



**PROPER PLANNING MAY CREATE PEACE OF MIND**



## February 2008     Are Your Affairs In Order?

Which New Year's resolutions have you kept at this point in the year? Perhaps it is time to review the resolutions we had made and consider resolutions we should have made. I advocate posing this question to yourself, *"Do I have an updated legal plan in place, for my practice, in the event I become incapacitated or die?"*

If you answered 'no', then consider the following as part of an overall management plan:

**1. Business Durable Power of Attorney:** For those professionals who are solo practitioners or, in a partnership consider creating a durable power of attorney that authorizes a trusted person to handle your business affairs during a period of your incapacity. You will want to think carefully about the scope of authority to be delegated so that your law practice can continue during your temporary absence. This may include authority to: access your firm's operating and trust accounts; sign checks; sign a corporate tax return; communicate with the pension plan administrator and financial advisor; oversee client files. Feel free to contact me to discuss the language I chose for my own business durable

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power of attorney.

**2. Springing Durable Power of Attorney:** Do not assume that if you are married that your spouse has legal authority to access assets that are titled solely in your name (i.e. life, health, disability insurance; retirement plans). You will need a detailed, well drafted document to give your spouse or, domestic partner or other trusted person legal authority to handle your personal financial affairs.

**3. Medical Advance Directives:** Don't forget the importance of designating a healthcare surrogate to make medical decisions, and identifying your medical preferences so that you don't become another 'Terry Schiavo' case in the media. At your request, we are pleased to share with you a checklist of living will considerations so you can initiate an open dialogue with your family. We invite you to share this with your colleagues and friends.

It is very easy to get caught up with our work, family, or personal obligations. However, we benefit by learning from the lessons that present themselves everyday to our clients. All too often we see people who have no docu-

ments in place and therefore become the subject of a guardianship proceeding. Proper planning can offer all of us peace of mind — if we are willing to take the time to do it.

### Practice Areas

**Estate & Incapacity Planning**

- ◆ Last Will & Testament
- ◆ Probate & Trust Administration
- ◆ Revocable Trust
- ◆ Durable Power of Attorney
- ◆ Designation of Healthcare Surrogate
- ◆ Quit Claim Deed
- ◆ Living Will

**Emergency & Advocacy Services**

- ◆ Emergency & Standard Guardianships
- ◆ Long Term Care Facility Residents' Rights
- ◆ Medicaid Applications & Appeals

**Government Assistance**

- ◆ Special Needs Trusts
- ◆ Representation of Special Needs Trust's Trustees
- ◆ Protecting Lawsuit Proceeds and Inheritances While Preserving Medicaid and SSI Eligibility
- ◆ Exceptions to Medicaid Lien Recovery

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