

HOW TO CHOOSE A WILL OR TRUST LAWYER



A Guide for Finding, Interviewing, and Choosing an
Estate Planning Lawyer So You Can Avoid Getting
Ripped Off and Leaving Your Family with a Great Big Mess

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By Jackie Bedard, Attorney and Founder of Carolina Family Estate Planning and
Dan Bedard, Executive Director of Carolina Family Estate Planning

Foreword, by Dan Bedard

When I was in third grade, I remember my teacher reading a book to our class called *Matilda*, by Roald Dahl. Dahl is probably best known as the author of *Charlie and the Chocolate Factory*. Similar themes appear in both books. *Matilda* is about a precocious schoolgirl who is surrounded by adults who—except for one lone teacher—are simply terrible people. Among the terrible people is Matilda’s father, who is a shady used car salesman.

At the time I was fascinated by the author’s descriptions of how Matilda’s father would rip off his customers. Things like, he would put sawdust in the gearbox of the car, so the car would run smoothly enough for some unsuspecting soul to buy the car, only to find a couple days later that the car would no longer go forward and the dealership weaseling its way out of honoring the warranty on it.

Thirty years later, I am the Executive Director of Carolina Family Estate Planning. We meet hundreds of new clients every year, and my job is to make sure we provide them with excellent and continuing care, year after year after year. I make sure we can handle our growth in a way that we can continue to provide all our clients—new clients and people who first planned with us a long time ago alike—with the same quality of care we would want for our own families.

When a new potential client calls us, we ask them to bring in their prior documents for us to review before their meeting. It’s a tremendous and valuable service we provide for people. And it inevitably ends up saving them hassle and money—often thousands of dollars. We truly enjoy the times when we can tell prospective clients that their existing planning is great, and they can rest easy knowing their plan will work for them. But let me tell you a secret:

Many people get ripped off when doing their planning.

During document reviews, we’ve seen, among other issues, plans that made some obvious and very serious omissions, plans that didn’t take the clients’ unique family situations into account, and plans that used complicated techniques that were outdated and no longer necessary.

The danger is this: just like that car buyer who drove the sawdust gearbox car off the lot, who didn’t discover their car was a lemon until it was too late—unless such clients are fortunate enough to have their documents reviewed by an attorney who knows about the pitfalls—unless that happens, they won’t find out they’ve been ripped off until it’s too late. Because the moment of truth for an estate plan could be when your spouse and your kids are left totally helpless. Left to ask each other “Gee, remember when Dad died, and he left such a mess to clean up?” Or maybe not. Sometimes it’s such a mess that the siblings never talk to each other again.

I’m here to tell you that it doesn’t have to be this way. My wife, Attorney Jackie Bedard, and I wrote this book to help you decide how best to protect your family’s future. I hope it will help you get the most out of your estate planning experience and, of course, to avoid getting ripped off and leaving your friends and family with a great big mess when you die.

A Welcome Letter from Attorney Jackie Bedard

Dear Reader,

By reading this book, you're taking the first step toward protecting your future and your family's future. Life today is busy with lots of distractions. Congratulations on making your family and your own well-being top priorities in your life.

Having worked with thousands of clients over the years, I've discovered that people really want caring professionals who will be direct with them when it comes to legal and financial matters. My goal with this report is to help you cut through the "legalese" and "lawyer talk" and avoid the costly mistakes many people make when choosing a law firm for their family's legal planning needs.

Like many clients we've worked with, you may feel a bit overwhelmed at the prospect of selecting the right law firm to assist you with your planning. It may be your first time engaging in estate planning. It may be your first time hiring a law firm! I understand it can be daunting. Past clients have told us that when they started, they were at a loss for what questions to ask or what to expect. For those who met with multiple firms, they later told us how different their experience was with our office, and how happy they were with the decision they made.

From the day I founded Carolina Family Estate Planning, my goal has been to focus not just on plans that are legally sound, but plans that work as well as possible to make things easier for our clients and their families and to offer as much protection as possible to our clients and their families.

Many of our clients had previously worked with other lawyers and law firms. Unfortunately, we've discovered that a number of them had been ripped off by the lawyer who did their prior documents. Most of the issues we've seen wouldn't have been considered malpractice—they had just left massive gaping holes in the plan that would have left the clients exposed if the unexpected were to happen. I don't think most of their attorneys had bad intentions... they just didn't know they were ripping their clients off.

We've helped replace or fix a lot of plans. In this guide, I'll share with you some of the most common ways we see plans fall short. I hope it will help you avoid these unfortunate traps.

Sincerely,



Jackie Bedard
Founder, Attorney & Author
Carolina Family Estate Planning

P.S. If you want to skip right to our sample scorecard for choosing an attorney, it's on the very last page of this report. You are welcome to make copies of that page, make your own notes, and use it as you decide how to move forward with your own planning.

A Little Bit About Me...



Knowledge is power.
—Francis Bacon

*Don't get ripped
off because you
don't know what
you don't know!*
—Jackie Bedard



Knowledge is power... Which makes sense when you think about how you feel when you learn something you didn't know.

In 2009, I founded Carolina Family Estate Planning to help people live better lives by planning for a secure future.

It took a lot of work to get here, though.

After working my heart out through high school, I was the first person in my family to go to college. When I got to MIT, I found myself surrounded by students from prestigious prep schools. It didn't take me long to realize those other students were better prepared for college than I was:

They knew how to make the university work for them—things like asking professors for extra help when they needed it and lining up corporate summer internships during the fall—long before it would even have occurred to me.

Those first couple months of school, I felt like I had worked so hard to get there, only to find myself in over my head. I became painfully aware of the disadvantage of not knowing what I didn't know.

I found mentors, colleagues, and friends to teach me the ropes, and by the time I got to law school, I had learned how to get ahead. But in the course of my legal studies I recognized a familiar pattern: There are effectively two legal systems—one for those “in the know,” and one for those who don't know what they don't know.

Then and there I made myself a promise. I would help other people navigate “the system” by helping other people gain access to the valuable advice and assistance that well-heeled families have always had at their disposal.

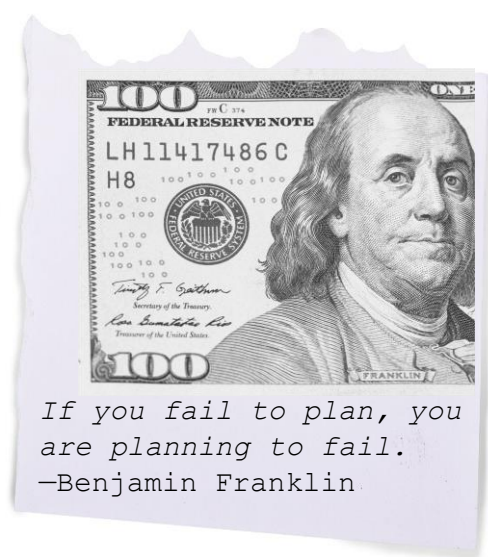
When you have someone you can rely on for help, you feel a wonderful sense of relief. You feel empowered. You make better decisions. You live a better life.

At Carolina Family Estate Planning, we've helped thousands of North Carolina families live better lives by helping them navigate the complexities of Estate Planning, Long-term care Planning, Probate, and Trust Administration. Together, we have discovered that knowledge truly is power.

If you'd like to learn more about my firm, Carolina Family Estate Planning, and how we are innovating and helping people throughout the Triangle live better lives, you may want to check out our monthly newsletter, *Get Your Ducks In a Row*. Learn more at

Newsletter.CarolinaFEP.com

Now, let's talk about a few ways we've seen people get ripped off over the years when doing their estate planning—or not doing their planning, as the case may be...



Don't Get Ripped Off... by Doing Nothing

Since you're reading this report, you're probably interested in doing *something* to protect your family for the future. And yet, we've done this long enough to know the stats. You might be surprised to find that over half of all people die without a plan in place. Even after reading this report, for some people, something else will just "come up," and for whatever reason, they'll never get around to doing their planning. So let's talk about what happens if you do nothing.

Every week we get calls at our firm from family members whose loved one died without a will. When this happens, the legal term for the estate is *intestate*.

To transfer assets, any individually-owned property must go through the *estate administration* (often commonly known as "probate") process. (Family members listed on jointly-titled assets can file to have the decedent removed from the asset outside the probate process.) The county court must appoint an *administrator* to oversee paying any remaining debts and distributing the assets of the estate. Here's what can go wrong:

- A will explains what should happen to your assets when you die. But if you don't die and are incapacitated instead, you need a *power of attorney* to specify who can control your assets. Otherwise, your loved ones will need to petition for *guardianship*, which is a public and potentially long, drawn-out and painful legal process.
- Upon death, joint account holders gain complete control of your accounts. We often hear from siblings who have been effectively (and legally) disinherited by the one sibling who was listed jointly on Mom or Dad's bank accounts.

