

Getting Started With Your Estate Planning

What is the first step in the estate planning process?

The first step in the estate planning process is to schedule an appointment with an estate planning attorney to discuss your particular situation. The initial estate planning conference provides an opportunity for your attorney to obtain information about you, your family, your assets and your goals and to make some recommendations to you regarding an appropriate estate plan. It is a "no obligation" meeting that lasts approximately one hour. At the conclusion of the meeting, the attorney will make recommendations about which estate planning techniques best suit your needs, and will advise you of the fees for implementing these techniques. You can decide how you wish to proceed.

What should I bring with me to the initial conference?

You should bring a financial statement with you to your initial estate planning conference. It does not have to be professionally prepared. A list of your major assets and liabilities (debts), with approximate values, helps your lawyer assess whether any tax planning should be recommended for your situation. Also, be sure to indicate separately "pre-tax" assets (like IRAs and qualified retirement plans) versus "after-tax" assets (like regular investment accounts, money market accounts, etc.). Some people use a computer program or other form for creating a financial statement. Others simply sketch out their information. Bringing along your address book is also helpful (see below). Also, if available, you might bring copies of your current estate planning documents (although, if you know they need to be completely redone, your attorney will probably not spend too much time reviewing them).

Is there anything else that I should bring to my initial conference?

Other documents that should be brought, if applicable, would be copies of documentation relating to any business you own, such as the articles of incorporation and bylaws for your corporation, the partnership agreement for your business partnership and any buy-sell agreement. If you are the beneficiary under someone else's Will or trust, you should bring a copy of that document. In addition, if you have ever been divorced and you believe the divorce decree might impose certain requirements with respect to various assets that you own (such as life insurance), please bring a copy of the divorce decree or property settlement agreement. If you have signed a premarital agreement or other marital property contract, that document should be brought along as well. If these documents are not readily available, they can be provided after the initial conference.

What should I think about before meeting with my estate planning attorney?

The two most basic questions are (i) to whom do you want to leave your assets and (ii) who do you want to name in various positions of responsibility?

With respect to the bulk of your estate, the answer to the first question is often very standard. Most married couples wish to provide first for their spouse and then for their children. Single people with children usually leave the bulk of their estate to their children in equal shares. Unmarried individuals without children should make a list of persons (or charities) they wish to benefit and the percentage share to each.

The answer to the second question can sometimes be more difficult. Usually, spouses name each other first in all positions of responsibility (except as guardian for minor children, which is automatic in most cases). The executors, trustees, agents and guardians that you name in your estate planning documents should be trustworthy, responsible people (collectively called "fiduciaries"). In some cases, a professional (such as a bank having trust powers or a private trust company) can be named as a fiduciary. You do not need to know exactly who you will name in every position before meeting with your attorney. Your

attorney will help advise you in regard to these matters. Preparation of your documents, however, will be advanced if you at least bring with you to the meeting the names, addresses and phone numbers of all persons who *might* be involved in your estate plan.

What else should I think about in preparation for the meeting?

If you have any particular issues or concerns, such as disposition of your business in the event of your death, or providing for an adult disabled child who is receiving government benefits, you should make a list of those issues and concerns prior to meeting with your attorney. You should also advise your attorney whether you and your spouse are both U.S. citizens and how long you have lived in Texas during the period of your marriage. If you or your spouse has inherited any assets from someone, you should advise your attorney of that fact and identify the inherited assets in your financial statement. Further, it is also helpful if you can determine the current beneficiaries that you have named for your life insurance policies, IRAs and qualified retirement plans. If you are thinking of making relatively large cash gifts or gifts of other assets (*excluding* items that come within the general phrase "household furnishings and personal effects"), you might begin making a list of those persons and the amount or items that you are considering leaving to them.

Is there any other information that would be helpful to bring with me to the initial conference?

It would be helpful if you were to bring a prepared list of family and personal information, including all of the basic information relating to you, your spouse, your children, and any other persons who might be involved in your estate plan. We ask potential clients to prepare a separate data gathering form that we provide.