

Melinda Merk

Cultivate Legacy, Connectivity and Change

Melinda Merk spent most of her childhood growing up in Pittsburgh, during the days of the Steel Curtain and the 1970s Steelers dynasty. She and her younger brother enjoyed spending time with family, including their paternal grandparents – their grandfather, an engineer who spent most of his career designing steel plants across the US, Asia and South America, and their grandmother, a fierce bridge player, volunteer and mother of three boys, including her youngest son Philip, who had Cerebral Palsy and other developmental disabilities.

“Uncle Phil loved joking with me and making me giggle when I was a kid,” recalls Melinda. “He was very interactive and functional despite his disabilities. My grandmother cared for him at home until he was a teenager, then he moved into a residential group home in Cleveland, where they were living at the time. After that, he would come to Pittsburgh often to stay with my grandparents on the weekends and holidays.”

Melinda served as her uncle’s legal guardian until he passed away recently and found herself reflecting on life and legacy. While writing his obituary, she happened upon a commendation her grandmother received from the Ohio State Senate in 1978. “They passed a Resolution in recognition of her public service as member of a state mental health and disability advisory commission, and for her 25 years of devoted service to the cause of improving the care and treatment of the developmentally disabled,” describes Melinda. “It recognizes her as one of Ohio’s leading volunteers, giving freely of her time and expertise, and displaying that unique characteristic of compassion for her fellow human beings by dedicating herself to understanding the inherent problems of institutional living.” The resolution concludes by stating: “At a time when too many people are content to take a passive role

in life, she has willingly involved herself in the admirable avocation of helping others. We applaud her superb efforts.”

This was during the 1970s, and mental health care and disability care has improved by leaps and bounds over the last several decades. Those reforms, which saw disabled people moved from large, chaotic institutions with little personal attention into residential homes like the one where Philip lived, happened in no small part thanks to the tireless efforts of people like Melinda’s grandmother. That energy, kindness and generosity is the legacy Melinda has tried to embody throughout her life, looking to her paternal grandmother as well as other close family members for inspiration and guidance.

Today, Melinda is a Principal and estates and trusts/tax attorney with the law firm of McCandlish Lillard, PC (McCandlish). The firm has a strong legacy of its own; it has been providing creative legal advice and advocacy to meet the legal needs of businesses and individuals for more than a century. Over the years, its lawyers have been involved in the growth of Northern Virginia, not only from a legal perspective, but in a wide variety of legal, civic and professional endeavors. The firm’s current managing partner, Peyton Mahaffey, who has been with the firm for his entire career as a litigation attorney, is one of the primary authors of a book detailing the firm’s history, which can be found on the firm’s website. “You would think with the firm being over 100 years old, it would be some stuffy old law firm, but interestingly, it’s very forward-thinking,” Melinda explains, citing the firm’s rather fitting tagline: ‘A Century of Looking Forward.’

Peyton Mahaffey is hardly alone in his loyalty to the firm; Melinda notes that there are



several other attorneys and staff who have been at McCandlish for their entire career, some for over 40 years. The firm has approximately 20 attorneys, providing a broad array of legal services with offices in Fairfax and Leesburg. “We are a full-service firm, which is nice because if one of my clients needs help with a family law, real estate, corporate or litigation matter, I can recommend one of our attorneys in-house to assist them.”

“My partner in the Wills, Trusts and Estates Practice, Elizabeth Gray, is a preeminent elder law and special needs trust attorney,” Melinda goes on. “She’s been a friend of mine since before I joined the firm, and our practices complement each other very well.” With a diverse background in private practice, Big Four Accounting and private banking/trust services, Melinda focuses her practice on estate planning, tax planning, asset protection, succession planning, and estate and trust administration for high-net worth clients and business owners.

McCandlish continues to grow, in spite of the COVID-19 pandemic that set back many businesses. Melinda’s practice group now consists of three Principals and a senior associate, along with three paralegals. “When the pandemic started and the courts were closed, our litigators literally could not go to court for a period of months,” Melinda points out. “Our practice group was busier than ever, with many clients focused on getting their estate planning documents in place.”

Melinda thinks she inherited some of the qualities that make her a good attorney from her family. “My mother has many of the qualities you need to be a good attorney,” she reflects. “She’s very organized and detailed, is a perfectionist and sets very high expectations. My father and my grandparents, on the other hand, were quite strong-willed and stubborn. I have some of that, but I’ve also learned to compromise over time.” It was Melinda’s mother who first suggested she consider becoming a lawyer, although it took some time for Melinda to come around to the idea. As a kid, Melinda dreamed of being a television news journalist, interviewing famous people and reporting on current events from around the world.