- The court, which is completely unaware of the dynamics of your family and of what you would have wanted, may decide not to allow an individual to serve as both administrator of your estate and guardian of your children.
- Essentially, everything is left up to 1) the state's intestacy laws and 2) the court's discretion. What you might have wanted isn't even taken into consideration.

You Don't Know What You Don't Know

Bill and Mary came to our office for assistance with their estate planning. During the course of our working together, Bill shared that his deceased mother had had dementia, and prior to her passing, they had depleted all of her assets, including selling her home and using the proceeds, to pay for her nursing home care.

Liquidation of these assets could have been avoided if Bill and his family had sought advice from a qualified elder law attorney, but they had assumed it was too late to do anything.

If you're curious and would like to learn more about what happens with your estate after you die, check out our guide about the probate and trust administration process, *Understanding Estate Administration*. You can request your copy at UnderstandingEstateAdministration.com

Ripoff #1: Doing nothing.

Cost: \$0 today. *Possibly thousands of dollars and countless headaches and heartaches later.*

Consider this option if:

- You have minimal assets, and you are okay with up to 100% of those assets going to court costs, bank fees, legal fees, nursing home, long-term care, or other avoidable expenses.
- You have no minor children.

A man who is his own lawyer has a fool for a client.
—Proverb

Don't Get Ripped Off... by Attempting to Do It Yourself

The Internet makes so many things more convenient than ever. I can have anything, from pajamas to popcorn delivered right to my front door in days—or even hours. I can get (if sometimes a little dubious) medical advice. And I can get a simple will drafted online for less than a hundred dollars.

Let me tell you why that's probably a ripoff: most of the time, simple form documents create more problems than they solve. And if they're more complex than that, you really should consider an attorney.

Consider the following: Every year, I get a bill. It's on the order of several thousand dollars. But before I'm allowed to pay that bill, I have to answer a series of questions about my law firm: who do I have on staff, how much experience do they have, what types of cases do we handle, what are the terms of our engagements? What checklists, templates, policies, systems, and procedures do we have in place to prevent something from slipping through the cracks?

The bill I'm talking about is for malpractice insurance. If I, or any of our attorneys on staff, fail to do our job, we can be sued for malpractice. Now, my insurance carrier is no dummy. They don't cover just anyone, and they charge a heck of a lot more if you're high risk. I am a big fan of our insurance carrier because every year, they provide resources to help us do good work, so we are not high risk.

Unless *you* are an attorney, I am sure you don't have legal malpractice insurance. So what if you use a Do-It-Yourself (DIY) service like Legal Zoom and there's a mistake in your documents?

Well, first, the unfortunate reality of estate planning is that by the time a mistake is discovered, you may either be incapacitated or dead and it will be too late to fix it. So your loved ones may need to decide whether or not to pursue action with the DIY document company.

But have you ever actually read the disclaimer on DIY legal services? On the next page is an example from Legal Zoom that we downloaded and highlighted.

LegalZoom Disclaimer

LegalZoom is not a law firm, and the employees of LegalZoom are not acting as your attorney. LegalZoom's legal document service is not a substitute for the advice of an attorney.

LegalZoom cannot provide legal advice and can only provide self-help services at your specific direction.

LegalZoom is not permitted to engage in the practice of law. LegalZoom is prohibited from providing any kind of advice, explanation, opinion, or recommendation to a consumer about possible legal rights, remedies, defenses, options, selection of forms or strategies.

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LegalZoom provides an online legal portal to give visitors a general understanding of the law, as well as to provide an automated software solution to individuals who choose to prepare their own legal documents. To that extent, the site publishes general information on legal issues commonly encountered.

LegalZoom's document service also includes a review of your answers for completeness, spelling and grammar, as well as internal consistency of names, addresses and the like. **At no time do we review your answers for legal sufficiency, draw legal conclusions, provide legal advice or apply the law to the facts of your particular situation. LegalZoom and its services are not a substitute for the advice of an attorney.**

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Read more at: <https://www.legalzoom.com/disclaimer.html>

Here's the reality: Over the years, we have redone plans for many clients who tried the Do-It-Yourself option first. Each of them ended up re-doing their plans for one or more of the following reasons:

- You don't know what you don't know—DIY software still depends on you to input and navigate the software. Plus, you don't know what assumptions were made by the programmers in developing the software. They knew nothing of your family's unique circumstances and overall planning goals when they wrote the software.
- It's easy to make innocent mistakes, but those innocent mistakes can have huge repercussions. For example, one couple we worked with had wills that left everything to their children...but they had accidentally left each other out of the wills! In other words, the wills said that on first spouse's death, all assets go to the children, rather than leaving them to the surviving spouse.
- Ultimately, they did not have peace of mind because they did it themselves without a professional and they realized that there were gaps in the plan.

Here's what they all eventually realized:

If you do your own planning and make a mistake, there won't be a chance for a "do over."

"But what about attorneys affiliated with LegalZoom and LegalShield?"

A little-known secret about DIY document services is that one of their primary business areas is marketing for the legal services industry. It seems they are well-aware of how limited their software is.

Once you get to the point where you realize you're in over your head, they will offer to refer you to an attorney. Often the attorney has agreed to review the form documents for a set flat fee, and some of that fee goes back to LegalZoom or LegalShield for the service of bringing in the new client.

The issue with this is that the rates offered to attorneys to review these documents are extremely low. In order to sustain a law firm on this type of work, the review would either have to be bare bones, or it's a setup to an upsell.

Some attorneys see this type of work as a good way for brand new attorneys to jumpstart their careers and get some experience fresh out of law school. Some attorneys have moral uneasiness about participating in an arrangement that entices clients with one service in order to lead them to another. In any case, I would **make extra sure** you get what you're looking for by using the values-based approach for vetting your attorney that we present later on in this book.



Pay peanuts, get monkey.

By the way, keep in mind that this is also how many "pre-paid legal plans" offered by some employers work.

But some lawyers love LegalZoom: I frequently come across articles by attorneys who make more money cleaning up DIY messes after the fact than they would have gotten paid to do it right the first time.

Is it really worth risking your family's future?

Ripoff #2: DIY Using Form Documents.

Cost: ~\$100 today. *Possibly thousands of dollars and countless headaches and heartaches later.*

Consider this option if... I'm not sure I would recommend this to anyone.

Don't Get Ripped Off By... An Attorney Who Does Estate Planning "On The Side"

I knew a guy who was a family law attorney... He got tired of going to court so he thought, oh, I'll just become an estate planning attorney—actually, he decided not only to do a basic will here and there but to claim he was an elder law attorney. BAD IDEA!

Let me explain: elder law is a subfield of estate planning that focuses on helping people effectively use all available resources, including Medicaid benefits, Veterans benefits, and financial tools, to cover long-term and end-of-life care. Every state has its own Medicaid manual that explains how they implement this federal law. The North Carolina Medicaid manual is over a thousand pages long. Every county in the state is responsible for implementing the law, and truth be told, every county does it a little differently. And tiny discrepancies can cost you and your family thousands of dollars.

Needless to say, this is an area of the law where you could get into a lot of trouble by "just dabbling." I'm not sure what happened to my colleague, but I noticed the other day that he's advertising himself as a family law attorney again.



Give me a man who says this one thing I do, and not those fifty things I dabble in.

—Dwight L. Moody

You might be thinking to yourself: *I'm years away from needing long-term care. Why would I need an elder law attorney?*

The reality is, even if you're years or decades away from needing long-term care, your estate plan needs to take into account the possibility that you or your beneficiaries may someday need long-term care. We discuss long-term care concerns with every new client we meet with at our firm, and every plan we write has backup provisions to prevent an inheritance from disqualifying a beneficiary from receiving Medicaid or other government benefits.

This is just one example of why you should consider an attorney who focuses specifically on estate planning, probate, and elder law.

