



# *Forward*

*A Guide to How We Work with One Another*



*Get Your Ducks in a Row with Carolina Family Estate Planning*





# Congratulations!

And we don't mean that to be taken lightly. You have decided to move forward on a journey that will improve your life and the lives of the people you care about for generations to come. *That is a big deal.*

We are *excited* to be helping you on that journey. We have helped many, many people just like you over the years. Often, they arrive at our office overwhelmed with questions and concerns. But we are with them every step of the way—just as we will be with you. And once they get their “ducks in a row,” they feel relieved. Happy. Looking forward to the future, confident that they and their families are protected.

## *Before we go any further, however...*

We have learned over our years of caring for our clients that it is helpful for everyone to have a mutual understanding of what to expect from our relationship, how to communicate, and other “ground rules.” If, after reviewing the “ground rules,” you feel we aren't a good fit for one another, please kindly inform us, and we will be happy to recommend another estate planning lawyer for you. *But I'm pretty sure we're going to get along famously.*

*We want you to know that this booklet is considered a part of the Engagement Agreement, a document all clients sign before we begin creating your plan. By signing the Engagement Agreement, you will effectively agree to the terms outlined in this booklet.*

## Creating Your Estate Plan

We take great care in creating thoughtful and thorough estate plans with our clients. Most clients complete their planning within 30-60 days. During this time, we will meet with you on several occasions:

**Your Vision Meeting** is an opportunity for you and us to get to know each other. This meeting is where we learn about your goals and determine what planning options will help you achieve those goals.

At **Your Design Meeting**, you and your attorney will design a plan that is tailored to your unique objectives and family circumstances. We'll talk about who fills each role in your plan and structure the plan to balance your goals, the law, protection, and flexibility for your family.

At **Your Signing Meeting**, we will reconvene to review and sign the documents in your plan. At this meeting we will explore how your plan accomplishes the goals we set out to achieve at your Vision Meeting. We'll also go over your Asset Detail Report, which will summarize our recommendations for updating your beneficiary designations and titling your assets to work with your plan.

**Once signed, your documents will be valid and in force.** After your Signing Meeting, we will scan your documents, so you'll have a portable digital version available.

When needed, trust clients will have a **Funding Meeting**. At your Funding Meeting, we will go over prepared paperwork for retitling your assets into your trust and updating your beneficiary designations, so we can ensure your plan will work as intended.

### *A word about Cancellations...*

If you must reschedule an appointment, please do so more than 3 business days prior to your appointment. We can only accommodate a limited number of appointments each month, and when clients cancel on short notice, not only is it difficult to fill the appointment, but we also often have to re-draft and re-print documents. Therefore, cancellations within 3 business days of your appointment are subject to a \$250 rescheduling fee, and repeated cancellations may result in termination of your engagement.

### *Drafts*

We do not send clients drafts of documents prior to the Signing Meeting unless the entire planning fee is paid in full. At your Signing Meeting, we will review with you the documents we've prepared. We will provide any changes or corrections brought to our attention within the first 60 days following your Signing Meeting (or receipt of the documents). This service will be free of charge unless requested changes exceed the scope of the originally selected plan, in which case an updated fee agreement will be provided before proceeding.

### *Funding Assistance*

When included with your plan, funding assistance consists of an Asset Transfer Package, including transfer request/instruction letters and company-specific forms (when reasonably available).

Trust-based plans include the preparation and recording of up to one in-state deed. Additional North Carolina deeds will be prepared and recorded at a cost of \$200 each. Out-of-state deeds require preparation and recording by an attorney licensed in the state or country in which the property is located. We may recommend an attorney for this purpose, or you may identify your own. The fee for the out-of-state attorney will be billed directly to you as the client.

For trust-based plans, you will review your Asset Transfer Package at your Funding Meeting. If you cancel or postpone your Funding Meeting, it will be your responsibility to follow-up to reschedule.

**The re-titling or changing of beneficiary designations can only be done by you as the owner. It is your responsibility to ensure your assets are re-titled or designated as we identify for you on your asset report.** We cannot accept any liability for the failure of your estate plan to accomplish your goals due to improper or incomplete funding.

### *DocuBank*

Many of our estate plans include a year of enrollment in DocuBank. DocuBank is a third-party service that can store your Health Care Directives and other vital information, such as a medication list, in a secure online vault. Information stored in DocuBank can be accessed by your healthcare provider in an emergency at any time from anywhere in the world.