Melinda was born in Green Tree, PA, a suburb about 15 minutes southwest from downtown Pittsburgh. Around the age of four, her family, including her newborn brother, relocated to Corpus Christi, Texas, on the Gulf Coast. “We

lived there until I finished third grade,” Melinda recalls. “In Southern Texas, it really is like Friday Night Lights – football rules, even when you are in elementary school.” She adds, “My mother hated the heat because she’s from upstate New York, so she sent us to swimming lessons and vacation bible school every summer. I loved the warm weather, and we could walk to the beach from where we lived. When we moved back to Pittsburgh, I was teased for saying ‘y’all!’”

Pittsburgh will always be Melinda’s hometown; she speaks of it with a deep affection and, like her late father and her brother, is a diehard Steelers fan. She remembers spending weekends on the family motorboat on the city’s three rivers—the Allegheny, Monongahela and Ohio—along with camping and other family vacations. She was a Brownie and Girl Scout, and did well academically. Athletically, she was more of a fan than a player. “Let’s just say, they put me in right field,” she cracks. Although she never excelled in team sports, she found a passion in running and swimming, which she still does recreationally to this day.

In fifth grade, Melinda got her first job delivering newspapers. She started out with the local paper, the *North Hills News Record*, which was published two days a week, and then began delivering the *Pittsburgh Post-Gazette*, the city’s main daily newspaper. Aside from babysitting, her next job as a teenager was at the local Dairy Queen, followed by a brief stint at Wendy’s. Her family then moved to Bridgeport, West Virginia, a small town located about two hours south of Pittsburgh, after the conclusion of her sophomore year in high school. It was hard adjusting to the move and leaving her friends behind in Pittsburgh. Even worse, she had to give up on going to Penn State University, the school she’d dreamed of attending for years. Despite being accepted there, the out-of-state tuition was just too high.

Instead, Melinda settled on a small liberal arts college in the eastern panhandle of West Virginia called Shepherd College (now Shepherd University), where she’d been offered a full scholarship by the Political Science department. Although it was not her original choice, the decision turned out to be a fateful one. “Ultimately going to Shepherd is what brought me to the D.C. area, because a lot of my friends from college were from Northern Virginia and Maryland,” she explains. “Had I gone to Penn State, it might have

taken me in a different direction. Shepherd was a wonderful experience. It's a much smaller school with only about 4,000 students at the time. I was actively involved in student government, the college newspaper, and community volunteering with my sorority. I'm glad that's where I ended up."

Melinda knew she wanted to go to law school, so she continued to study hard during the school year and work hard during the summers. Prior to and after her freshman year, she worked as a lifeguard, a job she loved for the time spent outdoors by the water. She waited tables after her sophomore and junior years at several upscale restaurants, and worked as a legal assistant for a local law firm in town. She also pursued her interest in politics campaigning for the Bush/Quayle ticket during the 1988 presidential election, and was President of the College Republicans at Shepherd. She graduated *cum laude* with a major in Political Science and a minor in Business Administration.

Immediately after college, Melinda returned to Pittsburgh where her family had again relocated and attended law school at Duquesne University. She wasn't sure exactly what type of law she wanted to specialize in but, despite clerking at an insurance defense law firm during most of law school, knew she did not want to be a litigator. Soon, she discovered she had an interest in tax law. "We were required to take basic income tax in law school, and then I decided to take a higher-level income tax class and corporate tax," Melinda remembers. "In my third year, I took an estate planning class, which I really enjoyed."

She graduated from law school in 1994 during the recession. Jobs in Pittsburgh were scarce, and Melinda noticed that most tax attorneys in the D.C. area also had an LLM (Master of Laws) degree in Taxation. She decided to pursue her LLM at Georgetown University Law Center, and completed the program in less than two years. "Most people attend the program part-time at night while working full-time during the day, but I attended full-time during my first semester," she says. "I had six classes, which was a lot. But I finished in a year and a half as opposed to two or three years."

While attending Georgetown, Melinda got her first post-law school job as an associate at a boutique estates and trusts law firm in Montgomery County, Maryland. She met one of

her first mentors there, Margaret Farthing, who owned the firm. "She had her own practice and kind of threw me in, sink or swim," laughs Melinda. "I did a lot of estate and trust administration and developed a strong foundation in estate planning." One of her first estate planning projects was creating a family limited partnership for her grandmother after her grandfather had passed away, which remained in place until after her father's death in 2011.