As discussed earlier, we have reviewed a lot of prior documents for our clients. Here are some other issues we've noticed in plans that come from "jack of all trades" attorneys:

- Far too often, we meet with people who previously paid an attorney to prepare power of attorney documents for them, only to discover that the documents are the very same form documents you can get for free online. No reputable law firm uses these documents because they contain numerous shortcomings. Frankly, I view this as nothing more than fleecing an unsuspecting client.
- Failing to account for the possibility that your beneficiaries may not be financially mature enough to have direct control of the assets they will receive—or that doing so may disqualify them from receiving benefits they would otherwise be legally entitled to receive.
- Setting up a revocable living trust to avoid probate while leaving gaping holes, like failing to title assets into the trust, failing to consider protection from long-term care costs, or failing to appropriately implement asset protection due to ignorance of the applicable laws.

Ripoff #3: Relying On An Attorney Who Does Estate Planning "On The Side."

Cost: ~Hundreds to thousands today. Possibly thousands of dollars and countless headaches and heartaches later.

Consider this option if:

- You have minimal assets, and you are okay with up to 100% of those assets going to court costs, bank fees, legal fees, nursing home, long-term care, or other avoidable expenses.
- You have no minor children or beneficiaries with special needs.

If you would like to know more about how elder law attorneys use thoughtful planning to help clients plan for long-term care concerns, please contact us at 919-443-3035 to request a copy of *When Someday Arrives* by Attorneys Jackie Bedard and Jim Shields.

Caution: Not Knowing the Rules Can Have Devastating Consequences!

The following story was relayed to us by an elder law attorney we work with in another state. Delores, was getting older and was concerned about potentially needing nursing home care in the future. She had heard it might be a good idea to gift her home to her daughter, Heather, and she had other friends who had worked with an attorney to plan ahead for nursing home expenses. So she called the only attorney she knew: the attorney who had handled her real estate closing when Delores first purchased her home.

Delores told her real estate attorney that she wanted to deed her home to her daughter. Delores's attorney did what he knew how to do: he drafted a new deed to transfer Delores's house to Heather, and she signed the deed a few days later.

Delores's real estate attorney didn't know anything about the potential risks and tax implications of re-deeding the property. First, this constituted a gift, so Delores was obligated to file a gift tax return with the IRS, even though no money was owed as the transferred value was below the lifetime gift tax exemption amount. Second, this transfer was subject to Medicaid's 5-year lookback period and would create a huge Medicaid penalty if Delores were to need nursing home care within the next five years. There were other planning options available that would not have created such a penalty.

But what actually ended up happening is even worse.

Shortly after the transfer, Heather was laid off from her job and lost her health insurance. When she wasn't feeling well, she went to the doctor and was diagnosed with cancer. With no health insurance to cover the costs of her treatment and no money coming in, the medical bills quickly pushed Heather into bankruptcy.

Delores lost her home to Heather's bankruptcy.

Once you gift an asset to someone, it is subject to whatever legal issues come up in their life, be it a lawsuit, bankruptcy, divorce, disability, or death. A trusted elder law attorney would have worked with Delores to create a plan that protected her house from nursing home costs, didn't require a gift tax return, and upon Delores's death could have willed the house to Heather protected from being seized by creditors.

It pays to seek out an attorney who is focused on only estate planning and elder law matters.

Don't Get Ripped Off... by "Order Takers" and "Dictators"

Over the years, we have asked clients about their experiences with other firms. What we gleaned from these conversations is that a lot of firms' "initial consultations" are conducted by people who fall into one of two categories: "order takers" and "dictators."

An "Order Taker" consultation goes like this...

Order Taker: "What brings you in to see me?"

Prospective Client: "I need a simple will."

Order Taker: "Great, we can help you with that. The fee is \$1000."



How useful is that?? The lawyer just takes the person's order without any verification of whether it's the right tool for the client's needs or what the client wants the will to accomplish.

Would you walk into your doctor's office, tell your doctor what your diagnosis is, and then instruct your doctor as to what treatment to prescribe? Of course not! Instead, you would have a conversation with your doctor. Your doctor might check your vitals or run some other examinations before providing a diagnosis and prescribing a treatment. You rely on the doctor's years of education and training to guide your medical care.

Your lawyer should work the same way. They can help you understand what you don't know and help you make more informed decisions. Steer clear of any lawyer who doesn't help you make more informed decisions and has just relegated him or herself to being an order taker.

A "Dictator" consultation goes like this:

Dictator: "Did you bring the completed form and information that we asked you to bring in?"

Prospective Client: "Yes, here it is."

Dictator: "Great, I see here that you have an estimated estate of \$1 million. You should do a trust."



Huh? Just because you have an estate of \$1 million, how does the lawyer know what is important to you or what you want to accomplish?

I've met with people with multimillion-dollar estates that were truly happy with will-based planning because they weren't concerned about how much work it was for their beneficiaries, or incapacity provisions, or any of the other benefits of a trust-based plan. On the flip side, I've worked with other families who wanted to make sure they preserved as much of their hard-earned savings as possible for their family and considered it a worthwhile investment to do more comprehensive planning.

Your first meeting should be about you, your family, and your goals. You and your family deserve better than "order takers" and "dictators."

Don't Get Ripped Off... by “one size fits all” solutions

Understandably, many people don't fully grasp the mechanics of estate planning and the various components that are critical to a comprehensive plan. Plus, there are lots of different features and benefits you can roll into your planning to better protect yourself and your family. But your plan also has to fit your goals and budget. For example:

- Would you prioritize paying less now, even if it meant more time and cost for your family later, or are you willing to commit a little more time and money now to save your family significantly more time and money in the future?
- Is it important to make things as easy as possible for your family?
- Is it important that the plan also address the possibility of future long-term care (we hope so! These days, it's critical!) or are you only wanting to address how your assets are distributed upon death?
- If you are married, is it important to leave things to your spouse protected from future remarriage, lawsuits, or divorce?
- Is it important to pass things to your beneficiaries protected from lawsuits, creditors, and divorce?
- Is it a priority for you to keep assets in your bloodline for multiple generations?
- Is it important for you to have greater protection from lawsuits and creditors?

Estate planning is not a one-size-fits-all endeavor. A law firm should be willing to work with you to understand your goals and help you figure out the best plan that fits your budget. But you don't know what you don't know.

Want to learn more about how things can go really well... or horribly wrong? Request your copy of *Estate Planning Pitfalls: The 12 Threats to You, Yourself, and Your Family* at EstatePlanningPitfalls.com today.

Ripoff #4: The One-Size-Fits-All Solution

Cost: ~Hundreds to thousands today. Possibly thousands of dollars and countless headaches and heartaches later.

Consider this option if:

- You have very modest assets.
- You have no concerns about your potential long-term care needs during retirement.
- You have no concerns that the inheritance you leave might be lost to lawsuits, creditors, or nursing home costs.
- You have no minor children.

"But I Paid \$5,000 for this plan!"

Eva and her son, Tom, visited a local law firm for advice about Eva's estate planning. Eva was a resident here in North Carolina but still owned property in New York. Real estate must be probated in the state in which it's located. In order to avoid the extensive, complicated probate process in both states, the law firm advised Eva to establish a revocable living trust to hold her assets.

On the surface, this seems like a sound plan. However, the firm Eva and Tom visited had dictated the plan to them without digging deeper. At the time, Eva was already beginning to show early signs of memory loss and possible dementia. As the surviving spouse of a wartime veteran, she could have been eligible for VA benefits... if her assets had been placed in an *asset protection trust* instead.

As Eva's decline continued, Tom brought Eva's documents to our office for a review. After we completely redid the plan, we were able to secure veteran's benefits for Eva and begin the 5-year lookback period for Medicaid eligibility. During the process, we discovered that the first law firm had never assisted Eva with titling her property into the trust they set up for her. If we hadn't redone the plan, it would not even have accomplished the original goal of avoiding probate.

Now, Eva had spent over \$5000 on her original plan. Imagine how upset Tom was to discover that it had accomplished nothing. While he was not excited about the prospect of paying our firm even more to fix it, the value of Eva's benefits have far exceeded our fee by this point.

Beware of comparing two firms' planning options on price. ***There is no apples-to-apples comparison.*** Two documents, both called "trusts"—even when they're both called "revocable living trusts"—are rarely ever the same. They don't provide the same protections. They don't come with the same service before, during, and after the engagement. We've seen clients come in with a \$500 will or a \$1000 trust—much less than any of the plans we offer—only to learn, unfortunately, that they wasted their money on a flimsy document that wouldn't accomplish what they expected or needed.

Our firm will never be the least expensive firm in the area. The race to the bottom leads to cutting corners, and we have been doing this long enough to know that cutting corners does not get people where they want to go. We have hired an excellent team of talented individuals. We have put a lot of time and money into educating our team and the community at large. We are constantly working to improve our abilities and our work product. We know what it takes to do a good job. So whenever we encounter another firm competing on price, we can't help but wonder what they might be leaving out. (In the above case, they were leaving Eva's property out of her trust and not even considering long-term care issues!)

