition, Warren, Gorham & Lamont (co-author Melissa Brown) (1999 plus semi-annual supplements)

Elder Law: Cases and Materials, 6th edition LexisNexis (2015) (co-author Alison Barnes)

Law & Evolutionary Biology, editor, Gruter Institute (1999)

Aging and the Law Reader, editor, Temple University Press (1999)

Federal Tax Aspects of Damage, Injury and Loss, Bureau of National Affairs (1987)

Pennsylvania Elderlaw Manual, Legal Services Corp. of America 1987 (co-author Alan Meisel)

<u>ARTICLES</u>:
Trust Protectors: Why They Have Become "The Next Big Thing", 50 Real Property, Trust and Estate Law Journal 267 (2016).

Private Long-Term Care Insurance: Not the Solution to the High Cost of Long-Term Care for the Elderly, 23 The Elder Law Journal 371 (2016).

Planning Ahead for Diminished Capacity, 153 Trusts & Estates 39 (July 2014)(co-author Bernard Krooks)

Rethinking ERISA's Promise of Income Security in a World of 401(k) Plans, 20 Connecticut Insurance Law Journal 371 (2013)

How to Avoid Guardianship (for Your Clients and Yourself!) 23 Experience 37 (2013)

Surrogate Decision-Making Standards for Guardians: Theory and Reality, 2012 Utah Law Review 1491 (2012) (co-author Linda Whitton)

The UPC Substituted Judgment/Best Interest Standard for Guardian Decisions: A Proposal for Reform, 45 University of Michigan Journal of Law Reform 739 (2012)(co-author Linda Whitton)

Protecting Our Aging Retirees; Converting 401(k) Accounts Into Federally Guaranteed Lifetime Annuities, 47 San Diego Law Review 277 (2010).

Points to Consider Before Buying Long-Term Care Insurance, 37 Estate Planning 20 (2010)

The Need for Mandatory Long-Term Care Insurance, 2010 New York University Review of Employee Benefits and Executive Compensation 1C-1 (2010)

Needed: The Right of a Retiree to Convert a 401(k) Account into a Federally Guaranteed Annuity, 17 Journal of Pension Rights 7 (2010)

Keep Powers of Attorney in Check, Trial Magazine 42 (April 2009).

Housing Options for the Older Client, with Walter Burke and Michael Kirkland, 22 Probate & Property 34 (November 2008)

Housing Needs of Older or Disabled Clients, 18 Experience 31 (Spring 2008)

Is the Guardian the Alter Ego of the Ward?, 37 Stetson Law Review 53 (2007)

An Essay on the Need for Subsidized, Mandatory Long-Term Care Insurance, 21 Notre Dame Journal of Law, Ethics & Policy 517 (2007)

Estate Planning with a Very Old Client, 34 Estate Planning 3 (May 2007)

"Sufficient" Capacity: The Contrasting Capacity Requirements for Different Documents, 2 NAELA Journal 303 (with Mary Radford) (2006)

Paying for Long-Term Care, 17 Experience 35 (Fall 2006)

"Old Age With Fears and Ills": Planning for the Very Old Client, 38th Annual University of Miami Philip E. Heckerling Institute on Estate Planning (2004)

Aging and the Law, Domestic Violence: Elder Abuse, Elderlaw, THE OXFORD COMPANION TO AMERICAN LAW (2002)

The Developing Field of Elder Law Redux: Ten Years After, 10 The Elder Law Journal 1 (2002)

Promoting Judicial Acceptance and Use of Limited Guardianship, 31 Stetson Law Review 735 (2002)

Nursing Home Litigation: "The Good, the Bad and the Ugly," 7 Ethics, Law and Aging 155 (2001)

Insurance Fraud on the Elderly, Trial p.36, June 2001

The Strange Interplay of Testamentary Capacity and the Doctrine of Undue Influence: Are We Protecting Older Testators of Overriding Individual Preferences?, 24 International Journal of Law and Psychiatry 253 (2001)

Legal Aspects of Chemical Restraint Use in Nursing Homes (with J. Braun), 2 Elder's Advisor 21 (2000)

Estate Planning for United States Clients Who Own Property Abroad, 13 NAELA Quarterly 21 (2000)

Special Housing Needs of Older Persons, 10 NAELA Quarterly 23 (1997)

Science, Common Sense, and the Determination of Mental Capacity, 5 Psychology, Public Policy & Law 41 (1999)

Guardianship Reform: When Best is the Enemy of Good, 9 Stanford Law & Policy Review 347 (1998)

Granny Goes to Jail Law Becomes Granny's Lawyer Goes to Jail Law, 3 Journal of Asset Protection 58 (November 1997)

The Special Housing Needs of Older Persons: An Essay, 26 Stetson Law Review 647 (1996)

Undue Influence and the Biological Imperative: What's Love Got to Do With It?, 57 University of Pittsburgh Law Review 841 (1996)

Legacies of Possessions: Passing Property at Death, 20 Generations 9 (Fall 1996)

