

How To Find A Competent Estate Planning Attorney

The following questions were designed to help individuals find competent tax and estate planning counsel in states, such as Virginia, where there is no board certification of lawyers as estate planning specialists. This list is not exhaustive and it is not suggested that a wrong answer to a question should disqualify an attorney from consideration. However, individuals may be able to judge from the answers, as a whole, whether the attorney they are consulting has adequate expertise and experience to handle their critically important estate planning matters.

Questions To Ask The Attorney

- How long have you been doing estate planning?
- What percentage of your practice is in estate planning?
- Which do you do more: estate planning or probate?
- How many estate plans do you complete each month on average?
- Are you an active member of any estate planning specialty organizations or committees? If so, what are they?
- What types of trusts have you prepared? For example, charitable remainder or lead trusts, life insurance, dynasty or personal residence trusts?
- How many hours of continuing legal education in *tax and estate planning* do you generally complete each year?
- What was the last estate planning class or professional meeting you attended?
- How many estate planning classes or continuing professional education programs have you taught to CPA's, certified financial planners, lawyers and/or insurance professionals?
- Can you plan a "zero estate tax" estate?

- How many guardianships and decedent's estates have you handled in probate court?
- Have you represented any taxpayers or their estates against the Internal Revenue Service?

Information The Estate Planning Attorney Should Seek From You

- Tell me about your family.
- Tell me about your hopes, fears, dreams, aspirations, values, goals and eccentricities. (The questions probably will not be phrased quite this way, but the estate planner needs to know about your personality and values to help you properly develop your plan.)
- Tell me about your assets: real estate, securities, business interests, insurance, IRA's, retirement plans...everything.
- Why did you make an appointment with me? Tell me what is worrying you and what you most want to accomplish.

Choosing an estate planning attorney is an important decision. You will want a person who is capable both in handling the technical aspects of trusts, wills, powers of attorney and tax issues. But you will also want someone who will actively listen to your goals, dreams, desires and fears, and who will counsel and guide you through the process of protecting your family and assets.

You will also want an advisor who enjoys a good reputation in the community. Martindale-Hubbell®, a directory of lawyers, conducts a peer-review rating service. Attorneys with an “AV” rating, indicate that they have the respect of their peers as having the highest ability in their field and high ethical standards. Inclusion in a publication, such as “The Best Lawyers in America ®” also indicates that an attorney has the respect of his or her peers as being accomplished in the practice of law.

The choice of an Estate Planning Attorney can be one of the most important decisions you can make for your family. If you would like to know more about how to choose a competent estate planning attorney, please contact us.

This article was prepared by Midgett & Preti PC and is intended to provide general advice only. For answers relating to a specific situation, you should consult a competent estate-planning lawyer.