A lawyer is not qualified, simply by virtue of admission to the bar, to be an advocate in trial courts for matters of serious consequence.

—Warren Burger, 15th Chief Justice of the United States



The Importance of Education

Not all lawyers have the same training or education. Not all lawyers have the same experience. While this may seem obvious, many people seem to think “a lawyer is a lawyer is a lawyer.” But a lawyer who is good at handling your real estate transaction will not necessarily be good at helping you to develop a thoughtful, comprehensive estate plan for your family.

The fact that a lawyer lists on their website that they handle estate planning, asset protection planning, or long-term care planning does not mean that he actually has experience with that type of planning.

Over the years, we’ve seen a trend of burnt out litigators deciding that they’re tired of dealing with the court system or real estate attorneys that panic when the real estate market crashes and suddenly decide to advertise themselves as an estate planning attorney. They then list on the website their “years of experience” letting you imply that their experience is in estate planning when in reality, they may have just started handling estate planning matters last week. I’ve even seen some lawyers go so far as to set up totally separate websites for different practice areas. So when you go the lawyer’s website, it *looks* like estate planning is all that that lawyer does, but in reality, the lawyer also has websites for divorce law, real estate, or other legal areas.

We also regularly see real estate attorneys tell their clients, “Do you have a will? If not, I have all of your information so I could just write one up for you.” They then just slap your name into a few forms and call it a day.

Don’t Neglect Your Own Education

You don’t know what you don’t know. Often that can be dangerous and is the reason that most people hire a professional. Someone that has undertaken extensive education and training for the specific service that you need.

That being said, the right professional should be willing to educate you a bit and help you understand the options for your particular circumstances so that you can make an informed decision for your family.

We believe good planning starts with some foundational education. That’s why our firm offers a vast array of educational materials including multiple books and reports on specific topics,

articles on our website, print and email newsletters, and free public seminars. But don't worry, you don't have to become the expert about North Carolina statutes, case law, tax regulations, etc.—you can leave that to us.

But our education doesn't stop there—we also make a regular study of the “softer” areas that help us be better planners. Things like reading and training to understand what it's like to be a caregiver for someone with dementia, or to understand the realities of how our health care system works in a crisis, or the stages of grief that our clients or their family members may be experiencing after the loss of a loved one. It helps us be better planners and helps us do a better job at helping you develop a great plan for you and your family.



*Give me six hours to chop down a tree, and I
will spend the first four sharpening the axe.*
—Abraham Lincoln

How Not to Get Ripped Off: A 6-Step System for Finding the Right Estate Planning Firm for You

I hope by now you see the value in doing *something*, that you should *not* do it yourself, and that you should *not* leave it up to a firm that doesn't do estate planning as their core business. So how do you find the *right* firm for you?

We can't claim all the credit for the method we're about to present... Our firm is in Cary, a suburb of Raleigh, North Carolina. This area hosts the Research Triangle Park, which brags about having the highest concentration of PhDs per square mile of any city in the entire country. There are some smart cookies around us. And they do their research!

One time we had a prospective client come to our office after visiting multiple other law firms in the area. After he and his wife sat down across the table from our Client Relationship Manager, he pulled a stack of papers from his briefcase. “You're the firm I want to work with,” he said. “And here's why...”

The papers he pulled out of his briefcase were a set of questions and answers he had put together for choosing an estate planning attorney. At the end of the meeting, our Client Relationship Manager asked our new client if he had a few minutes to meet with Jackie. He did. Jackie asked him about his system for choosing an attorney. She explained that if we could share this with others, she knew it would be incredibly helpful for getting a lot of people over the hurdles and decision paralysis that they face when looking for an attorney.

So we asked our client for permission to share his system. And after a little bit of simplification, we are pleased to present to you, a **6-Step System for Finding the Right Estate Planning Attorney for You**.

Step 1: Familiarize Yourself with What Estate Planning and Long-Term Care Planning Can Do

A lot of people think estate planning is just about who gets your stuff when you die. And while that is part of the puzzle, consider that planning is also about determining things such as:

- Who you trust if you end up in the hospital and a) need help moving money between bank accounts to pay for care or b) need help making decisions about your care and your health and well-being;
- How much government involvement you want in determining your incapacity and settling your estate when you do pass;
- How you can protect your spouse or children from going broke due to their own long-term care costs, divorce, or lawsuits; and
- Whether you appoint helpers to assist your spouse or children with managing any inheritance they receive.

There are lots of resources out there for getting a basic background on these topics, including those available on our website at resources.carolinafep.com.

Step 2: Determine What's Most Important to You In an Attorney

Before you start searching the Internet and/or asking friends for recommendations, I suggest making a list of personal priorities for evaluating a candidate to be your attorney. In our firm, when hiring a new employee or vendor, we create a scorecard with our core values and key competencies we're looking for. In my personal life, I do this for any major service provider I am hoping to hire. Make a list of characteristics, and rate each characteristic on a scale of 1-10 how important it is to you. It should look something like the scorecard on the next page.

Step 3: Gather Names of Potential Lawyers

As you're doing your research, start compiling a list of lawyers in your area. While searching the internet, you'll likely come across articles and websites for local law firms. In addition, ask your friends and family whether they've worked with an estate planning attorney—but be careful! If you're going to ask your friends and family who they worked with, you may also want to ask them what research they did in selecting the firm because unfortunately, your friend or family member may have fallen victim to a lot of the rip-offs that we already covered earlier in the report. Make sure they share your values, which you determined in Step 2.

Sample Scorecard for Choosing a Will or Trust Lawyer

Characteristic	Importance	Score
It is important to me that my law firm has an established reputation, both nationally and within my community, in estate planning, asset protection, and long-term care planning.		
It is important to me that my law firm has adopted a set of written core values that are congruent with my own personal values.		
It is important to me that my law firm invests in the continuing education of its employees, so that they can stay abreast of changes in the law and techniques for best serving their clients' needs.		
Is it important to me that my law firm has documented systems for creating my estate plan, so that my planning does not get "lost in the shuffle" or sit on an attorneys desk for weeks at a time without action being taken on it.		
It is important to me that my law firm gets to know me and my goals for myself and my loved ones through thoughtful conversatoin <i>s</i> <i>before</i> making a planning recommendation.		
It is important to me that my law firm uses flat fee billing, so I know what the cost of my planning will be before I begin.		
It is important to me that my law firm has a written guarantee on the work they provide.		
It is important to me that my attorney has a team to assist them with day-to-day tasks, such as fixing the copier, that don't require an attorney's skills, so my attorney can focus on my legal work.		
It is important to me that my attorney provides assistance re-titling bank accounts and updating beneficiary designations to coordinate with my estate plan.		
It is important to me that my attorney has a maintenance program to keep my planning up to date year after year.		
It is important to me that my law firm will continue communicating with me after I have signed my documents.		
It is important to me that my attorney is the least expensive service provider I can find.		
Additional Concern:		
Additional Concern:		

Step 4: Research and Ask Questions

Here is a list of potential questions that you'll want to check during your research or ask during your meeting along with my notes as to why I suggest asking them. (By the way, you can read how our firm answers these questions in Appendix 1 at the back of this book.):

How long has the law firm or lawyer been handling exclusively estate planning and elder law matters?

Don't be fooled by broad statements, such as "I have been practicing law for over 10 years." Make sure that experience is relevant to your specific needs.

Are estate planning and elder law exclusively what the firm practices?

Just like you probably wouldn't want your primary care physician performing open-heart surgery on you, you want to make sure that the lawyer or law firm is not a generalist and is truly dedicated to your specific needs.

What is their educational background?

Review the backgrounds of the lawyers at the firm—again, is there a pattern of being dedicated to estate planning and elder law? Can they think critically? Can they do the math to figure out how to best protect your family's assets? What about after law school? Have they kept up their education?

What affiliations, designations, and awards do they have related to estate planning and elder law? Are they legitimate?

Is there a pattern of dedication and interest in estate planning and elder law? Are they involved in the community? Do they have client testimonials to share with you?

Check the law firm's reviews on Google, Facebook, Yelp, and Avvo.

If you've never heard of Avvo.com, it's a website that rates attorneys on a scale of 1-10 and also notes whether the lawyer has ever been subject to discipline by the State Bar. While Avvo is a bit tight-lipped about how they go about calculating each lawyer's score, their website indicates that is based on a combination of public data collected from the State Bar, regulatory agencies, court records, and published sources on the internet (including attorneys' websites).