We will notify you if DocuBank is included in your plan. Otherwise, you may enroll and pay for the service in addition to your planning. ***Your information will only be provided to DocuBank if you specifically authorize us to do so.***

## Our Core Values

At Carolina Family Estate Planning, we make decisions based on a set of Core Values.

### **The Core Values of the Firm are:**

- 1) We respect each other.
- 2) We help people.
- 3) We do what we say we will do.
- 4) We use time effectively.
- 5) We work as a team.

When we and our clients live by our Core Values, we all prosper together. When we fail to demonstrate our Core Values, nobody wins. We will not work with team members or clients who cannot abide by our Core Values.

## How We Treat Each Other

“We respect each other” is a non-negotiable value of the Firm.

We recognize that clients’ situations are not only personal but can be stressful.

### **Know that we are on your side.**

You can expect our team to be professional and courteous at all times. It is our joy to serve our clients well. Our team members will expect you to be professional and courteous at all times. We will not tolerate offensive or abusive behavior. Period.

## Access to Your Team

**We work as a team:** When you have a question, you may discuss your question with any one of our team members. Please keep in mind that it is often necessary—even for attorneys—to do some research before providing an answer. Our team members are instructed to ask for additional specific information to address your questions. Please share this information with team members so that they can help you. *Conversations with every one of our team members are covered under attorney-client confidentiality.*

To handle surges in call volume, we rely on a live remote receptionist service. The receptionist service is an extension of our team and is likewise covered by our confidentiality policy. You may provide them with detailed messages to relay to our on-site team. Please keep in mind, however, that they do not have access to client records, and so are limited in the amount of detailed information they can provide immediately.

**Meeting and Call Policy:** To serve our clients and use everyone’s time effectively, calls with attorneys and paralegals must be arranged ahead of time. In addition to preventing a lengthy game of phone tag, scheduling calls and meetings ensures that attorneys and paralegals will be prepared for the appointment and will be able to give you and your legal matter their complete attention during your appointment.

**Reaching us by Email:** Please send all emails to [info@carolinafep.com](mailto:info@carolinafep.com). This is an email account that is monitored by our client services team on a regular basis, ensuring that your message does not get “lost” when a team member is out of the office.

We always prioritize client matters by legal need and impending deadlines. As a result, team members cannot always respond to email communications immediately. If you need to speak with someone immediately due to an emergency, please call our office.

## When It's an Emergency (and When It's Not)

We devote our undivided attention to client matters without interruption, whenever possible. All of your questions and case developments are important, but not all situations are emergencies or urgent situations that require us to interrupt legal staff engaged in other work.

To provide clarity and direction in common situations, we have defined what constitutes an emergency for your matter. An emergency is an *immediate* threat to your life, liberty, or property that is of such severity that all of our other clients' scheduled meetings should be interrupted.

**Emergency versus Urgency:** We ask you to please consider whether the matter is "urgent," as opposed to an emergency. Our team has been trained to listen carefully when you call and to prioritize issues to ensure the information is conveyed to the right person as soon as possible.

**Emergency:** If your estate planning (or an update to your planning) is pending and there is an immediate life-threatening event (e.g., stroke, severe cardiac event, etc.), you or a family member should contact the Firm as soon as possible. In the event of such an emergency, the Client Welcome Specialist or Receptionist will ask for the details and will coordinate with the Firm's legal team. If you have capacity to execute estate planning documents, the legal team will prioritize your case and arrange for a team to travel to you (up to a 50-mile radius from the Firm's office) to execute your documents. Such travel may be subject to the Firm's applicable travel fees.

**Urgent:** If you have a significant medical diagnosis or scheduled surgery and your estate planning or planning updates are not complete, you should contact our office at your earliest convenience. Upon receipt of such a call or message, the Client Welcome Specialist or Receptionist will ask for details and will coordinate with the Firm's legal team to determine what is needed to expedite your planning.

If you have an upcoming vacation or travel, we will make our best efforts to complete your planning prior to your travel. Our ability to do so depends upon the type of planning, amount of notice, and other emergency or urgent matters that the Firm is attending to at the time. We ask for at least two weeks' notice whenever possible.

