Evaluating Your Estate Plan: Estate Planning Attorneys: Finding One Who Can Work For You

Ag Decision Maker

File C4-61

Law is a multifaceted and complicated field that is in a constant state of change. New regulations and statutes are continually enacted by state and federal authorities. Every decision released by a court or administrative body represents a new interpretation of legal concepts. It is not possible for any one attorney to be an expert in every field of law.

Attorneys in private practice may choose to limit their practice to certain areas of the law. In smaller communities many attorneys find it necessary to engage in "general practice" to serve a wide range of clients. However, an attorney may also have a particular interest in specific fields of law, such as estate planning, probate and trust administration. Finding an attorney to handle estate planning needs may take a little time and effort. This publication is intended to provide you with some guidelines.

You may already have a relationship with an attorney for other personal or business matters. Start by talking with that attorney about estate planning. Ask the attorney some of the questions found in this publication. If that attorney is not comfortable handling your estate planning needs, ask for recommendations.

1. Seek Recommendations: Think about how you would locate any other professional you might need, such as a plumber or electrician, a medical professional or a tax advisor. While it is possible to look on the internet or in the yellow pages, we often seek the recommendations of others. In particular, we ask people we respect, which might include family members, friends or other professionals with whom we are acquainted. Ask others, "Have you had a will or trust prepared? Who did that work for you? Would you recommend that person to others?" Start to assemble a list of the names that you receive and prepare to make some initial contacts.

2. Contact and Schedule Initial Meetings: Select two or three of the attorney names that you obtain and telephone those law offices. Explain that you are interested in having some estate planning done and that you would like to schedule an initial meeting with "Lawyer Jones" who has been recommended to you. Ask what the fee will be for such an initial meeting.

3. Come to the Meeting Prepared: Come to the meeting prepared to explain your circumstances and what kind of work you may need done. Bring along your most recent net worth statement and a completed Estate Planning Questionnaire (See *AgDM File C4-57*, **Evaluating Your Estate Plan – Estate Planning Questionnaire**). It is also possible that the law firm may have an estate planning questionnaire. You should also have a prepared list of questions to ask the attorney.

4. Questions for the Attorney: During this initial meeting, you should have some questions prepared to ask the attorney. These questions are intended to assist you in getting to know the attorney and that individual's background in estate planning. Possible questions to include are listed on the following page.

5. Evaluate and Select: Based on the recommendations you obtain, it may be worthwhile to meet with two or three attorneys. This process and the answers to questions such as those listed below will help you to evaluate the attorneys with whom you meet. Perhaps most importantly, having a conversation based on questions like these will help you to determine whether you will be comfortable working in a close and confidential relationship with the attorney. You should not feel awkward or uncomfortable about having such a conversation with the attorney. The estate planning process involves personal decisions about valuable lifetime assets. Invest the time and effort necessary to find the right legal professional for your needs and circumstances.

Questions for Attorney

1. How many years have you been practicing law?

2. In what areas of the law do you spend the most time in your practice?

3. Do you participate in continuing legal education in the field of estate planning?

4. How do you keep up with changes in estate planning law?

5. Why do you like estate planning? What do you find interesting about it?

6. Are there other staff members in the office who would be working on my file, and if so, can I meet them?

7. Can you give me an estimate of how many estate plans you have drafted in the past year (or two years, five years)?

8. If my estate plan includes a trust, will you assist in transferring assets into the trust? Is that included in the fees or are there additional fees?

9. Will my estate plan include preparation of powers of attorney and health care directives?

10. Can you give me an estimate of your fees – for drafting a simple will, a will with testamentary trusts, or establishing a living trust?

11. Can you give me an estimate of how long the estate planning process will take? How many meetings? How many weeks or months?

12. What is your opinion of how often an estate plan should be reviewed?

13. Can you provide me with the names of any other clients as references? (Note: An attorney has a duty of complete confidentiality to clients, and an attorney must have permission from the client to give out a name as a reference.)

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USDA United States Department of Agriculture National Institute of Food and Agriculture

North Central Risk Management Education Center

This material is based upon work supported by USDA/NIFA under Award Number 2010-49200-06200.

Issued in furtherance of Cooperative Extension work, Acts of May 8 and July 30, 1914, in cooperation with the U.S. Department of Agriculture. Cathann A. Kress, director, Cooperative Extension Service, Iowa State University of Science and Technology, Ames, Iowa.

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