A word of caution: Do know that while Avvo provides a breakdown of the types of cases the attorney handles by percentage, this information is self-reported by the lawyer. In other words, just because the profile now says they practice 100% estate planning and elder law, it is possible that they previously practiced in another area such as litigation or real estate where they earned a high rating and they may have recently updated their profile to change their practice area to estate planning, meaning that they didn't actually earn that high Avvo rating for their estate planning experience.

You may need to dig a little. Remember those *Who's Who* letters they used to send out to seemingly everyone? You'd receive a letter in the mail explaining that you were eligible to have your name published in a book, like *Who's Who Among North Carolinians Willing to Pay to Have Their Name Listed in a Bound and Printed Book*. All you had to do was send them money for your copy of the book, and in a few weeks, you'd get a book in the mail listing all the people who also paid to have their name listed. (Don't feel bad if you bought the book. I may still have a copy somewhere on my bookshelf from high school. You don't know what you don't know.)

My point is this: Beware that the practice of vanity publications is alive and well in the legal industry. On a regular basis I get bombarded by mailings congratulating me for having been named to some award or list that I've never heard of, and if I just pay \$300, they'll be happy to send me a plaque with my name on it. Make sure the award that attorney is bragging about is backed up by some sort of peer review or voting process.

Do you carry malpractice insurance? Have you ever had to file a claim?

Surprisingly, not all lawyers or law firms carry malpractice insurance. Be sure to ask.

Have any of the lawyers in the firm ever been disciplined by the state bar?

Ideally, you already vetted this during Step Four, but if not, be sure to ask. (You can verify this online at...)



Quality is not an act. It is a habit.
—Aristotle

What is your process?

Is there a clear, written, organized process to assisting you with your planning. How do they ensure that nothing will “fall through the cracks”?

Do you offer any sort of guarantee?

State Bar ethics rules prohibit lawyers from guaranteeing any specific result of a case, but that doesn't mean that the law firm shouldn't be willing to provide some sort of guarantee that they will be attentive to your needs.

Have you published any articles, guides, or books for consumers or other attorneys?

Are the materials in plain English or is it a bunch of “legalese”?

Do they have support staff to assist you?

There is a lot that goes into running a law office from the “visible” tasks such as answering the phones, meeting with clients, producing the legal work product, drafting and sending correspondence, and similar. To the less visible or invisible tasks such as legal research,

bookkeeping, office management, ordering office supplies, managing technology, negotiating and furnishing office space, networking and marketing, ordering, obtaining, and maintaining various forms of health, liability, and malpractice insurance...the list goes on and on.

Beware if the first person who answers the phone is your attorney. On the surface, it might seem nice for you to be able to reach your attorney at any time just by dialing his office. But let me ask you something: if they're dropping what they're doing every time the phone rings, what kind of attention are they devoting to their clients' planning? How efficiently are they able to work? And if they have enough time to be both receptionist and attorney, will their office be around years from now when you truly need them urgently?

You want to work with a law firm that has appropriate support staff so that they can be responsive to your calls and the lawyers can focus on the legal work without getting pulled off task. When your lawyers are working on your matter, you want your lawyer's undivided attention. In order to give you the attention you deserve, your lawyer should (1) structure his or her schedule carefully and (2) use a team approach, so your planning can continue to move forward smoothly while the firms' other clients also get their undivided attention.

What is their hiring and vetting process for support staff?

Estate planning, elder law, and asset protection planning often require disclosure of detailed personal and financial information to provide thorough and effective legal services. You're sharing sensitive information that is generally privy to all lawyers and staff of the law firm. Make sure that the law firm does its due diligence in the hiring process.

What is their communication policy (e.g., phone and email)?

As mentioned above, at a busy law firm, the lawyers should be spending the majority of their time meeting with clients and producing the legal work. The firm should have clearly written communication policies in place to ensure that you receive a timely response.

Also, it is important to understand that while it may only take you 30 seconds to ask the "quick question", that does not always mean that it is quick to answer. Your matter may need to be reviewed to ensure proper context. Further, the law can have multiple layers of nuance.

You shouldn't be left in the dark wondering if you've been forgotten about. Barring unusual circumstances, a law firm should return your call or email within 24-48 hours. From time to time, there are questions that require further research, but the firm should still check in with you to let you know that they haven't forgotten your question and they are still working on it.

How do they help you keep your planning up to date? Does the law firm have a clear method for staying in touch with past clients?

While it's tempting to think of estate planning as "one and done," the reality is that estate plans generally need to be updated over time. Your and your family's circumstances are likely to evolve over time—your health may change, your finances may change, your family may change due to births, deaths, or divorce.

In addition, the laws are constantly changing. Estate planning and elder law is at the intersection of several sets of laws including laws about wills, trusts, powers of attorney, health care directives, guardianship, estate and gift taxes, income taxes, asset protection, Medicaid, veterans' benefits, special needs planning, and more.

Step 5: Schedule a Meeting

By now, you've probably narrowed down your list to your top 1-2 selections. Call the firm to discuss next steps and schedule an appointment. Again, pay attention to this phone conversation.

Were you warmly greeted? Are you going to enjoy calling the firm with questions, or will it fill you with dread? Was the person that you spoke with able to explain the firm's process and assist you with scheduling?

Remember that the best and most in demand law firms often have a line of people wanting to hire them. Like calling a doctor's office, they may only have limited appointments available depending on how long you're willing to wait to get in and see them. Because we have multiple attorneys in our office, we do try to set aside some time for planning emergencies such as a health crisis and may be able to meet last minute requests if you're able to be flexible about the time of the meeting, but in most cases, especially if you're calling a solo attorney and they can meet with you same day or the next day at pretty much any time that's convenient for you, that's another red flag. *Why aren't they busy?*

Pay attention to what information they ask for in advance. We ask for specific information ahead of time so that we can prepare for your meeting and make productive use of your time. If you're not being asked for information in advance, it's likely that either a lot of the meeting time is going to be wasted collecting the information, or you're about to sit down with an "order taker" who isn't really going to help engage you in a meaningful conversation about your goals and what planning options might best fit your needs.

Step 6: Make a Decision

Take your scorecard. Multiply the importance of each concern with how much you believe the firm addressed that concern. Add up the results. How did the firm fare?

What's Next?

I have been practicing long enough to have seen great outcomes for my clients from beginning to end. I have also seen some tragic situations that could have been prevented.

Before completing your planning, you may feel overwhelmed, confused, even frustrated. I hope this book and the scorecard are helpful to you as you take your next steps. We have found that once clients get started—even before they've successfully completed their planning—they experience a sense of relief and calm. They sleep easier. They live better lives. I invite you to use the lessons from this book to accomplish your own planning and start living your own better life.

Thank you for reading!

If you are a North Carolina resident and you would like to discuss planning with Carolina Family Estate Planning, please contact our Client Welcome team at 919-443-3035. We would love to learn more about you, your family, and your goals, and we will be happy to recommend resources or schedule you for your own Vision Meeting with our firm.

Appendix 1: How Carolina Family Estate Planning Responds

Carolina Family Estate Planning is a reflection of our own family's personal values and beliefs. We do our best work when we act congruently with who we are. We are comfortable saying that we are not the firm for everyone. Below are our answers to the sample questions provided in the 6-step process.

How long has Carolina Family Estate Planning been handling exclusively estate planning and elder law matters?

Carolina Family Estate Planning was founded in 2009 and during its entire tenure has been dedicated exclusively to estate planning and elder law related matters. Founding attorney, Jackie Bedard, has been practicing law since 2006 in the fields of estate planning and elder law, Attorney Kellie Corbett has been practice law since 2016 exclusively in the field of estate planning and elder law, and Managing Attorney Robert Seidel has been practicing law since 1986 with more than 28 years devoted to estate planning and elder law with additional background in business law and litigation.

Our office works as a team. Files are reviewed and discussed at regular team meetings and legal team meetings. Our plans also go through a multi-attorney review and proofreading review before your Signing Meeting.

Are estate planning and elder law exclusively what Carolina Family Estate Planning practices?

Yes. Our practice is dedicated to estate planning and elder law matters including wills, trusts, powers of attorney, health care directives, long-term care planning, Medicaid planning, veterans' benefits planning, special needs planning, business succession planning, asset protection planning, and probate, trust and estate administration. We think that's enough to stay on top of without trying to be a jack of all trades.

What is the educational background of the Carolina Family Estate Planning team?

