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BOOK REVIEW

DRAFTING WILLS AND TRUST AGREEMENTS—ADMINISTRATIVE PROVISIONS, By Gilbert T. Stephenson, Boston: Little, Brown and Company, 1952. Pp. XLV, 551—\$10.00.

Pennsylvania lawyers, as a class, are inclined to approach form books for wills and trust agreements with considerable caution. We readily accept pamphlets such as the one entitled "Forms of Wills in Pennsylvania" by Honorable David G. Hunter, of the Philadelphia Orphans' Court, as a helpful working tool. In addition, we are grateful for forms distributed by some of our trust institutions or those developed in our offices. We like these best because they have been prepared under Pennsylvania statutory and case law and meet Pennsylvania needs.

Generally speaking, we divide ourselves into two classes: those who prefer short wills and trust agreements, believing that the less said, the less opportunity for misunderstanding; and those who wish to cover all eventualities, even restating to some extent what is clear under Pennsylvania statutory and case law. For those in the former category much aid is found in the Fiduciaries Act of 1949 and other recent decedents' estates legislation, which, to a large extent, incorporate in statutory form many of the powers and directions which should be incorporated in wills and trust agreements in the absence of such statutory assistance. Also, we are fortunate in having a substantial amount of case law which is not always found in younger jurisdictions.

Does this book by Gilbert T. Stephenson meet a need of Pennsylvania lawyers? The answer is emphatically yes, regardless of whether we like lengthy or abbreviated instruments.

Mr. Stephenson's qualifications for writing his book are unique. His broad background of experience, which is truly national in its scope, is clearly reflected in his book which makes available in concise logical form the best information and thinking available in this country.

One's first impression of this book received from its title unfortunately is that it is another form book. But it is much more than this. It is not a compendium of forms but a discussion helpful alike to the general practitioner as well as to the specialist in fiduciary law. It deals with the administrative provisions (as distinguished from dispositive) of wills and trust agreements. The book admirably accomplishes its purpose in focusing attention on such administrative provisions. It contains a discussion of practical reasons for the incorporation of administrative provisions to provide flexibility and reveals lurking pitfalls to be avoided by the draftsman.

The author has done a commendable and herculean job in exposing the many ramifications regarding administrative problems and, if the forms suggested are employed merely as a guide in the true manner in which they are intended for use, the reader should be able to draft a much more integrated and workable instrument than he would be able to draft without the counsel and advice this text can and does provide. The chapters dealing with investments, tax provisions, compensation, insurance and business trusts should be of particular assistance and interest. The text bespeaks the author's thorough knowledge of the real and practical problems daily confronting the draftsmen and has made available at "fingertip" distance his well of knowledge into which the draftsman would do well to dip before final draft.

The general arrangement of the subtitles displays great thought and planning and is of valuable assistance in promptly pin-pointing the problem at hand. The table of contents at the beginning of each chapter is of particular help in this respect. The text material is easily read and rarely overdone. It is adequately indexed with extensive cross-referencing and sufficiently footnoted when the occasion requires it. Of particular help are the chapter on "Troublesome Provisions" and the form will and trust agreements in the appendix. The forms in the appendix are intended to cover the situation of a hypothetical man and are a clear illustration of much of what the author has discussed at some detail in the text.

It is trite to say that drafting of wills and trust agreements has become an intricate and exacting labor. To the draftsman to whom only the best is good enough, constant reference and persual of this text will help him achieve that ever elusive goal. It is indeed a "tool" book worthy of serious consideration.

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