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**MID-MONTH
MUSINGS**

“Musing” (*noun*) – a calm, lengthy, intent consideration

Unlike our first-Tuesday e-newsletter, this monthly essay will not focus on practical legal cases and planning issues. The “Mid-Month Musings” will hopefully inform, inspire and provoke thought about many topics. We hope you enjoy it – and let us know what you think!

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MIND YOUR OWN BUSINESS – FOR SUCCESSFUL AGING!

I have two grandsons – Will, age 5, and Owen, age 3 – who are a great joy to our family. (Their mother, Melissa, made sure you received this Musing.) They are “all boy” and have learned to assert their wills and demand their way. One thing children this age learn to say is “mind your own business!” And we remember how to say it far into our golden years.

Some time ago I had the thought that each of us should learn to think of ourselves as a business, and we should each “mind our own business.” In doing so, I am convinced that we will better understand our personal and family dynamics. This understanding can help us avoid unrealistic expectations of one another within the family and can lead to more harmonious relationships. Just as there are different personalities, there are different types of businesses. In some respects, human personalities and interactions mirror the qualities of various business types. Let me explain.

Fred is in his seventies. He didn’t really want to come to my office to discuss estate planning, but succumbed to his daughters’ pleas to “get his affairs in order.” In the course of our conversation, it became apparent that he is his own man, makes his own decisions and controls his own destiny. He has always been fiercely independent. Fred is like – a *sole proprietor*. You know, the business where the owner is the one who makes the plans, sets the rules, commands the employees and does the work on a daily basis. The sole proprietor often shares none of the responsibilities and none of the benefits of the venture with anyone else. There are various reasons why one may choose this form of business. He may have been born with an independent spirit of self-reliance that carried over into the professional life. He may fear that, if others are brought in as partners and the business does not go well, those other co-owners may be harmed or disappointed. He may have been burned in the past by a co-owner who didn’t carry his weight of responsibilities or who took more than his fair share of the profits. For these or other reasons, the sole proprietor may exclude others from participation in the processes of the business. Likewise, a spouse or parent may for similar reasons “go it alone” and exclude others from participation in his or her process of aging.

Agnes is a retired widow. She brought two of her three sons to our office conference to find out more about asset protection and potential long-term care options. She assured me that she wanted the two “boys” to be in on the discussion, but she did not want the third son to be involved in her affairs due to his personal problems. The sons took notes and asked questions, but most of my discussion was directed to Agnes to find out her personal desires. She made it clear that she relies on her two sons for financial advice and help with many other day-to-day decisions. In essence, they are a *partnership*. Partners select their other partners to share the ownership and benefits and the management responsibilities of the business. They may do so because they have a personality that seeks harmony with others of similar mind. They may do so because they have successfully worked in collaboration with others in the past for mutual benefit. (Agnes confirmed that she and two of her siblings worked hard together to help support the family as they grew up and that they also shared the effort in caring for their grandmother and mother in their later years with health problems.) Or they may choose partners because they have tired of “going it alone” and now feel the need for help from trusted others in carrying out their remaining life’s work.

Doris came in to discuss getting a “living will.” (I told her that it is now called an “advance health-care directive” and helped her get it done.) We shifted from this task to discussing her plans to maintain her independence and how she might avoid nursing home care as long as possible. She seemed ambivalent and unwilling to make decisions about primary decision-makers for her power of attorney and health-care directive and about specific disposition of her assets at death. She said that she would like to go ahead and give all her assets to her children and not have to worry about them anymore. It sounds to me like she is operating as a *corporation*. In a corporate form of business, there are owners (shareholders) who passively own the enterprise and may profit from its success, but the policy-making functions are turned over to and vested in a group of directors. The directors generally tell the corporate workers what to do, rather than the workers telling the directors what the workers will do. In this analysis, Doris sounds like a passive shareholder who stands to gain or lose based on the decisions made, but she has decided to turn the decision-making over to her children as her “directors.” This surrender of control is not generally a good policy for an individual’s personal planning, as it may be the result of resignation and a feeling of hopelessness or being overwhelmed. (We lawyers can alleviate those feelings by discussing positive solutions in plain language.) It *may* be possible for an older person to benefit from abdicating this control over her life to others only if those others are devoted to her best interest, do not seek to benefit personally to her disadvantage in making decisions, and all those “directors” work well together to achieve her best quality of life.

Did you recognize any personal dynamics or family circumstances in the above anecdotes that are familiar from your family experience? What kind of business are you (or is your spouse or parent)? Let me challenge you to “mind your own business” in order to ensure a better life in later years, for yourself and for your family members.

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