

Advisors: How To Talk to Clients about Estate Planning?

A conversation with Cassandra G Jones, Esq.



For most advisors, estate planning is one of the most difficult, yet important topics to broach with clients. Clients avoid it because it forces them to acknowledge the possibility of becoming incapacitated, the certainty of their life coming to an end, and the need to make decisions about who gets what and how to handle end of life care. Facing mortality is one of the hardest things we must do in life—so hard, that most clients try to postpone or avoid the conversation altogether. To help implement your client's wishes, you need to ask very tough questions. Some of them might make you squirm. To help you navigate the estate planning conversation with your clients, we sat down with Elder Law and Estate Planning attorney, Cassandra G Jones, Esq. to get some ideas on how to open and structure the estate planning conversation, tools to utilize and questions to ask.

1. How do you open the estate planning conversation? What are some of the common estate planning questions you ask your clients?

Estate Planning should focus on the client's goals. While that often involves their assets, more than anything it's about the individuals, their passions, and the relationships they have. So, most commonly, I ask about how they met, what they like to do with their spare time, and to tell me about each of their children. I delve into questions about a child's needs (gambling, addictions, superstar), employment history, marriage, and history of financial skills (i.e. bankruptcy). This gives me context when analyzing the assets for what is the best solution for my clients and their family. Financial information alone is insufficient; it's just a vacuum.

2. Who do you focus on during the conversation? Do you focus on the husband, wife, both? Do you recommend bringing the family?

I always meet with the husband and wife together when crafting a plan for a married couple. As an attorney, I have a responsibility to form an attorney-client relationship with both the husband and wife, as they are both my clients. Additionally, this plan affects both of them and may be administered by both or one of them in the future.

In my practice, I generally do not involve children or extended family until the original plan has been created. I do this because I need to establish my client's wishes, and advocate for those. Children may be involved at the middle point, between designing a plan and executing the documents, especially for plans that have irrevocable pieces. I believe that transparency and communication can ward off many trust disputes in the future, so I advocate family meetings early and often.

3. What are some of the questions client's ask when talking about estate planning?

The most common question I am faced with is whether the beneficiary has any right to affect the trustee, and whether the beneficiary

can or will cause problems for a trustee. I use those questions to educate my client as to the duties of the trustee, the trust administration process, and options for trustees beyond their family or friends. Many of my clients realize that the job of trustee is just that: a job, for which the individual needs to be qualified. This conversation often circles back to the unique qualifications and traits of the individuals in my client's life to better delve into who is qualified to act for them. Many clients determine that a professional trustee can be the best choice.

The second most common question is about how much this estate plan will cost them. Since I am focused on client education, and ensuring my clients fully understand their plan, I have committed to charging flat fees for estate planning. This gives my clients confidence that they can call me with questions, but also comfort in knowing that they will not be hit with unexpected charges later.

The cost of the estate plan is often contrasted with the estimated cost for administering an estate. This is where another common question arises: how easy will it be for my trust to be distributed? This question gives me an opportunity to compare and contrast probate verses a trust administration. In this way, I can show the relative speed and ease of trust administration in Nevada. Yes, a trust plan can cost more to set up initially, but it will pay for itself by avoiding unnecessary probate costs and delays.

4. Is there a checklist you follow? What is the structure for the conversation?

Prior to meeting a client, I have them fill out a multi-page questionnaire regarding their assets. This leaves me free during the consult to focus on getting to know the client. I do use an interview form to avoid missing anything in a conversation. Structurally, I always start the conversation by asking about how the couple met, ended up in Nevada, and what their hobbies are. This gives me a lot of information about their personality, work experience, and passion. It also helps the clients feel at ease with me, since we start with a topic that they know well: themselves.

I usually side track into financial questions at that point. I make sure to discuss long term care insurance, military service, monthly income, and health insurance. Again, these topics provide wide ranging information relevant to income planning, long term care planning, and understanding how assets might be affected in the future.

The next phase of the conversation is to discuss each individual child, or other person identified in their questionnaire. By "getting to know" each child, I can also ask questions that reveal the quality of the relationship with the parent and with other siblings, and review this person's need for any special planning or considerations. I also briefly explore my client's parents and siblings to see if they might be a factor in a plan. The most common considerations tend to be whether an inheritance is expected, whether there is a family legacy to consider (like a family farm), and whether special needs or asset protection planning is appropriate for the kids.

It is not until this point in the conversation that I ask the client what they would like for their plan. I try and avoid placing any expectation on them to define the legal structure. Rather, I ask them what their goals are for the people and causes that are important to them. It is only at that point that I begin to start sketching out legal structures for the client, but my previous interview has often helped me eliminate and refine the plan before I am outlining it for them.

5. Are there any tools you use to help carry the conversation?

I'm big on props and stick figures. If I cannot draw the concept out, then I feel that I cannot explain it well. I use a large white board, which prints, so that my clients can go home with my doodles. It is particularly effective for helping them remember what we talked about later.

6. Any follow up tools you like to use?

I recognize that I am a procrastinator, so I always have my clients schedule their next meeting before they leave. That triggers internal timelines which we use to draft, revise, and review estate planning documents. By having a firm deadline, I am more efficient and complete plans in a timely manner.

7. Do you involve the clients' financial advisor?

When my clients are closely associated with their advisors, I often suggest to the client that they bring an advisor to a meeting, or suggest that we have phone calls. This is especially effective during funding and administration of a trust, since the lawyer's relationship with the advisors can often expedite the care that the clients or their families need.



About Cassandra:

Cassandra obtained her bachelor's degree in Justice Studies from Arizona State University in 2000 and her Juris Doctor from Arizona State University in 2002. She received many academic honors, including graduating in the top 10% of her law school class, and as a Pedrick Scholar. She is licensed to practice law in Nevada and California.

Cassandra is an experienced elder law and estate planning attorney. She has gained her experience in private practice and working inside the courtroom. Prior to opening her own practice in 2011 and then joining Heritage Law Group, P.C., Cassandra served as Staff Attorney for the Ninth Judicial District Court, located in Douglas County, Nevada. While with the Ninth Judicial District Court, Cassandra served as one of the founding members of Douglas County SAFE, Special Advocates for the Elderly.

Prior to joining the Ninth Judicial District Court, Cassandra worked as attorney at Brooke & Shaw, working primarily with estate planning matters.

Cassandra is a member of Wealth Counsel, a preeminent group of estate planning attorneys, and the National Association of Elder Law Attorneys (NAELA). She is also a founding member of the Douglas County Bar Association, as well as a past president and secretary/treasurer for the association. Cassandra is the immediate past co-chair of the Carson City sub-chapter of the Estate Planning Council of Northern Nevada.

Cassandra is a native Nevadan. She serves the community through SAFE, the Board for Austin's House, as a Board Member for the Town of Gardnerville, and through her church. She is married to her junior high sweet heart and is embracing the challenge of raising her two young children.