



## FINDING THE RIGHT ESTATE PLANNING FIRM

Are the Following Services Provided?

### SERVICES

- FREE** estate planning phone calls to law firm anytime
- FREE** newsletter about developments and changes in the law
- FREE** one-year review after your estate plan is created
- FREE** three-year review of your estate plan
- FREE** consultation with family members upon death/incapacity
- FREE** quote of flat fee for all services offered

### ESTATE PLAN

- Portfolio binder and storage instructions for all documents
- Recorded explanation of how the plan works for family members
- Diagram/flow chart showing how the estate plan works
- "Location List" form for inventory of important papers, etc.
- List of friends and relatives to be contacted
- List of key advisors
- Form for explanation of burial and funeral wishes
- Memorandum for distributing personal effects and heirlooms
- Checklist outlining "trust funding" status
- Health Care documents faxed/mailed to hospitals upon request

### CLIENT EDUCATION

- FREE** family orientation meetings
- FREE** Long Term Care seminars
- FREE** Asset Protection seminars
- FREE** preliminary financial and estate plan coordination
- FREE** referrals to Long Term Care planning consultants
- FREE** referrals to accountants

### ATTORNEY QUALIFICATION

- Seek an attorney with a practice focused on estate planning, not a general practice that may occasionally plan for existing clients
- Contact the state bar and inquire about past complaints
- Ask about the nature of Continuing Legal Education the attorney has recently taken. Such education should be focused on topics relating to estate and tax planning, not on unrelated topics
- How many CLE Hours does this attorney fulfill each year? (Academy members are required to complete 36 hours/year in estate planning and elder law, most states require less than 15 hours and it may be in unrelated areas).
- Your family will need this firm in the future—how long have they existed and how will their clients be served if your attorney leaves?
- Beware of "trust mills," often out of town visitors offering discounted plans with a back-end sale of

**GERSH LAW OFFICES, P.S.C.**

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*Member of the American Academy of Estate Planning Attorneys*



## FINDING THE RIGHT ESTATE PLANNING FIRM

Will Your Estate Plan Be Customized to Meet Your Needs?

### CUSTOMIZED LEGAL DOCUMENTS AND SERVICES

- Must offer basic Will services
- Living Trust Services should include:
  - Documents for funding of trust; unlimited processing support
  - Certificate of Trust
  - Last Will (Pour Over)
  - Property Power of Attorney
  - Power of Attorney for Health Care
  - Property Agreement
  - Living Will
  - HIPAA Release
  - Medicaid Triggers
    - Provisions which enable Medicaid planning
  - IRA Provisions
    - Allow the Trust to be named beneficiary of retirements and be considered a “look through” Trust and still get a stretch out on distributions
  - Disability Provisions
  - Hold Back Provisions
    - Allows the Trustee to withhold distributions from beneficiaries who should not receive assets. (For example, due to their lack of maturity)

### CUSTOMIZED LEGAL DOCUMENTS AND SERVICES

- Powers of Appointment
  - Allows beneficiaries flexibility in determining where assets go after their own death
- Flexible Distribution Options for Beneficiaries
  - Creditor Protection
  - Divorce Protection
  - Generation-Skipping
  - Special Needs Trusts
- Special Co-Trustee Provisions
  - Allows independent party to amend for change in law or circumstances
  - Allows independent party to mediate disputes
- No Contest Clause
  - Helps avoid estate dissuade challenges to the estate plan
- State qualified QTIP Trust
  - Helps avoid estate taxation at the state level while taking advantage of a larger federal exclusion amount
- Must offer advanced planning, probate and trust administration services
- Easy-to-understand explanation for each document
- Transfer of out-of-state real property to your Trust
- Trust customized for client’s needs and circumstances

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