Founding Attorney Jackie Bedard earned her Bachelor of Science from the Massachusetts Institute of Technology and graduated *magna cum laude* from University of Richmond School of Law.

Managing Attorney Robert Seidel earned his Bachelor of Arts from St. Norbert College and is a graduate of the Hamline University School of Law.

Attorney Kellie Corbett earned her Bachelor of Arts from University of South Carolina and is a graduate of the University of North Carolina School of Law.

What affiliations, designations, and awards does Carolina Family Estate Planning have related to estate planning and elder law?

Jackie has been named as a Rising Star by North Carolina SuperLawyers for 2016, 2017, and 2018 ("Rising Star" denotes attorneys who are under the age of 40). Founding Attorney Jackie Bedard has earned a perfect 10.0 score on Avvo.com in the practice areas of both

estate planning and elder law. She also earned a peer review of a perfect 5.0 on Martindale.com.

Jackie was also named “Best Attorney” by popular vote in Cary Magazine’s Maggy Awards in 2017 and 2019 (and was a very close runner up in 2018). Jackie was also named “Best Attorney” by popular vote in The Cary News in 2017 (as far as we’re aware, 2017 was the last year that The Cary News conducted this contest). [Also, to clarify, these contests generally require use of a specific attorney’s name rather than the law firm name. Thus, we have asked all past clients that have had a great experience with Carolina Family Estate Planning to use Jackie’s name for voting purposes so that we’re not splitting the vote between all of our fabulous attorneys.]

Jackie has served on the boards of the North Carolina Chapter of the National Academy for Elder Law Attorneys, Transitions Guiding Lights, the foundation for Transitions LifeCare, and the National Alliance of Attorneys for Alzheimer’s Planning. Jackie is also a former council member of the Elder Law and Special Needs section of the North Carolina Bar Association.

Carolina Family Estate Planning and/or its attorneys are members of WealthCounsel and ElderCounsel and Leading Lawyers on Planning and Protecting (national organizations dedicated to excellence in estate planning and elder law), the estate planning section of the North Carolina Bar Association, the elder law and special needs section of the North Carolina Bar Association, and the both the North Carolina chapter of the National Academy of Elder Law Attorneys.

Does Carolina Family Estate Planning carry malpractice insurance? Has the firm ever had to file a claim?

Yes! And we have not had to file a claim.

Have any of the lawyers in the firm ever been disciplined by the state bar?

No.

What is Carolina Family Estate Planning’s process?

We have invested thousands of hours of time and energy into developing and refining our proven Vision Method process in order to provide you with excellent legal services and excellent client service. This is covered in depth in Appendix 2 of this guide.

Do you offer any sort of guarantee?

Yes. We are not permitted to guarantee a specific legal outcome. However, our guarantee follows: *We promise you will receive competent legal services, to the best of our abilities. At any time between now and 60 days after your Signing Meeting, you are not completely satisfied with our services, we ask that you, 1) please tell us immediately, and 2) give us an opportunity to make it right. If we cannot make it right, we will refund 100% of your fee.*

Has Carolina Family Estate Planning published any articles, guides, or books for consumers or other attorneys?

Yes, you're reading one of them! Please visit resources.carolinafep.com for more books, resources, and guides including:

- Estate Planning Pitfalls: The 12 Most Common Threats to Your Estate & Your Family's Future
- Supercharge Your IRA
- Here's the Plan: How to Tell Loved Ones What You'd Like to Happen
- The Children's Safeguard Planning Guide
- Hope for Caregivers
- Understanding Estate Administration
- The Ultimate Guide to Paying for Nursing Home Care in North Carolina
- The Ultimate Guide to Understanding the VA Aid & Attendance Program
- Legal Planning for Children and Young Adults with Special Needs

Does Carolina Family Estate Planning have support staff to assist you?

Yes. In order to best assist you, we have a superstar team of attorneys, paralegals, client relationship managers, client welcome specialists, client service specialists, and a client concierge, plus operations support such as our Executive Director, bookkeeper, and more.

What is Carolina Family Estate Planning's hiring and vetting process for support staff?

All members of our team have gone through a multi-round interview and vetting process. We then do a reference check and we hire a third-party company to run a criminal background check. For legal hires, we also run an education background check to verify degrees and licenses.

What is Carolina Family Estate Planning's communication policy (e.g., phone and email)?

Excerpted from Forward: the CFEP Client Handbook...

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.
- **Email Policy:** Please send all emails to clientcare@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.

How does Carolina Family Estate Planning help you keep your planning up to date? Does the law firm have a clear method for staying in touch with past clients?

All of our clients continue to receive our print and email newsletters to help keep them updated on major law changes that may impact a majority of our clients, upcoming events and more. Our firm periodically hosts update seminars for past clients regarding changes that may impact their planning. Membership in our VIP Inner Circle is also available by invitation only for clients needing more ongoing assistance with keeping their plans up to date.

Appendix 2: The Vision Method

The difference between ordinary and extraordinary is “a little extra.” We decided early on that we would provide our clients with an exceptional and complete experience. That’s how our Vision Method came to be.

Free Public Seminars

Many of our clients first get to know us by attending one of our free public seminars held at our office to learn more about estate planning. While attendance at our seminars is not required, we regularly receive feedback from attendees that they felt like it was well worth the investment of time and helped them feel better prepared for their first appointment.

Your Vision Meeting

Your first one-on-one appointment with our office is called a Vision Meeting. One of our friendly Client Welcome Specialists will assist you with scheduling your Vision Meeting and walk you through how to prepare for your meeting.

Preparing for Your Vision Meeting

In preparation for your Vision Meeting, we’ll ask you to complete a one-page Vision Meeting Form and return it to us a week before your scheduled Vision Meeting along with any prior estate planning documents that you may have. You’re welcome to enclose any additional notes, financial statements, or information that you think will be beneficial.

The Vision Meeting Form asks for some basic information such as your name and age, whether you’re married or have children, whether you have prior planning, and a rough snapshot of your assets. This information is critical for a number of reasons:

- Different assets are handled differently upon your death so this helps us assess potential probate issues or similar concerns;
- Helping us identify potential capital gains tax, income tax, or estate tax issues so we can discuss applicable planning options;
- Different assets are treated differently for purposes of government assistance such as veterans’ benefits or Medicaid for nursing home care—we use this information to help assess long-term care planning options; and
- Different types of assets have varying degrees of asset protection from lawsuits, creditors, or nursing home expenses so this can help us assess your potential exposure to these concerns.

Your information is reviewed by our legal team and our Client Relationship Manager. Our legal team prepares several illustrations for your Vision Meeting to help spot challenges and opportunities such as:

- Estimates of the size and composition of your estate that would be subject to probate expenses and taxes, and which of those expenses are avoidable;
- If you're age 50 or older, illustrations relating to future long-term care costs;
- If you have more than \$500,000 in pre-tax retirement plans, "stretch out" illustrations to illustrate that with planning and tax strategies to maximize the retirement plans which could be worth millions to your beneficiaries.

If you have prior planning documents that you submit with sufficient time to review in advance of your Vision Meeting, a member of our legal team will complete an Estate Planning Document Review Checklist that highlights some of the most common issues that we see on a regular basis.¹

What happens during the Vision Meeting?

A Vision Meeting is when we get to know more about you and your family—the things that aren't easily conveyed on paper. What keeps you up at night? What hopes and dreams do you have for your family?

Through conversation and a series of thought-provoking questions, we help guide you through the process of figuring out your "vision" for your planning—what is really important to you? What do you want your plan to accomplish?

We've worked hard to strip out as much of the legal "mumbo jumbo" out of this meeting as possible and discuss in plain English—what do you want for your and your family's future?

Based upon your goals, our Client Relationship Manager will review planning options with you that align with your identified goals.

When is a Vision Meeting not appropriate?

A Vision Meeting is not intended to be a legal consultation for specific legal advice. If you are looking for specific legal information or advice, we do offer standalone legal consultations for a consultation fee.

For example, when we receive phone calls from a concerned spouse or adult child who wants to discuss long-term care issues for his or her loved one, we may suggest that a legal consultation would be a better place to start rather than a Vision Meeting.

Similarly, a Vision Meeting is not for making specific decisions about your plan such as who will get what and who will serve in specific roles. The purpose of the Vision Meeting is to help you identify your goals and what *type* of planning fits your needs. After your Vision Meeting, you will have a separate Design Meeting with an attorney to discuss the who, what, where,

¹ Please note that the Estate Planning Document Review is not intended as specific legal advice. Because it is performed before your Vision Meeting, we do not have enough specific information about your goals to offer formal legal advice. The Estate Planning Document Review is intended to highlight common planning issues you may wish to explore further.

when, and how of your planning. Your design lawyer will confirm that you have selected the right planning for your goals and will provide guidance to help you shape the plan.

