



Final Indignities

AN EDITORIAL INVESTIGATION

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Last of four parts

An 86-year-old man left a gift for his family, only to have it stolen. A crowd of senior citizens sought guidance on living trusts, only to be hoodwinked. The heirs of looted estates heard promises of repayment, only to be forgotten.

These are some of the citizens who trusted Florida's legal system to carry out final wishes. Instead, they suffered a final indignity.

More than 140,000 people die in Florida each year, many leaving wills or living trusts remembering family, friends and charities. Most of these estates are properly administered, thanks to the honesty and hard work of individual executors, trustees, judges and lawyers.

Too often, though, legal loopholes allow the unscrupulous to plunder inheritances. [Florida must close those loopholes](#) and restore public confidence in our system for passing wealth from one generation to the next.

Probate judges should enforce safeguards already on the books, requiring bonds to cover theft and punishing wayward administrators. The courts can't do the job if they're overworked: The Legislature must stop shortchanging probate when allocating judicial seats and other resources.

Criminal justice officials should set strict schedules of restitution for estate thieves, and Florida prosecutors should follow the lead of Pinellas-Pasco State Attorney Bernie McCabe in aggressively prosecuting crooked estate lawyers.

Legislators should strengthen the protections of probate court, by requiring bonds, accountings and appraisals unless waived by fully informed beneficiaries. Lawmakers should derail the probate fee gravy train and pass a tough elder abuse law to help punish wrongdoers.

Lawyers should prove they care about consumers by supporting reform of the probate fee law. The Florida Bar generally does a good job cracking down on unethical lawyers, but it should tighten regulation of misleading advertising and expand its victims reimbursement fund.

Citizens should carefully choose lawyers and other estate professionals, be skeptical of claims about the "wonders" of living trusts, and use the low-cost protections afforded by probate court.

For too long, Florida's estate system has been shaped by a small clique of lawyers and lawyer-legislators. Some work with a sense of public responsibility, but others look no further than their own bank balances. It is time for these leaders to remember the citizens who pay their salaries and put them in office.

It is time for a final dignity. ([Sound 112 Kb](#))

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