

18 Critical Factors for Selecting an Estate Planning Attorney

Business & Finance – Education and Experience, It's Your Finances

1. Does the lawyer limit his or her practice to estate planning and related matters? *Davis Schilken limits its practice to estate planning and related matters. We believe we can better serve our clients by providing in depth advice and counseling limited to estate planning, corporate representation, and wealth preservation.*
2. Does the lawyer have the education and experience necessary to understand your business and finances? *Keith Davis, Francis Brown and Janine Guillen have undergraduate and masters degrees in business and have worked for Fortune 100 companies. Mr. Davis practiced as a CPA with Coopers & Lybrand (now PricewaterhouseCoopers).*
3. Does the lawyer have the education necessary to have a sound understanding of income and estate taxation? *In addition to basic law degrees (Juris Doctorate), our lawyers also hold law degrees in taxation. The LLM. in taxation requires 46 credits in tax related courses.*
4. Does the lawyer have substantial experience and case volume in tax planning and implementation? Does the lawyer have the expertise and experience to actually prepare necessary tax returns? *We can implement the plans we design. While we prefer that the client's CPA prepare any necessary income and/ or estate tax returns, we regularly prepare client estate and gift tax returns and work with a client's CPA to complete complicated tax returns when necessary. We believe that doing a certain amount of tax implementation work is necessary to provide real-world, state of the art implementation.*

Client Risk – Protecting Your Time and Money

5. Does the lawyer offer an initial, no-obligation consultation of substantial duration? *Davis Schilken offers initial, no-obligation consultations. These consultations typically last two to three hours.*
6. Will the lawyer agree to design and implement your estate plan on a fixed-price basis? *Our substantial case volume allows us to plan, design, and implement estate plans on a fixed price basis. In unusual cases, we will implement plans on an hourly basis.*
7. Will the lawyer commit to a reasonable fixed-schedule for completion? *Davis Schilken targets completion of most estate plans within 2-4 weeks. (Asset titling and beneficiary designation coordination typically adds 30-60 days).*
8. Will the lawyer commit to a fixed price to settle your estate? Does the lawyer offer a maintenance plan? *Davis Schilken offers revocable trust clients a Client Care Program to systematically review and update their plans on an annual basis. We also give clients the ability to have their estate settled at a fraction of the cost that might otherwise be expended*

Client Focus Discovery Process

9. Can the lawyer consistently work with clients to help them express their hopes, dreams, fears and aspirations? *Our attorneys realize that clients are only raving fans if their plan lets them sleep at night. For most people, this means having confidence that everything will be handled if they are unable to make decisions. This result isn't possible in a 60 minute meeting. This is why clients are asked to set aside up to three hours for an initial consultation.*

10. Does the lawyer take the time to review and verify a client's assets, including the asset's ownership and beneficiary designations? *To properly integrate a client's financial assets with legal title, the Davis Schilken team reviews the character of each asset and asks clients to provide copies of statements and beneficiary designations. Without this asset verification, most planning is suspect at best and doomed to fail at worst.*
11. Does the lawyer take time to identify possible issues regarding a client's children, in-laws, and grandchildren? *Selecting a "good" helper is an important task. Our attorneys counsel clients on different criteria to use when selecting an agent, trustee, and fiduciary to help prevent foreseeable problems.*

Client Education and Plan Design

12. Does the lawyer spend substantial time educating the client on basic estate planning, integration of property ownership/beneficiary designations, and estate taxation at no obligation to the client? *Our new clients continually comment that they finally found an attorney able to effectively provide advice in a clear, concise, and easily understood manner.*
13. Does the lawyer provide written diagrams to facilitate client understanding during design and implementation? *Our attorneys believe that clients will appreciate and follow their plan better if they understand it. That's why clients receive a color diagram tying the components of their plan together. It's amazing what this diagram does for a client's understanding and satisfaction.*
14. Does the lawyer provide comprehensive planning documents including living wills, healthcare powers of attorney, standalone HIPAA authorizations, and general durable powers of attorney? *Estate planning is not about the documents. Most clients' concepts of estate planning are akin to a black and white T.V. from the 1950's. Our attorneys explain in plain language the necessary elements every plan should have and why.*

Titling of Assets and Coordination of Beneficiary Designations

15. Does the law firm have a full time staff to prepare a comprehensive spreadsheet to analyze and coordinate titling of assets and beneficiary designations? *Davis Schilken clients receive a spreadsheet listing all of their "stuff." The proper titling and transfer of a client's entire estate doesn't happen by mistake or accident. Davis Schilken has two full time funding coordinators to manage this critical but neglected part of the process.*
16. Does the lawyer take the lead in preparing legal documents and institution forms to implement (fund) the estate plan? *Proper estate planning integrates a client's financial assets with their legal ownership to ensure that their "stuff" passes to whom they want, when they want, and how they want.*

Plan Maintenance and Follow – Up

17. Does the lawyer offer a maintenance plan to systematically maintain the value of a client's estate plan? *Clients that join D & A's Client Care program can update their plan in an economical way. Davis Schilken is interested in creating a relationship with our clients rather than a "business transaction."*
18. Does the lawyer offer a systematic process for making the client's emergency documents available 24/7? *Almost all of our clients subscribe to Legal Directives, LLC. With one phone call, this service gives clients immediate access to their living wills, health care powers of attorney, standalone HIPAA authorizations, and emergency contacts 24/7 via facsimile.*