In the event of the death of a client, the Executor, Trustee, or a family member should notify us as soon as possible so we can advise on the next steps. Most commonly, our immediate advice will be to take time with the family and tend to final arrangements. We will also provide the Executor and Trustee with resources to guide them through the initial steps, including a set of answers to Frequently Asked Questions. Generally, we cannot make much progress toward settling the estate until after death certificates are available. Thus, we may recommend waiting to schedule a consultation for two to three weeks after death.

**Important:** During the planning or once your planning is complete, there are many major life events and financial events that you should let us know about. This may include changes to your family (such as deaths, births, marriages, or divorces), inheritances or windfalls, job changes, retirement, or new real estate or assets. Please contact us when any of these events occur so we can advise you regarding your next steps.

## Honesty

We often require clients to disclose financial and health information. When you are completely honest with us, we can better represent your interests. If your plan needs to be changed after execution due to incomplete or inaccurate information, additional fees and time may be required.

We expect clients and team members to be truthful and sincere in all communications. **Client communication with all members of our staff is covered under attorney-client privilege** and will not be disclosed outside the firm without specific authorization from the client.

Please note: In some cases, we may recommend Asset Protection Planning to protect clients and their families from potential future lawsuits and creditors. This type of planning cannot be used to evade or defraud existing creditors, and before engaging in Asset Protection Planning, we require clients to agree to disclose all creditors, potential creditors, or potential liability, pending litigation, or an intent to file bankruptcy.

## Client Confidentiality and Privacy

Attorney-client privilege remains in effect throughout the remainder of the client's life and continues after death. The ethical requirements that apply to a lawyer apply to *all* employees of the law firm. We do not disclose any information or any client communications to anyone outside the firm unless you instruct us to do so.

We take precautions to ensure that client files are destroyed securely.

We request that you safeguard all paperwork received from our office and all conversations regarding matters with which we are assisting you.

We will not disclose information to you about your friend, family member—or anyone else— without the permission of the client whose information has been requested.

We will not discuss or communicate any information related to your case in the presence of any other person without your permission.

## New Developments in Your Legal Matter

We can only achieve the best results for you if we have all of the information we need.

**If we need additional information** from you, we will contact you by phone or email using the contact details you have provided. We ask that you please respond as soon as possible to avoid delays or additional fees that may result if we are unable to make progress on your matter.

**When you have new information or changes**, please notify us as soon as possible using one of the following means:

- Email to [info@carolinafep.com](mailto:info@carolinafep.com). This address reaches our entire client services team, who will disseminate the information to other team members as necessary.
- Upload it via our secure file service, Hightail at <https://dropbox.hightail.com/CarolinaFEP>

- Fax to (919) 324-6987
- Deliver to our office

It takes time to incorporate new information. To avoid delays or additional fees, please relay relevant information to our team as soon as it is available.

**New Matters:** If during the course of our representation, a new legal matter arises, please tell us about the situation while scheduling your meeting, so our team can reserve adequate time to discuss the new matter. A separate follow-up meeting may be required to discuss the new matter.

## Boundaries

*Please don't be offended if we don't wave to you in public: it's to protect your privacy.*

Firm members who see you in the community will not initiate contact with you or do anything that would put you in a position of having to acknowledge having worked with the Firm unless *you initiate* such contact.

To ensure the quality and integrity of our services, we require that relationships between clients and team members be of a professional nature only, unless a personal relationship existed *before* the client engaged the firm. Team members are expected to treat all clients and potential clients with professionalism, courtesy, and respect without the relationship becoming personal. For example:

- Team members are not permitted to enter into a close personal friendship or romantic relationship with an active client.
- If a client initiates contact, team members are permitted to accept connections with clients via *professional* networking sites such as LinkedIn. However, team members are not permitted to initiate contact with active clients on networking sites, nor are they permitted to discuss or communicate information related to the client's relationship with the Firm on networking sites.
- Unless a prior relationship existed, even if the client initiates contact, team members are prohibited from connecting with active clients via a personal Facebook page or any other personal social networking website, due to the open nature of such websites and the risk of inadvertently disclosing confidential information. **We do invite and encourage you to connect with us on the Carolina Family Estate Planning Facebook page.**

At the conclusion of your matter, the matter is closed... but you're still our client. We will continue to keep you up to date on changes in the law and the Firm through our regular newsletter, and we will continue to check in with you from time to time.