After completing the LLM program, Melinda learned of a new job opportunity through another mentor, one of her adjunct professors at Georgetown, Ellen Harrison. Ellen helped connect Melinda with the head of the Private Client group at Ernst & Young's (EY) National Tax Department, where she was hired as a Tax Senior and quickly promoted to Tax Manager—which was an exceptional experience for Melinda. "I worked with some of the smartest people I've ever met," Melinda nods. "It was the late 90s, and we were in the middle of the dot-com boom. Many business owners and corporate executives were seeking to tax-efficiently sell or transfer their interest in the company. It was a very interesting time. I got to travel to meetings in New York, Dallas, Chicago, Los Angeles and other cities. Being at the National Tax Department, we were considered the experts and consulted with EY offices across the country and internationally on complex income and wealth transfer tax issues. I learned so much from my experience there."

After Ernst & Young, Melinda returned to private practice, where she worked with another successful female mentor, Leigh Basha. "She was a rainmaker," describes Melinda. Within less than a year, Melinda moved with Leigh to the Tyson's Corner office of Holland & Knight, a national law firm with one of the largest Private Client Practice groups in the country. "We worked with a lot of international clients on cross-border estate and income tax planning. We also worked closely with our M&A group on pre-sale planning for business owners and asset protection planning for physicians and other high net worth clients." The move to Holland & Knight also presented Melinda with the opportunity to meet one of her future mentors, Richard Duvall, who was the Managing Partner for the Tysons office and a strong supporter and Board Member/Former Chairman of the Community Foundation for Northern Virginia.

After several years in Big Law, Melinda was at a point in her career where she desired more flexibility and work-life balance. She returned to Big Four Accounting as a Tax Director in the Private Company Services group at PricewaterhouseCoopers in the Tysons Corner office, which was led by Tom Holly who recruited her to grow their wealth transfer consulting practice. During her time there, she had the opportunity to assist in transitioning ownership of a billion dollar company to the third generation, gained additional international tax and estate planning experience, and further developed her professional network.

From there, Melinda transitioned to private banking as a Trust Advisor for the Greater Washington Region of SunTrust Bank (now Truist) Private Wealth Management. "A lot of my tax friends were going into banking at that time," explains Melinda. "As a wealth strategist and trust advisor at SunTrust, I had the opportunity to see things from the corporate trustee's perspective. Previously, I'd been on the planning side drafting trust and estate planning documents, but this gave me the practical perspective from the fiduciary side of actually administering a trust. However, because I was working for a bank, I was not able to provide legal or tax advice or draft legal documents for clients. I realized that I missed that piece of it, being able to fully advise and implement planning strategies for clients."

It was after this realization that Melinda decided to return full circle to private practice. After passing on several opportunities to join existing law firms, she chose the more entrepreneurial path and co-founded her own boutique estates and trusts law firm with two other female tax attorneys in 2016, and successfully grew her own practice which she then moved to McCandlish in 2019. During this time, Melinda reconnected with Eileen Ellsworth, President of the Community Foundation for Northern Virginia (CFNV), through her friend, former Shepherd alumnus and then CFNV Board Member, John Wolff. Eileen encouraged Melinda to join the Business Women's Giving Circle, which led to Melinda's current role as a CFNV Board Member. Eileen also helped Melinda to continue the legacy of giving back passed down from her grandparents, combined with her love for animals

and especially rescue dogs who have brought so much joy to her life, by creating the Melinda Merk Fund for Animal Welfare, a permanent endowment fund to support local animal rescue organizations under the stewardship of the Community Foundation that is designated as the primary beneficiary of her estate.

As a leader, Melinda describes herself as direct. "I think most of my friends and current and former colleagues would probably tell you that, for better or worse, what you see is what you get," she laughs. However, she points out that the ability to be candid and direct is often needed to be a trusted advisor to her clients. "When I'm counseling clients, I need to talk to them about what will happen in a worst-case scenario—not if things go the way they want them to go, but if they don't turn out as planned." She also thinks that part of being a good leader is the ability give honest feedback. "Some might say that I'm too direct, but I think giving constructive feedback is important."

To young people entering the working world today, Melinda emphasizes the importance of confidence and risk-taking. "Don't be so concerned about making mistakes or what people are going to think," she encourages. "What I've learned is that most of the time, when we make a mistake, no one even notices. So don't be afraid to make a mistake, because the more practice you get, the more you're learning. The more you learn, the more you're confident and prepared."

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