



Questions to Consider Asking a Potential Estate-Planning Attorney

You have made the important decision to work on estate planning for you, your loved ones and the causes that are important to you. This document was created by the staff at Catholic Foundation for Brooklyn and Queens to assist you in selecting an estate attorney. What follows is a list of suggested questions to consider asking estate attorneys before you make a selection.

Do you concentrate your law practice in the areas of Wills, Trusts and Estate Planning?

How Long Have You Been Practicing?

Do You Actually Execute the Plan?

(Some lawyers draft estate-planning documents, while others also execute the associated trusts. It is more efficient to retain a lawyer in the latter category, who can ensure that the correct assets are transferred into the trust.)

Do You Conduct Periodic Reviews?

(For a small fee, some estate-planning attorneys will semi-annually or annually review your affairs. This can be important, as adjustments to your plan may be necessary if you experience a life change or a change in your finances. New legislative amendments also could potentially change aspects of your estate planning.)

What Is Your Estate Tax Experience?

Can You Help Me Create a Comprehensive Estate Plan that Includes Wills, Trusts, Health Care Directives, Powers of Attorneys and Life Insurance?

How Do You Charge? Do you offer a sliding scale?

Do You Make House Calls?

How do you determine whether a Revocable Living Trust would be beneficial for a client?

(Putting assets into a revocable living trust can avoid the costly and onerous probate process (filing a will with the court). But this may not be the best move for everyone, because revocable living trusts do not avoid inheritance, estate, or income taxes.)

What Other Issues Do You Address?

(As life expectancy increases, so does the probability of long-term physical and mental health issues. Estate attorneys should help clients fiscally prepare for the possibility of disability or dementia by drawing up deeds, powers of attorney, health care directives.)

How Long Will It Take You to Complete My Estate-Planning Project?

Will You Send Estate-Planning Documentation for Me to Review?

(Even if you are working with an experienced estate-planning attorney, it is essential to review all documents and forms to avoid any miscommunication. Be clear about what can be changed later, and what is irrevocable, meaning unable to be changed.)

Will Anyone Else in Your Office Be Able to Discuss My Issues in Your Absence?

(While most estate-planning attorneys strive to make themselves available to their clients at any time, it is important to know that an associate or paralegal will be available to answer questions in an emergency if your lawyer is not available.)

Does Your Firm Typically Name Itself as Trustee/Executor?

(The answer to this question should be "no," as a "yes" suggests a conflict of interest, among other issues. A spinoff question might be "does a subsidiary of your firm do asset management?" The answer to this question should also be a "no.")

Please note that the information in this document is not intended as tax, legal or financial advice. Please conduct your own research and consult with a professional accountant, lawyer or financial advisor for counsel specific to your personal situation.