

Contested will is one for books

Retired county judge challenges late son's \$500,000-\$900,000 bequest to Lancaster Public Library; state Attorney General's office wants the filing attorney -- judge's son-in-law -- off the case

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Thomas Bucher was found in his Columbia apartment July 20, dead of a gunshot wound. His death, ruled a suicide, was a family tragedy.

Now, nearly six months later, his father, a retired Lancaster County senior judge, is in the midst of a tug-of-war over Thomas Bucher's estate, which could total \$900,000 and was bequeathed not to Bucher family members— but to the Lancaster Public Library.

Wilson Bucher — a former district attorney who later served on the Lancaster County bench as judge for more than 30 years — has challenged his son's will in orphan's court, saying that Thomas Bucher was under an "insane delusion" when he revised his will in 2003 to disinherit members of his family, and give everything to the library.

That "insane delusion," wrote attorney Steven R. Blair, was Thomas Bucher's "belief that his family was stealing from him."

The belief, according to the "petition for grant of letters of administration in the estate" filed Aug. 19 and subsequent filings, may have been rooted in Thomas Bucher's "feelings of jealousy" for his brothers-in-law — one of whom was Steven R. Blair himself. Blair is married to Wilson Bucher's daughter, Christine, and is serving as his attorney in this action.

The Lancaster Public Library is fighting Judge Bucher's attempt to invalidate the will; legal briefs between the attorneys have been pointed. Because of Wilson Bucher's history on the Lancaster County bench, county Judge Jay Hoberg recused himself. A judge from Perry County will be brought in to decide the case.

Meanwhile, the Pennsylvania Attorney General's Office has gotten involved, filing a motion to have Steven R. Blair disqualified as Wilson Bucher's attorney because Blair may wind up being called as a witness.

Blair, an attorney with a practice on Good Drive — he challenged Katie True for the Republican nomination for the state House seat in the 41st District in 2002 — has fought the attempt to remove him. In court documents, he notes that his father-in-law is 88 years old, with significant health problems, and that forcing him to get another attorney "would work a substantial hardship" upon the retired judge.

Reached last week, Blair declined to comment on the record, except to note that the Perry County judge, Joseph Rehkamp, must first rule on whether he can continue to represent Wilson Bucher before the challenge to the will can proceed.

The library is defending Thomas Bucher's will, the money from which would be of significant help in a time of budget cuts. Said library attorney Bob Hallinger, of the firm Appel & Yost: "The library would not be defending the case if we thought it was meritless."

Solitary and sad

The story of Thomas Bucher's life — told in a lengthy narrative submitted to the court by his brother-in-law, Blair — seems a solitary and often sad tale.

One of three children to Wilson and Christine Brubaker, he was 59 when he died. Like his father, he worked for the local court system — as a supervisor with the Impaired Driver Program of the Adult Probation and Parole Office for Lancaster County Court. He was scheduled to retire just weeks after he was found in his Columbia residence.

He had previously worked as an aide for the late Congressman Edwin D. Eshleman, before enlisting in the Army and serving in Germany. And he was, wrote Blair, close to his family, attending his nieces' and nephews' sporting events.

Things began to change, Blair wrote, once the "mask of sanity" he wore intermittently began to slip for good.

As far back as 1975, Blair wrote, Thomas Bucher was showing signs of paranoia. That year, Blair wrote, he "accused his fellow co-workers in Congressman Eshleman's office of conspiring against him." He was admitted to Lancaster General Hospital's psychiatric unit, Blair wrote, "diagnosed with signs of paranoid schizophrenia."

Blair does not claim that Thomas Bucher was specifically diagnosed as schizophrenic, or that he was on medication for mental illness.

And while in the Army, he served without incident — though upon returning home he told a cousin that "he was being followed by agents from East Germany," Blair wrote in the filing.

In 1982, Thomas Bucher moved in with his parents. They would give to him, as a gift, a rental property on Walnut Street in Columbia that is now part of the contested estate.

And for more than a decade, Blair wrote, things seemed to be fine — until the late 1990s, when Thomas Bucher began to voice misgivings about Blair and the other brother-in-law.

In 1998, Blair wrote, Thomas Bucher approached his parents and "said he could not understand how it was that his brothers-in-law could be supporting their families since he had information that they were going to Las Vegas and blowing all their money."

That was, Blair wrote, false. And on the basis of this "insane delusion," Thomas Bucher made the first changes in his will.

While in the Army, he drew up a will leaving everything to his parents. In 1998, he rewrote it to give everything to his nieces and nephews.

He moved out of his parents' house and into the Walnut Street property in 2000 or 2001, Blair wrote. Still, he continued to get along with family members. That changed in December 2002 when his aunt died.

Blair had had power of attorney for Helen Bucher since June 2002. He had drafted her will and was named executor. And "because Blair was familiar with Helen's financial affairs," Blair wrote (using third person) in the court documents, "he was able to comfortably send out interim estate distribution checks in February 2003 with a cover letter to the eight residuary legatees." He asked them to sign and return a standard receipt and release.

Thomas Bucher didn't. When Blair called him in March 2003, Bucher said he had no plans to sign, "and implied there was something wrong with the handling of the estate. He said 'they' were investigating."

Blair offered his brother-in-law a chance to review the books; Blair wrote that Bucher declined.

Subsequently, Thomas Bucher's two sisters would visit him at his Columbia home. Not only wouldn't he let them in, he "accused them at the front door of being part of a conspiracy to deprive him of his fair share of the Helen Bucher estate," wrote Blair.

"This was a completely insane delusion."