Don't worry. Our friendly Client Welcome Specialists will help you figure out if a Vision Meeting is a good place to start or if a legal consultation may be a better option.

Wrapping Up the Vision Meeting

At the conclusion of your Vision Meeting, your Client Relationship Manager will discuss planning options with you based upon your goals and the process involved to implement your plan.

The Client Relationship Manager will then review our Privacy Policy with you, an Engagement Agreement for the plan selected, and will assist you with scheduling your Design Meeting with one of our attorneys. Please know that we do require a deposit to schedule your Design Meeting so that we can begin preparing for your Design Meeting. The Client Relationship will discuss this with you in detail.

Our Guarantee

Our plans even come with a guarantee! The state bar won't allow us to guarantee a specific outcome for your plan, but we are committed to making sure that our services meet our clients' expectations. That's why we offer the following guarantee:

We promise you will receive competent legal services, to the best of our abilities. At any time between now and 60 days after your Signing Meeting, you are not completely satisfied with our services, we ask that you, 1) please tell us immediately, and 2) give us an opportunity to make it right. If we cannot make it right, we will refund 100% of your fee.

While it is rare, from time-time-time, based on additional information disclosed during your Design Meeting, your attorney may recommend changing the type of planning that you selected. If that's the case, your attorney will discuss the reason for the change to the plan, and with your agreement, your Engagement Agreement and fee will be adjusted accordingly.

After the Vision Meeting

See CFEPVisionMethod.com to read more about Carolina Family Estate Planning's Vision Method for estate planning.

THE VISION METHOD

WELCOME

Our friendly *Client Welcome Specialists* are happy to answer your questions about our Vision Method, register you for a Seminar, schedule your Vision Meeting, and provide support every step of the way.

VISION MEETING

We will get to know you, your family, and your goals to understand your concerns and opportunities. We'll discuss where you are now and what you want for you and your family's future. After carefully refining your goals, you and your *Client Relationship Manager* will determine whether we're a good fit to work together.

DESIGN MEETING

Your *Attorney* will help you design your custom plan, while carefully explaining each role or aspect of the plan and helping counsel you through each detail of your plan.

SIGNING MEETING

Your *Attorney* will recap your plan and review your Asset Detail Report with you. In the presence of two witnesses and a notary, you will sign your documents.

FUNDING MEETING

Your *Funding Paralegal* will review your final Asset Detail Report with you, go through your funding package step by step, and give you your finalized Estate Planning Portfolio. Your funding package will include detailed instructions and forms for each asset you own. Note: For Will-based plans, a Funding Meeting is not included. However, your *Funding Paralegal* is available as needed after your plan is signed to assist you with beneficiary designation forms.

FUNDING CHECK-IN

During this scheduled phone call, your *Funding Paralegal* will check on your progress updating accounts and answer any questions that may have come up during the funding process.

FINANCIAL MEETING

Optional: During the planning process, we can often identify financial solutions that may be a good complement to your estate plan in order to accomplish tax, legacy, or asset protection goals. In such instances, we may recommend a complimentary meeting with one of our vetted financial professionals to further explore such solutions.

VIP INNER CIRCLE

By invitation only: If you enroll in the VIP Inner Circle program, you'll have ongoing access to CFEP for questions regarding your plan, funding assistance, word-processing changes, priority access to client events and seminars, an annual review meeting, and discounts on future planning upgrades as your goals may change. If you engage CFEP for Trust-based planning, your first-year enrollment in the VIP Inner Circle program is included with your plan.

PEACE OF MIND

We intend to exceed your expectations so thorough that you will rave about CFEP to your friends and family, and rest easy knowing you've planned for a secure future. You will continue to receive our print and email newsletters and are always welcome to contact our office if you need a referral to one of our vetted legal, financial, or other professionals.

Our Guarantee: We promise you will receive competent legal services, to the best of our abilities. At any time between now and 60 days after your Signing Meeting, if you are not completely satisfied with our services, we ask that you, (1) please tell us immediately, and (2) give us an opportunity to make it right. If we cannot make it right, we will refund 100% of your fee.

BETWEEN MEETINGS

YOU

WELCOME

CFEP

Please complete and send your Vision Meeting Form with any existing estate planning documents one week in advance of your Vision Meeting.

Our Legal Team will perform a Preparatory Review to identify probate, tax, or asset protection concerns. If you have prior estate planning documents, an Attorney will complete an Estate Planning Document Review.



VISION MEETING

Please review the Design Meeting Considerations handout and complete Family Information Form.

Our Team will prepare for your Design Meeting. Your Attorney will review your file and goals.

DESIGN MEETING



Please complete your personal planning worksheets. Gather any financial information requested by us. Provide any other information requested by your Attorney.

Your Legal Team will draft your documents and Asset Detail Report. A second Attorney will review your documents. After a final proofreading, your documents are printed and assembled in your Estate Planning Portfolio.



SIGNING MEETING

Please provide any financial information requested at least one week in advance of your Funding Meeting.

Your Funding Paralegal will finalize your Asset Detail Report and prepare your funding instructions and forms. Your signed documents will be scanned to digital format.

FUNDING MEETING



Please carry out any tasks assigned by your Funding Paralegal during your Funding Meeting.

Your Funding Paralegal will submit all deeds and account change forms signed during your Funding Meeting.



FUNDING CHECK-IN

FINANCIAL MEETING



VIP INNER CIRCLE

We plan to do such a great job that you will rave about CFEP to your friends and family.

PEACE OF MIND



About Jackie Bedard

Jackie Bedard is the founder, visionary, and legal strategist at Carolina Family Estate Planning. Carolina Family Estate Planning focuses on guiding clients through the complicated, often confusing, maze of balancing family protection, wealth preservation, and cherished family values in the planning process.



Jackie determined early in her career that traditional estate planning, which typically only focuses on financial wealth, is far too limited and short-sighted. She believes estate planning should not just be about passing on financial wealth, but also should include preserving intellectual, spiritual, and human wealth—who you are and what’s important to you.

Jackie is a member of WealthCounsel, ElderCounsel, and the North Carolina Bar Association. She has served as a board of director member of the North Carolina chapter of the National Academy of Elder Law Attorneys, Guiding Lights Caregiver Support Center, and Hospice of Wake County Foundation (now Transitions LifeCare).

Jackie was named by Cary Magazine as a 2015 Mover & Shaker for her contributions to the community. She has received a Superb 10.0 rating by Avvo, a legal rating system in both estate planning and elder law.



In 2017 and 2019, Jackie was voted Best Attorney in Cary Magazine’s Maggy Award competition (and was runner-up in 2016 and 2018). Each year, Cary Magazine awards the Maggy Awards to area residents’ favorite service heroes in Western Wake County, based on a tally of more than 11,000 votes.



Jackie has also been named as a ‘Rising Star’ by North Carolina SuperLawyers four years in a row (2016-2019). Rising Star is an honor bestowed on attorneys that are under 40 years of age. Only 2.5% of attorneys in the state are recognized as Rising Stars by the publication.



In 2019, Jackie was also included on Business NC’s 2019 Legal Elite list.

Jackie earned her Bachelor of Science degree in Economics at MIT and graduated law school *magna cum laude* in the top 7% of her class at the University of Richmond School of Law.

Jackie resides in Cary with her husband, Dan, and their two dogs, Nala and Nelly. Jackie also enjoys CrossFit, running, reading, hiking, cycling, music, and more.

To learn more about Jackie and to receive useful advice and information, please visit our website at www.CarolinaFEP.com

About Dan Bedard

Dan Bedard is a systems guy the way Henry Ford was a car enthusiast: it goes a little deeper than just puttering around.

Dan is our Executive Director, but his path to that post was anything but direct. An electrical engineering major at MIT, he was preparing for a career in semiconductor device design and fabrication when he met our founder and his soon-to-be wife, Jackie Bedard.



After MIT, Jackie moved down to Richmond, Virginia for law school. Dan followed but hooked a hard right after crossing the Potomac and spent the next three years traveling the world "doing computer things" for a particular government agency with offices all over the world.

Not long after Dan and Jackie decided to make the Raleigh area their home, Jackie dove into starting Carolina Family Estate Planning. Dan joined an information technology research group at UNC.

