

## **LESSONS LEARNED FROM CELEBRITIES: MAKE AN ESTATE PLAN AND KEEP IT CURRENT**

The news frequently reports on fights that have arisen over the estates of celebrities who have either failed to establish a Will or have failed to update their Will to reflect existing circumstances. David Cassidy recently passed away. His Will was signed in 2004. It excluded his daughter who, at that time had been estranged but with whom he had since reconciled. Jerry Lewis is another celebrity whose estate has recently been in the news. His Will left nothing to his sons. Provisions such as these, that disinherit a close family member, are very likely to lead to contests over the Will and future litigation.

Feelings can change. Our relationships with family, friends and loved ones develop. Sometimes we grow closer and other times we grow apart - or worse. Your estate plan should reflect your intentions. If a particular friend or family member has been a constant source of help and comfort, you may wish to honor them with a specific bequest. Perhaps your Will includes such a gift and that person, with whom you were very close, has disappeared from your life. It may be time to make a change. The only way your estate can be distributed in accordance with your wishes is if you establish a proper plan and then periodically review it. At Berwitz & DiTata LLP, we recommend reviewing your estate plan every three to five years.

Envisioning your plan, having it properly implemented and regularly reviewing it is key. Choosing the right attorneys to help you accomplish this is just as important. Attorneys whose practice includes litigation, who regularly handle contested estates and other disputes, can use their experience to inform the planning process. Especially if you have an unusual plan as to who should share in your estate, litigation after your death, when you are no longer here to explain your reasoning, can derail your design. If someone contests your Will, litigation costs and prolonged proceedings will tie up your estate for months or even years. Assets that you earmarked for your special beneficiaries will, instead, be spent defending your plan or bringing about a resolution. During the proceeding, the individuals whom you intended to benefit may have to spend time and energy producing documents and proof and may even be required to testify. But even if your plan is not out of the ordinary, sometimes hidden ambiguities will make the usual look unusual and create issues.

At Berwitz & DiTata LLP our extensive litigation experience helps us anticipate potential future issues which we can then help you to guard against. We can identify and help avoid the issues that may prolong litigation and we strive to prevent objections to a Will before they are contemplated. Our strategies not only reduce the possibility that potential objectants will prevail but diminish the chance of litigation altogether. We make sure to maintain records of your visits with us so that, regardless of how much time has passed since you last discussed your goals with us or executed estate planning documents, we can confidently describe what occurred and establish that your estate plan was the result of a knowing decision, freely made by you.

Now that a new year has begun, it is time to review your documents and ensure that they reflect your wishes. At Berwitz & DiTata LLP we will help to protect you and discuss the best way to implement your wishes.