Indeed, Thomas Bucher had hired another attorney, Theodore Brubaker, to do an investigation. He asked Brubaker to do a title search on the Walnut Street property "because he thought his father either had not actually made a deed or gift to him or because secret liens were being put on the property." The search turned up nothing.

An e-mail and voice message left with Brubaker were not returned.

Nevertheless, Thomas Bucher asked Brubaker to prepare a new will. Dated April 17, 2003, it read: "I, Thomas W. Bucher, revoke my prior wills and declare this to be my last will." All his personal and household effects, including automobiles, were to be sold, and the proceeds added to his residuary estate.

"I give the residue of my estate, real and personal, to the Lancaster County Library, Lancaster, Pennsylvania," the will reads.

The library, on North Duke Street in Lancaster, has since changed its name to the Lancaster Public Library.

It might have seemed an odd choice, as Thomas Bucher had no significant ties to the library — other than having a

library card, and was registered to use the library's computers.

Blair suggests Thomas Bucher picked the library out of thin air — perhaps because at the time, the budget problems of the county's libraries were being reported in the local media.

"Simply put," Blair wrote, "if Tom Bucher had not been under the control of an insane delusion, he would have left his entire estate to his family."

Different opinion

The library begs to differ.

Thomas Bucher, library attorney Hallinger wrote in a response to the attempt to invalidate his will, "did not believe 'his family was stealing from him,' but rather [he] simply did not trust the involvement of his brother-in-law, attorney Steven R. Blair, in estate planning and/or settlement matters relating to [Bucher's] family."

And while it is "unknown whether Thomas Bucher's distrust motivated him to change his will" and give everything to the library, "mistrust or suspicion of the motives and actions of an in-law and an attorney do not rise to the level of an 'insane delusion' under Pennsylvania law, regardless of whether there is a factual basis for such mistrust or suspicion."

The administratrix of Bucher's will is Karen Haley Field, a member of the library's board of trustees and wife of Robert Edwin Field, publisher of NewsLanc.com, an online local news site where a short article about the legal challenge was posted Jan. 4.

Hallinger said the library knew nothing of Thomas Bucher's will until after his death. "But it's not a totally unusual situation," he said. "The library does get bequests."

While Blair has stipulated that Thomas Bucher's estate could total more than \$900,000 — "of which over one-half had been as a result of gifts from his parents," Blair wrote — Hallinger said that depending on market conditions, it could also be as low as \$500,000.

In either case, it would be a significant sum for a library that, like others in the Lancaster County system, has struggled to make ends meet in recent years.

Wrote Robert Field at NewsLanc.com, "Due to Judge Bucher's claim, what had appeared to have been a blessing for the library and the public has become a drain on the library's already scarce funds in order to defend the bequest against the judge's challenge."

Wilson Bucher, through Blair, filed a challenge to the will in early August, asking that the court declare that Thomas Bucher died "intestate" — essentially, that he died without a will.

Christine Bucher, Wilson Bucher's wife and Thomas Bucher's mother, died in 2003.

Wilson Bucher's telephone number is unlisted; the Sunday News asked one of his daughters if the judge would be interested in speaking on the record for this article, but no response was received.

Blair wrote that Thomas Bucher had only "limited" contact with his father after his mother passed away. He also continued to level all sorts of accusations at Blair himself, stating that he was a "wife beater" who lived a "fancy lifestyle," Blair wrote. Indeed, wrote Blair, Thomas Bucher even hired private investigators to probe his brothers-in-law.

Near the end, Blair wrote, co-workers said Thomas [Bucher] seemed to be having "auditory hallucinations." By then, he had "completely turned his back on his family," Blair wrote.

State involved

Yet it is Blair's status as a member of that family that concerns the Pennsylvania Attorney General's Office.

Nils Frederiksen, a spokesman for the office, said the charitable trusts section — which has the job of "speaking for people who can't speak for themselves," the deceased — reviews cases involving wills that are challenged, though "it's not routine" for the office to get involved.

In this case, Deputy Attorney General Joanne Book Coles filed a motion to have Blair disqualified, writing in court

documents, "It is clear from the pleadings and the discovery that has been conducted thus far that Steven Blair is likely to be a necessary witness at trial in this matter and is thus precluded by the Pennsylvania Professional Rule of Conduct ... from acting as an advocate at trial."

The library has also asked that Blair be disqualified. Blair has objected, insisting that the attempts to disqualify him are "purely for tactical reasons." Attempts by the state and library to get him off the case have sparked sharp exchanges through legal documents.

Wrote library attorney Hallinger:

"[Blair's] recitation of the 'facts' is riddled with inadmissible hearsay, statements irrelevant to the issues in this proceeding, statements of alleged medical conditions unsupported by medical opinions or records, blatant misstatements of deposition testimony, glaring omissions of significant facts clearly set forth in the deposition transcripts, and unwarranted inferences, opinions or arguments."

Blair's claims, he concluded, are "an exercise in creative advocacy aimed at coloring the court's view of this case."

Blair fired back, accusing administratrix Karen Haley Field and the library's lawyers of engaging in "deceitful, empty rhetoric in a transparent attempt to prejudice this court." Hallinger's claims were "nothing more than a desperate attempt to steer the court off the relevant issues," he wrote.

"It is apparent that the administratrix and the Commonwealth want to penalize petitioner [Wilson Bucher] because his counsel has superior knowledge of the facts and the law pertaining to this matter," Blair wrote. The attempts to remove him from the case rested on "outrageous, undocumented allegations" and were "nonsensical."

Judge Rehkamp may get the final word. Hallinger said he expects the ruling will come by the end of January.

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