## We Want to Continue to Help You, Your Family, and Friends

Carolina Family Estate Planning is well-known in the legal community, and we have many friends and colleagues we know and trust. We are happy to assist you and your family, colleagues, or friends find a professional to help with your legal, senior care, financial, or other needs.

If you or someone you know needs assistance, please call us. We can provide a free “scoping” phone conference to help determine the type of assistance needed. If your friend or family member needs legal assistance from our firm, we will invite them in for a consultation.

If the concern is for services outside our practice area, we have a network of professionals we know and trust, who have values that are consistent with our own. We may check in to see if you were able to retain the person we referred. If we make a referral and ultimately you do not retain that professional, we’d love to know why. We will be happy to help you find another professional.

As a reminder, we will not share information about your legal matters with anyone you do not specifically authorize us to share with—not the person who referred you to us, not anyone you refer to us, and not the professionals to whom we refer you, your friends, or family members.

We appreciate your confidence in us, and we thank you for keeping us in mind.

## Document Retention Policy

To the extent practicable, all original papers you give us will be returned; the Firm will retain digital copies. We also retain digital copies of all signed legal documents prepared by the Firm. At the conclusion of your matter, we will scan and maintain a digital copy of your file. Digital copies will not be discarded until at least six (6) years after the engagement has concluded.

Other than your original legal documents, all work papers, research, and work product produced by the Firm are the confidential property of the Firm.

If, during your lifetime, the Firm ever ceases for any reason, we will make reasonable efforts to notify you in writing and allow you an opportunity to transfer the digitally scanned signed legal documents to the attorney of your choice. If you do not respond or ask us to transfer the documents to a particular attorney within 30 days, you agree that we may forward the scanned signed legal documents to an attorney of our choice. You will be a “dormant client” of that attorney until and unless you thereafter enter into a written representation agreement with the new attorney.

## Conflicts of Interest

We are not aware of any situations where it could be to your detriment to serve both you and any of our other clients. If you are aware of any such relationships—any other clients of ours who may play a role in your plan, or vice versa—please tell us immediately. You agree to waive any conflicts of interest which you know of but do not disclose. You agree to waive any conflicts of interest that may arise from working with anybody you may refer to our firm in the future. Regardless of prior Conflicts of Interest, your information will be kept confidential and will not be disclosed to any other party without separate written authorization by you.

If we are representing you and your spouse jointly, you agree that all communication to us by either of you may be disclosed to the other. If a conflict of interest arises between the two of you, CFEP may withdraw from joint representation, if said conflict would prevent us from performing our ethical duties to both of you.

## Insurance Disclosure

Attorney Jackie Bedard is a licensed insurance agent through a separate company, Senior Care Financial Solutions, LLC (SCFS). This licensure permits Jackie to recommend and deliver insurance or annuity-based products to assist with Medicaid planning, long-term care planning, and other planning needs. Requests for a financial review or insurance recommendations will be considered an authorization to share confidential information with SCFS, which may waive your right to attorney-client confidentiality with respect to that information.

Jackie and SCFS may be compensated by the insurance company and/or its affiliates with some portion of the commission earned on the products described above. You are not required to use products suggested by Jackie/SCFS as a condition for your legal services from CFEP.

*At all times, we are bound by ethics rules to only make recommendations we feel are in your best interests.*

## Getting the Best Results

We enjoy spending time with clients who want to be helped as much as we want to help them. Over time, we have noticed that even though we strive to provide *every* client with exceptional service, certain clients have a better experience and are happier with the results than others.

What do these clients do to get the best results?

- They arrive promptly for their appointments and cancel only in extenuating circumstances, and with as much notice as possible.
- They are prompt in returning our calls, emails, and worksheets.
- They read what we send them. They listen to our recommendations and suggestions.
- They pay on time.
- They act with integrity, providing all the facts about their situation, truthfully.
- They check with us before making any major changes.
- They have realistic expectations, and they listen to the counsel we provide.
- They respect our relationship and its boundaries.
- They value the services we provide and understand that there are limitations.
- They understand that we have other clients whose matters also need our attention.
- They are nice people. They work well with our entire team.
- They respect our process that is designed to help them.
- If there's a problem, they tell us about it and give us an opportunity to fix it.
- When we do an excellent job, they tell others about us and share the experience with their friends and family.





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