



## Legal Notes

### The importance of thoughtful estate planning

**By Attorney Kate Downes, Shelburne Falls, 413-625-2482**

Potential clients often call my office and include in their message some version of, "I am single and don't have any children, so it should be really easy!" Or, "I don't have very much, so it shouldn't be difficult." Or "We are about to leave on a trip and need a quick Will – just something to tide us over until we get back." If only it were truly so "quick and easy!"

In our world of advanced technology, it would seem that estate planning should not be that complicated. How difficult can it be to create a Will or a Durable Power of Attorney? Don't you just get a form and fill it in? Or go online and find a generic template?

The goal of estate planning is to create effective and accurate documents that will ensure that your wishes are carried out, both during your life and after your death. The quality, specificity, and accuracy of the documents used to achieve this goal are only one part of the equation. The more difficult, time-consuming, and essential part of the process is reviewing the individual or family situation and thoughtfully considering the options - all with the goal of customizing each plan to take every reasonably-foreseeable factor into account. This cannot be done quickly, easily, or online!

In my experience, the same people who think they just need something "quick and easy" are often the ones with the most complicated situations that require extra conversation and deliberation. A good estate-planning attorney will not rush to conclusions about what documents you need until they have taken the time to complete a thorough assessment of all of the potentially relevant issues. Be prepared to provide detailed financial and family information and enter a process that may take several weeks or even months, including a lengthy office consultation, in order to avoid the risk of errors and oversights.

Effective estate planning documents should be thorough and customized, reflecting your specific situation. A comprehensive Durable Power of Attorney should be at least ten pages long and reference your particular financial institutions. An effective Health Care Proxy should include

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detailed contact information for each agent. A thoughtful Will or Trust should incorporate current law, with detailed contingencies. Certainly, you do not want a cookie-cutter Will or Trust that lacks specificity and looks like everyone else's.

When it is time for you to create a comprehensive estate plan for you and/or your family, set the expectation that the additional time and cost of going slowly and thoughtfully with a qualified estate-planning attorney increases the likelihood that your finished product will fulfill your wishes, protect your loved ones, and add value to your final plan.

The views expressed in this column represent general information. To address your particular and specific needs consult your own attorney. If you need help with referral to an attorney, contact the Franklin County Bar Association at (413) 773-9839 or the Worcester County Bar Association at (978) 752-1311.

Call Community Legal Aid at 413-774-3747 or toll-free 1-855-CLA-LEGAL (1-855-252-5342) during their intake hours (Monday, Tuesday, Thursday, and Friday from 9:30 a.m. to 12:15 p.m. and Wednesday from 1:30 p.m. to 4:15 p.m.). Apply for help anytime online by visiting [www.communitylegal.org](http://www.communitylegal.org). Franklin County Office is located at 55 Federal St, Suite 120, Greenfield, MA. The office is no longer open for walk-ins. Services are free to people age 60 and older. Advocates are Jan Stiefel and Wendy Kane.