

What To Do When Your Estate Planning Attorney Retires

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An estate planning attorney can help you create a plan to protect your loved ones in case of your death or incapacity. This process may include sharing personal information with your attorney. Often, clients form a close connection with their attorney during the creation of their estate plan.

But what happens if your attorney becomes ill, is approaching retirement, retires, moves, or dies?

You will likely feel stranded, especially if your estate planning lawyer's departure is sudden, or if they fail to give you notice. Losing your attorney's expertise and advice may cause you to wonder whether your estate plan is still effective. Additionally, if your attorney maintained your estate planning documents, you may lose important originals of documents like wills or living trusts.

At such a time, you may understandably feel lost, confused, and disappointed, but it's important not to panic. Let's walk through the issues you may face and how to continue to protect the future of your loved ones through this difficult situation.

Questions you may be asking are: Is my estate plan still valid? Who can I call with questions? Who can I contact to update my plan with life changes? Who will guide my loved ones upon my incapacity? Who will help my loved ones settle my

estate?

Attorneys typically try to protect clients in the event of a sudden, unexpected inability to practice law. This may include formal or informal partnerships with other attorneys to reach out to clients and close the practice.

However, it's certainly possible that your attorney didn't make the necessary arrangements or wasn't able to reach you. If your attorney failed to make contingency arrangements or didn't notify you of their departure, you may be left without legal advice and possibly without legal documents.

Don't Panic, Your Estate Plan is Still Valid

If this is your situation, or you fear your attorney has no back-up plan, don't panic. Your wills, trusts, and other documents are likely still valid, even if your original attorney is no longer able to guide you.

An experienced estate planning attorney should be able to assist you with a will or trust that was prepared by another attorney. Additionally, your loved ones can seek counsel after your incapacity or death with a qualified estate planning attorney. While this may be a new relationship, it does not have to be the source of additional stress.

Your estate planning lawyer may have stored the originals of important estate plan documents, like your will or trust. Leaving your documents with your attorney wasn't a bad decision on your part, but it may be a decision you want to reconsider.

Searching for your lost attorney and potentially lost documents may prove to be a complicated and time-consuming process. Typically, a good starting point is to seek the counsel of a new estate planning attorney. You'll likely need a new attorney anyway, and they can help guide you through what may be a difficult situation.

Hiring a New Estate Planning Attorney

Walecka Law can help you sort through the fallout of your previous attorney leaving. We understand the difficulties of losing your attorney and can review your estate plan to ensure everything is in place.

Additionally, switching to a new estate planning lawyer gives you a fresh start on your estate plan. If your plan was will-based, you could consider a revocable living trust, to avoid probate, maintain your privacy, and more.

What Can I Do to Prepare?

While the retirement or passing of your estate planning attorney may be a disappointment, it doesn't have to be a source of stress. Walecka Law recommends taking a few simple steps to prevent a potential retirement or death resulting in conflict or confusion down the road:

1. Keep your contact information updated with your attorney's office

If your attorney retires, moves, or passes away, their office should contact you to communicate the situation. To do so, they will need your current phone number, mailing address, and email address on hand. If these primary details change, be sure to call your attorney's office.

2. Know where your original documents are stored (and communicate the location to your loved ones)

It is important that your loved ones can locate your original, signed estate planning documents in the event of your incapacity or death. No matter where you choose to have your documents stored, be sure that your loved ones know where to find them when needed.

3. Have your estate plan reviewed periodically

Walecka Law advises our clients to revisit their planning documents at regular intervals to ensure that no major life changes need to be accounted for (typically every 3-5 years). Does your attorney offer this service? If you take this step, you are very likely to discover if your attorney's situation has changed without providing you proper notice. If this happens you should seek new legal counsel.

Do you have a suggestion for a future article topic for Attorney Walecka? Reach out to him directly with a question or topic you think would be helpful to readers.

The information contained in this article is not intended to make you an expert on estate planning nor is this article intended to replace the need for the advice of a professional. Rather, this article is simply intended to provide a basic understanding of why estate planning is important for everybody and a basic understanding of some of the more common estate planning tools. This article does not constitute legal advice.