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Case Highlights Need to Use an Estate Planning Expert

If you are going to draw up a will or estate plan, it pays to have it done by an attorney who is well-versed in this area of the law. The July 2006 Washington, D.C., court decision *In re Long* (D.C., No. 04-BG-883) is a reminder of this: the court found that an attorney who drafted a will as a favor to friends, despite having no estate planning experience, incompetently represented the person making the will and engaged in a conflict of interest.

Attorney J. Sinclair Long was friends with an elderly woman, Lessie Lowery, and her relative and caretaker, Wilbert Harris. In 1996, Mr. Harris asked Attorney Long to draft a will in which Mrs. Lowery would leave all her assets to Mr. Harris. Attorney Long agreed, even though his professional legal career was in government service and criminal law and he had no experience in estate planning.

Attorney Long used a "form will," changed it somewhat, and gave it to Mrs. Lowery to sign. He did not ask her whether there were any other relatives who might be upset by her testamentary plans. While the will was being prepared, Attorney Long was also assisting Mr. Harris with an Adult Protective Services inquiry into whether Mrs. Lowery was being exploited and neglected. As part of his assistance to Mr. Harris, Attorney Long drafted a power of attorney for Mrs. Lowery to sign giving Mr. Harris full control of her assets.

Following Mrs. Lowery's death, several nieces and nephews contested the will that Attorney Long had drafted. The case was eventually settled, with Mr. Harris receiving only 40 percent of the estate and Mrs. Lowery's other heirs receiving the rest.

Attorney Long also paid a price. A board that oversees the conduct of lawyers in the District of Columbia found that he had incompetently represented Mrs. Lowery and had engaged in a conflict of interest by also representing Mr. Harris.

The moral of this story: Every person's family and financial circumstances are different from those of anyone else. And every attorney does not have the training or experience necessary to prepare legal plans and documents you may need. In order for your estate plan to meet your needs and achieve your particular goals, it is essential that the attorney who assists you have experience and expertise in estate planning, long-term care and special needs issues.

For expert help with your estate planning, call us today at 601-987-3000 or 866-ELDERLAW(353-3752).