Schnader | *The Higher Calling of the Law*

Roberta A. Barsotti

Partner

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Roberta A. Barsotti is a tax lawyer and a litigator, who specializes in the field of trusts and estates. She represents individuals, multi-generational families, charitable organizations and corporate fiduciaries. Her clients include corporate executives, professionals, entrepreneurs, business owners, special needs individuals and international clients.

Ms. Barsotti advises her clients about multi-generational wealth transfer, planning with tax-deferred assets, asset protection strategies, succession planning for closely-held businesses and structuring charitable gifts. She also counsels clients about their rights and responsibilities in the administration of trusts and estates. And she regularly represents individual and corporate clients in litigation before the Pennsylvania Orphans' Courts and before the appellate courts of Pennsylvania.

Ms. Barsotti speaks frequently on issues of tax and fiduciary law to professional fiduciaries and in continuing legal education programs. Since 2008, Ms. Barsotti has taught fiduciary income taxation as an adjunct professor in the graduate tax program of Temple University's Beasley School of Law. Ms. Barsotti's charitable activities have included service as chair of the executive committee of the board of trustees of the Episcopal Church Foundation, vestry member and accounting warden for St. Paul's Church in Chestnut Hill and vice president of the board of trustees of Art in City Hall.

Prior to joining Schnader, Ms. Barsotti served as Vice President and Senior Wealth Planner for PNC and Managing Director of Wealth Planning for Wilmington Trust.

Ms. Barsotti received a B.A. in biology from the University of Pennsylvania, an M.A. in the history of art from the Courtauld Institute, University of London and her J.D., *magna cum laude*, from Temple University's Beasley School of Law, where she served as Articles Editor for the Temple Law Review. After graduating from law school, Ms. Barsotti served as law clerk to the Honorable Anthony J. Scirica of the United States Court of Appeals for the Third Circuit, in Philadelphia. She is conversational in both French and Italian.

Representative Matters

Estate and Tax Planning

- Sensitively works with clients to develop customized estate plans that take into consideration diverse assets, such as real estate and closely held business interests, as well as complex family concerns
- Analyzes and designs estate plans that balance the competing concerns of minimizing estate tax and income tax in a changing tax environment
- Coordinates estate and other tax planning for clients with dual citizenship and multinational assets
- Establishes LLCs and family trusts for long-term management of family vacation homes
- Designs "split interest" trusts for charitably inclined clients who wish to benefit both family members and charitable causes
- Coordinates life insurance funding of trusts to address liquidity and tax concerns for high net worth clients
- Analyzes and implements appropriate discounting to maximize available exemptions from gift and estate tax
- Analyzes and implements most favorable income tax treatment for estates, trusts and beneficiaries, minimizing rates and maximizing uses of losses and deductions

Asset Protection Planning

- Crafts and negotiates simple to complex pre-nuptial agreement
- Works with clients to fund trusts that will shield family assets from unexpected creditors

Controversies Among Fiduciaries and Beneficiaries

- Won a motion for summary judgment, fully dismissing a challenge by beneficiaries - seeking damages in excess of $5,000,000 - about the investment performance of the institutional administrator of a trust.
- Successfully preserved interests of charitable beneficiaries against attempts by individual beneficiaries to decrease trust distributions to the charities
- Successfully defeated effort by long-term companion to qualify as common-law spouse, preserving estate for children of the decedent
- Protected interests of beneficiaries against diversions of trust income by hostile fiduciaries
- Preserved interests of beneficiaries against biased fiduciary administration
- Preserved interest of estate beneficiary against unreasonable expenditures and delays by executor
- Defeated efforts of beneficiaries seeking to modify trust to obtain greater control over corporate trustee
- Successfully persuaded Superior Court to overturn Orphans' Court's interpretation of ambiguous Will and rule against perpetuities provision, thereby preventing early termination of trusts and preserving tax exclusions
- Protected individual trustees against efforts of beneficiaries to remove, replace and surcharge the trustees
- Preserved reasonable fees collected by corporate fiduciary against efforts by Attorney General to reduce fees on charitable trusts
- Successfully persuaded Superior Court to overturn interpretation of grant and exercise of power of appointment that would have given beneficiaries unintended control over corporate trustee

Community and Pro Bono

- Episcopal Church in Pennsylvania, Advancement Society, Vice President and Chair
- Episcopal Church Foundation, Executive Committee, former Vice President and Chair
- St. Paul's Church, Chestnut Hill, former Vestry member and Accounting Warden
- Art in City Hall, Philadelphia, former vice president board member

Education

- Temple University Beasley School of Law, J.D., *magna cum laude*
- University of London, Courtauld Institute of Art, M.A., history of art
- University of Pennsylvania, B.A., biology

Bar Admissions

- Pennsylvania, 1995

Court Admissions

- U.S. Court of Appeals for the Third Circuit
- U.S. District Court for the Eastern District of Pennsylvania

Clerkships

- Honorable Anthony J. Scirica, United States Court of Appeals for the Third Circuit, 1994-1995

Professional Affiliations

- Philadelphia Bar Association, Probate Section, Taxation and Litigation Committees, Member
- American Bar Association, Member
- Pennsylvania Bar Association, Member
- Philadelphia Bar Association, Member
- Philadelphia Estate Planning Council, Member

Other Distinctions

- Temple University Beasley School of Law, Graduate Tax Program, Adjunct Professor
- Philadelphia Bar Association, Pro Bono Award
- Listed in *The Best Lawyers in America* in the area of Litigation -Trusts and Estates, 2019-2022

Practices

- Family Business
- Litigation
- Tax
- Tax and Wealth Management
- Trust and Estate