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As I am writing this article, my trusted painter is coming to paint the wood trim of my old farmhouse. He meticulously sands, cleans, fills in holes, smooths out damage and consistently paints with no drips and never skips the second coat. Could I do this myself? Sure, I tell myself. However, I know that my work will lack the detail, have some drips and missed corners (called character), my patch work will not be invisible after my work is done, and my job may or may not include a light sanding after my first coat or even ever get a second coat of paint. This is why my wife was fine with letting me paint the barn, but the house is left to the experienced professional.

DIY Lawyer?

Similar to me doing my own painting, too many people attempt to prepare their own contracts, estate plans, or sell their houses. As with my paint job, the final product may look adequate, but it has problems that only the trained professional can foresee and avoid. In the legal arena, these problems come in the form of poorly written legal documents which can lead to family disputes or funds passing directly (rather than in trust) to beneficiaries who are not capable of handling money, not to mention thousands of dollars being paid in additional taxes, legal fees and accountant fees.

At a minimum, if you do feel you can prepare your own documents based on internet forms or your own research, have the documents reviewed by a professional to ensure that you incorporated everything that you intended to cover. I cannot tell you how many times a five minute review of a client's documents has revealed document defects and poor decisions made due to the lack of knowledge of the options available when setting up an estate plan.

So what issues do I normally see in DIY documents? In durable finan-

cial powers of attorney, most clients fail to realize the ability of a named agent to rob a principal blind and that the named agent may exclude the rest of the family from financial decisions or information. Making sure you have considered having a system of checks and balances in the form of multiple agents and also limiting the powers of an agent to what you are comfortable with them doing is crucial. When agents take advantage of a principal, not only can funds be lost, but investigating what occurred and taking an agent to court will cost thousands of dollars in legal fees.

When it comes to healthcare decisions, many individuals consider naming only their spouse or one child, leaving the named alternate agents or other family members without the ability to talk to doctors and other medical providers. My experience has been that naming a number of trusted loved ones with an order of preference is the best. This is what allowed my mother and any one of her children to talk to the nurses and staff at the Veterans Hospital when my father lived there.

Turning to the Will, many times the most common mistake is not

the document itself, but the failure to link assets that pass outside of the Will to the estate plan. For example, my contingent heirs under my Will are my children, provided that if they are under the age of 35 their inheritance passes in trust with their uncle. Like many people, a good portion of my wealth is in retirement account, which pass outside of the Will by beneficiary designation. The only way my 401(k) assets will pass to the trusts that I created for my children under my Will is if I properly prepare the beneficiary designations directing the custodian of my 401(k) to distribute the funds to my brother as trustee for my children.

While I am not encouraging it, I must admit that if everyone prepared DIY legal documents, I would be twice as busy just because of the amount of work involved to clean up the mistakes made. If you are DIY lawyer, take the time and spend the money to have your documents reviewed by a professional to confirm they actually say what you intend. Better yet, let the professional do it from the start. Like my professional paint job, it is worth having the job done right!



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