

How Do I Choose My Estate Planning Attorney?

Would you have your regular doctor do your heart surgery? Sounds like a stupid question, right? However, the same could be said for choosing the right attorney for your Estate Planning. Unlike the medical profession, the law in Virginia does not allow an attorney to claim to have a specialty, leaving you with no other option but to guess as to whether your attorney is qualified to guide you through the estate planning process.

It seems every brochure or letter you receive from your bank, financial adviser, or brokerage firm asks if you have done your "estate plan." The fact is your bank, financial adviser or brokerage firm can only help you with the financial planning aspects of your estate. You need a qualified estate planning attorney to draft the legal documents that create an estate plan for you. A qualified estate planning attorney will work with your financial adviser and accountant in order to ensure that any plan you create together meets all your goals and objectives.

Many attorneys attend a short seminar to learn a certain area of law and then immediately add it to their existing law practice. The intricacies around estate, Medicaid and tax planning are extensive. Not only does the attorney need a thorough knowledge of probate law, estate administration, trust, asset protection and Medicaid laws, they must also have an extensive knowledge of income tax, estate tax, gift tax, generation-skipping tax and excise tax laws. All of these areas intertwine and have a significant impact on your estate plan.

While general attorneys may have some knowledge of the special area of the law and may be able to guide you through certain parts of the estate or Medical planning processes, most will find it difficult to stay abreast of the many exceptions and details this area of the law demands. After all, the attorney who does traffic court one day, divorce on another, business law on the third day and sues for personal injury on the fourth, simply does not have enough hours in his day. If you want an estate plan that works when you need it to, you must work with.