The Limits of Law: Litigation, Lawyers and the Search for Justice in Russell Banks' *The Sweet Hereafter* (with M. Fried), 7 Cardozo Studies in Law and Literature 1 (1995)

The Developing Field of ElderLaw: A Historical Perspective, 1 Elder Law Journal 1 (1993)

Cultural Literacy: Or Why Is Magellan Better than Kirk?, 43 Journal of Legal Education 283 (1993)

America The Aging 16 Family Advocate 18 (1993) (co-author Alison Barnes),

Our Aging Population's Challenge to the Law, The Pennsylvania Lawyer (Nov. 1992)

Estate Planning for Parents of Children with Disabilities, NICHCY News Digest (Fall, 1992)

Abusive Guardians and the Need for Judicial Supervision, Trusts and Estates 40 (July 1991)

An Aging Population: A Challenge to the Law (co-author, A. Barnes), 42 Hastings Law Journal 683 (1991)

Elder Abuse and Guardians of Elderly Incompetents, 2 Journal of Elder Abuse and Neglect (1990)

The Use of Discretionary Trusts for Disabled Beneficiaries: A Solution or Trap for the Unwary?, 46 University of Pittsburgh Law Review 335 (1985)

Personal Injury Compensation as a Tax Preference, 37 Maine Law Review 1 (1984)

The Convergence of I.R.C. § 104(a)(2), Norfolk & Western Railway Co. v. Liepelt *and Structured Tort Settlements: Tax Policy "Derailed,"* 51 Fordham Law Review 565 (1983). Excerpted in the *Monthly Digest of Tax Articles,* March 1984.

Plenary Guardianship: An Analysis, A Critique and A Proposal for Reform, 23 Arizona Law Review 599 (1981)

Estate Planning for Parents of Mentally Disabled Children, 40 University of Pittsburgh Law Review 305 (1979). Reprinted in full in the *National Law Review Reporter*, Volume 1, #3.

Adjustment for Inflation for Fixed Income Trust Beneficiaries, 54 Notre Dame Lawyer 661 (1979)

Section 118 and the Tax Treatment of Nonshareholder Contributions to Capital, 38 Ohio State Law Journal 499 (1977)

<u>BOOK CHAPTERS</u>:

Comparative Perspectives on Adult Guardianship, A. Kimberley Dayton, Ed. (Carolina Academic Press 2014)
Chapter on: "Standards for Decision-Making."
Our Changing Journey to the End, Reshaping Death, Dying, and Grief in American, Christina Staudt & J. Harold Ellens, Ed. (Praeger 2014)
Chapter on: "Decision Making at the End of Life: From Informed Consent to Family Consent"

The Forty-Seventh Annual Heckerling Institute on Estate Planning, Tina Portuondo, ed. (LexisNexis 2013)
Chapter on: "Elder Law: A Brief Synopsis"

The ABA Practical Guide to Estate Planning, Jay A. Soled, ed. (ABA 2011)
Chapter on: "End-of-Life Decision Making"

Theories on Law and Aging: The Jurisprudence of Elder Law, Israel Doron, ed. (Springer 2009)
Chapter on: "Later Life Legal Planning"

The Forty-Third Annual Heckerling Institute on Estate Planning, Tina Portuondo, ed. (LexisNexis 2009)
Chapter on "Long Term Care Insurance: Deal or No Deal"

Aging: Caring for Our Elders, Weisstub, Thomasma, Gauthier & Tomossy (Kluwer Press 2001)
Chapter on: "Appropriate Housing for the Elderly of the United States: An Integral Component of Their Health Care"

Statutory Definitions of Incapacity: The Need for a Medical Basis, in *Older Adults' Decision-Making and the Law* (M. Smyer, K. Schaie & M. Kapp ed., 1995)
Chapter on: Statutory Definitions of Incapacity: The Need for a Medical Basis

Employment Termination: Rights & Remedies, Holloway & Leech (BNA 2d ed. 1992)
Chapter on: "Federal Tax Consequences"

Prentice Hall Estate Planning Guide (1992)
Section on: "Estate Planning for Parents of Handicapped Children"

Autism in Adolescents and Adults, ed. Mesibov & Schopler (Plenum, N.Y. 1983)
Chapter on: "Legal Needs"

Federal Tax Deductions, ed. Comerford & Sacks (Warren, Gorham & Lamont 1982)
Sections on:
(a) Casualty losses
(b) Gambling losses

GRANTS:

1987-88 Retirement Research Foundation, Chicago, Illinois
"Involuntary Guardianship of the Elderly Study"
(with Robert Wettstein, M.D., Charles Lidz, Ph.D.)

1985-86 Legal Services Corporation, Washington, D.C.
Preparation of *Pennsylvania Elderlaw Manual* (with Professor Alan Meisel)

PROFESSIONAL LICENSURE:

Pennsylvania, 1976
Massachusetts, 1973 (inactive)
New York, 1970 (inactive)
United States Tax Court, 1974
United States Third Circuit Court of Appeals, 1977