Jackie built the firm. Dan's responsibilities grew from engineering into proposal development, project management, and eventually leading a group of software engineers in a non-profit open source software consortium.

As Carolina Family Estate Planning grew, it was probably inevitable that Dan would join Jackie and bring his systems management skillset to our rapidly growing firm. He survived the transition from engineering into law firm management, and we have thrived together.

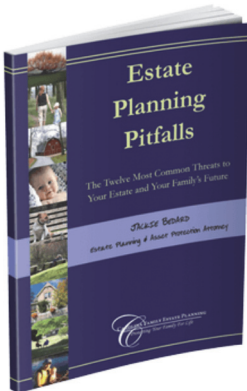
Dan is a long-distance--as in the occasional 100-mile race--runner. He still loves traveling (now under his real name), CrossFit and most endurance sports, reading, movies, and being outdoors.

He hopes to one day pursue his ultimate goal--the reason he studied semiconductor fab to begin with: to be marooned on a desert island and work his way home by making a computer from semiconductor devices out of raw beach sand. He admits there are some details that still need to be worked out...

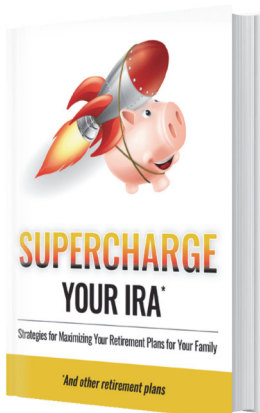
CFEP Resources



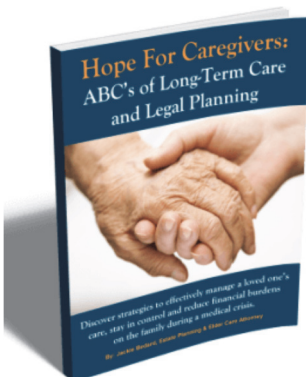
One of the best ways to learn more about the estate planning process and how to protect your family is by attending one of our free public seminars. Learn more or register at seminars.carolinafep.com



Discover the steps that you need to take to have peace of mind that your family and your assets are protected with our guide, *Estate Planning Pitfalls: The 12 Most Common Threats to Your Estate and Your Family's Future*. This guide addresses why most "traditional" estate plans fail to adequately protect against these major (and common) threats and how you can avoid falling victim to these common pitfalls.



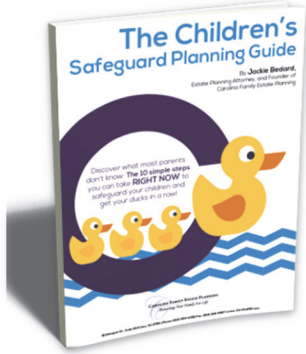
Inside *Supercharge Your IRA: Strategies for Maximizing Your Retirement Plans for Your Family*, you'll learn how "traditional" retirement planning may fail to adequately protect your loved ones against major risks like 'wealth wasting' due to divorce, lawsuits, or financial irresponsibility. Did you know that you can "stretchout" your IRA so that your accounts can potentially be worth millions over your and your children's lifetimes? Discover how in this guide.



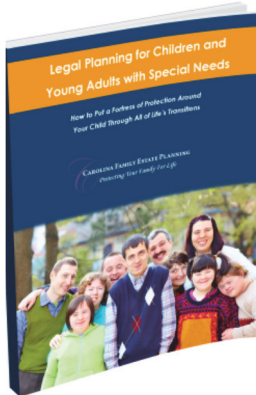
As a caregiver, you may have already realized that good help and clear guidance is hard to find. You may be worried about paying for long-term care services, or hitting roadblocks with trying to find the right facility for your loved one. Solid legal and financial planning is critical to ending the confusion and overwhelm. This guide addresses common questions and confusion surrounding Medicare, Medicaid, veterans benefits, and things you need to know as a caregiver.

Visit resources.carolinafep.com to request any of these reports or view our other available resources

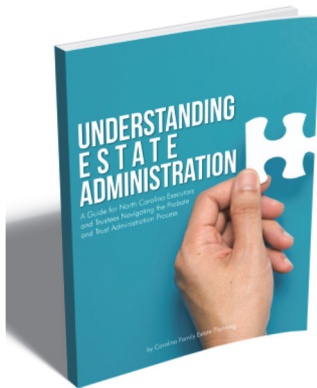
CFEP Resources



Most parents need to know, if the unthinkable were to happen to them, that their children would be loved and cared for and their children would have a secure future. Inside *The Children's Safeguard Planning Guide*, you'll learn the 10 simple steps to safeguard your children...and how your children could be placed in the care of social services or someone else you never would have chosen if you don't plan ahead.



Planning ahead for a child with disabilities is an extremely important and time-sensitive task. Your child is counting on you to create a legal and financial plan that not only protects him or her now, but also after you're gone. *Legal Planning for Children and Young Adults with Special Needs* is an overview for busy parents who simply need a roadmap for the future and simple action steps that tell them what to do and where to start.



Losing a loved one is hard. The days and weeks after a loss are often fraught with grief, questions, and family complications. It's a terrible time to try and think through a legal process clearly. Our guide, *Understanding Estate Administration*, will give you an overview of the probate and estate administration process in plain English and help you understand what you need to take care of right away and whether you may need help handling the estate.



Keep up to date on all things estate planning and asset protection related with our newsletter, *Get Your Ducks In a Row*. Not your typical boring law firm newsletter full of "legalese". We cover frequently asked questions plus helpful life tips and a little fun with puzzles and more. Sign up at newsletter.carolinafep.com

Visit resources.carolinafep.com to request any of these reports or view our other available resources

Sample Scorecard for Choosing a Will or Trust Lawyer

Characteristic	Importance	Score
It is important to me that my law firm has an established reputation, both nationally and within my community, in estate planning, asset protection, and long-term care planning.		
It is important to me that my law firm has adopted a set of written core values that are congruent with my own personal values.		
It is important to me that my law firm invests in the continuing education of its employees, so that they can stay abreast of changes in the law and techniques for best serving their clients' needs.		
Is it important to me that my law firm has documented systems for creating my estate plan, so that my planning does not get "lost in the shuffle" or sit on an attorneys desk for weeks at a time without action being taken on it.		
It is important to me that my law firm gets to know me and my goals for myself and my loved ones through thoughtful conversatoins <i>before</i> making a planning recommendation.		
It is important to me that my law firm uses flat fee billing, so I know what the cost of my planning will be before I begin.		
It is important to me that my law firm has a written guarantee on the work they provide.		
It is important to me that my attorney has a team to assist them with day-to-day tasks, such as fixing the copier, that don't require an attorney's skills, so my attorney can focus on my legal work.		
It is important to me that my attorney provides assistance re-titling bank accounts and updating beneficiary designations to coordinate with my estate plan.		
It is important to me that my attorney has a maintenance program to keep my planning up to date year after year.		
It is important to me that my law firm will continue communicating with me after I have signed my documents.		
It is important to me that my attorney is the least expensive service provider I can find.		
Additional Concern:		
Additional Concern:		

Learn the Insider Secrets to Hiring the Best Attorney For Your Estate Planning

We've all seen them: Advertisements that all "brag" about the same tired things: decades of combined experience, promises of "free consultations," and how much they care. Don't let these lawyer ads trick you. This Guide was written to help you decide which lawyer is right for YOUR needs.

Inside this book, you'll discover:

- What can go wrong if you procrastinate
- How not knowing what you don't know can be *disastrous* and why you need to work with a professional that will take the time to educate you about your options and how to best protect your family
- Why a lot of lawyers *love* LegalZoom
- Why your "jack of all trades" general practitioner or real estate lawyer that 'dabbles' in Wills may do more harm than good and end up leaving you with a false sense of security
- How to avoid getting ripped off by 'order takers' and 'dictators'
- How so-called "one-size-fits-all" planning leaves out issues that could be critical to your or your family's future well-being
- 13 very specific questions you should ask any lawyer you are thinking about hiring
- A 6-Step System and a sample Scorecard for finding the right estate planning firm for you
- And much more! This book is designed to empower you to find the right lawyer for your needs.

Don't take a gamble on the future well-being of you and your family. This is not the time to seek out the "cheapest" or "easiest" option. A well-rounded estate plan that truly protects you and your family is an investment in the future and a lot is at stake. If you've worked hard to provide for your family, don't let it all get flushed down the drain because you (or your lawyer) cut corners. Take the time to do things the right way. Your family deserves it.

Carolina Family Estate Planning

WILLS | TRUSTS | ESTATES

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