

What We Know

ARTICLES & INSIGHTS

ABOUT THE AUTHOR



Andrew is a member of the firm's Trust and Estates practice area. He primarily represents clients in matters involving estate planning, estate administration, special needs law and elder law. Originally from Grand Haven, Michigan, Andrew attended the University of Michigan, graduating with a Bachelor of Arts degree in Political Science. He earned his J.D. from Michigan State University College of Law.

Six Benefits of Hiring an Estate Planning Attorney

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Creating or updating existing estate planning documents, including wills, trusts, health care directives, powers of attorney, and related tools, is one of the most important things you can do to ensure your wishes will be honored when you die, or if you become unable to manage your affairs. In today's digital age, there is no shortage of do-it-yourself options for estate planning.

It is natural to be tempted by the seemingly low cost to use an online service provider to prepare your legal documents. However, doing so could result in your estate plan not doing what you want it to do. Hiring an estate planning attorney to prepare and help execute your legal documents is a smart decision for a variety of reasons:

1. **Update documents when necessary/appropriate.** Wills, trusts, and other estate planning documents should not be something you prepare once and never revisit. As life events occur or as your financial situation changes, it's important to make sure your plan and related documents still do what you want. If you have estate planning documents already, your attorney should review them carefully to determine whether any updates are necessary given your goals and wishes. Depending on the circumstances, sometimes a simple codicil to a will or amendment to a trust will fit the bill. In other situations, it may make more sense to re-evaluate your estate plan with an eye toward avoiding probate or minimizing estate taxes.
2. **Ensure your documents will comply with current law.** When you work with a licensed estate planning attorney, you can also be confident your documents will be drafted in accordance with current state law. Probate and trust laws are state-specific, and they do change from time-to-time. Working with a lawyer can give you peace of mind knowing that your plan fits within the parameters of state law.
3. **Confidence your documents say what you want them to say.** One of the biggest pitfalls of taking a do-it-yourself approach to estate planning is the risk that your documents won't truly accomplish your goals. The reality is that estate planning verbiage can be complex and confusing. If you don't understand or misinterpret what an online form provider is asking, you will have wasted money on documents that won't work for your desired outcome. Perhaps worse, most errors in estate planning documents aren't found out until after someone dies. At that point, it's too late to make

changes. When you work with an experienced estate planning lawyer, you'll have someone who will work to understand your wishes. They will consider various scenarios with you to draft documents that accurately reflect your wishes.

4. **Legal advice related to asset titling and beneficiary designations.** One common misconception is that your will or trust automatically covers all of your assets. The reality is that certain types of property ownership and beneficiary designations on assets, such as retirement accounts and life insurance, pass independently of your will or trust unless you take steps to make them work together. Your estate planning attorney will review your assets and make recommendations and provide assistance with retitling accounts and property, and with changing beneficiary designations, so your estate plan encompasses all of your assets. This is an essential and often overlooked step in avoiding unnecessary, costly, and time-consuming probate proceedings when someone dies.
5. **Your documents will be professionally-drafted and executed.** When someone purchases an online will or uses a fill-in-the-blank document, you can be sure that document is little more than the legal equivalent of a form letter. The purchaser is generally told what the requirements are to make the documents valid, but an online provider cannot notarize or witness signatures. When you hire an attorney to help you, your documents will be professionally-drafted and customized to your specific situation and goals. Your attorney will also help you make your documents official, arranging for witnesses and notary public signatures as necessary, so you don't have to worry about trying to do that final step on your own.
6. **Trusted resource for future questions for you and your loved ones.** Last, but not least, there is valuable peace of mind in establishing a relationship with an estate planning attorney who can be there for you down the road. Your attorney can also be a touchpoint and guide for your loved ones after your death or incapacity, helping to ensure smooth settlement of your estate or administration of your trust.

Simply put, estate planning attorneys provide value in many ways, far beyond merely providing you with printed wills, trusts, or other estate planning documents. If you have questions about the process and want to learn more, contact our office today.

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