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Estate Planning, Probates, and Trusts

SUBSTANTIVE LAW

Themes:

- Guiding the practice of estate planning, probates, and trusts.

Conversation Starters:

- What drew you to a practice in estate planning?
- What do you believe an estate planning practice looks like?
- Who do you represent, and where are the possible conflicts of interest?
- Are there issues of competency? What do you do if you are worried about your client's capacity?
- How do you determine what type of estate planning documents your client needs? (What should be in the will? Does your client need a Trust? What kind of health care related documents does your client need?)
- What are some favorite techniques/tips when planning for taxable estates?
- How and when do you involve other professionals (accountants, taxpreparers, appraisers)?
- What do you tell people when they ask why they need a will, or why they need a lawyer (instead of a LegalZoom form)?
- When is a living trust a good idea?

Conversation starters for probate:

- What are the steps for probating a will?
- What are the pitfalls of a probate proceeding?
- What does a personal representative need to do in a probate?
- What role does the lawyer play in administration of a probate after the personal representative has been appointed?
- What are the most common things that personal representatives need help with?
- The court ordered a bond, now what do I do?
- How do I find heirs?
- What is TEDRA and when does it apply?

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Activities:

- Conduct a mock intake interview with mentor acting as client and mentee playing the role of the attorney. Mentee can draft a will and other estate planning documents for the "client."
- Introduce mentee to various non-lawyer professionals such as accountants, financial advisors, counselors, guardians, or assisted living or nursing home specialists.
- Review Title 11 RCW.
- Discuss the specific timing considerations in probate proceedings, and the various deadlines.
- Attend a hearing on the ex parte calendar or probate calendar (King and Pierce Counties).
- Review local rules regarding probates and trusts (as applicable).
- Allow mentee to observe presentation of a petition to probate will, and explain all documents that accompany the petition to appoint personal representative.
- Show mentee how to obtain letters testamentary.
- Discuss issues specifically relating to aging clients (i.e., Social Security, retirement benefits, medical issues).
- Visit the courthouse and learn about the commissioner's calendars.
- Attend a Real Property, Probate and Trust Section CLE.
- Sign-up for the Real Property, Probate and Trust Section listservs.

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Resources:

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- WSBA Real Property, Probate and Trust Section: http://www.wsbarppt.com/
- Title 11 RCW
- Washington Law Help regarding "seniors": http://www.washingtonlawhelp.org/issues/aging-elder-law