

## **How to get your Will in order: What to expect when meeting an estate planning lawyer for the first time**

*by: Karla Dane, Partner*

*published April 22, 2024*

Congratulations! You've taken that first step and made an appointment with a lawyer to complete your Will. You're now probably wondering what you can expect at that meeting and what you can do to prepare for it.

Every lawyer has their own approach when it comes to discussing estate planning with new clients. The first meeting is an opportunity to get to know you and understand your wishes. You can expect that your lawyer will go over the structure and content of a normal Will, power of attorney and health care directive. They will ask lots of questions to understand the specific nature of your estate and to gather information so that they can properly advise you on the completion of these documents.

To assist with the discussion at that initial meeting, there are certainly some things you can consider in advance as it relates to your Will, power of attorney and healthcare directive.

For your Will, it is helpful to consider the following:

- **Executor** – This is the person or people who will be responsible for administering your estate in the event of your death. There are many factors to consider when appointing an executor and your lawyer will discuss these factors with you. If you know in advance of your meeting who you might wish to appoint, then it is helpful to discuss those individuals specifically to determine if they are practical for that role.
- **Beneficiaries** – Of course how you wish for your estate to be distributed is one of the most important elements of your Will. It is helpful for your lawyer if you have some thoughts on how you might wish for your estate to be distributed. Again, there are various factors to consider, and your lawyer can discuss those with you in relation to your identified wishes and goals.
- **Your Estate Assets** – Your lawyer will ask you about the nature of your estate. To properly advise you on your estate planning, your lawyer needs to understand what your estate consists of. You can expect that they will ask about your assets

and debts including items such as real property, bank accounts, investments, insurance policies, vehicles, business interests, other special items, debts, loans etc. If you have an understanding of your assets including how they are owned (ex. solely or jointly with someone else), any named beneficiaries, or any other special terms, that will assist in understanding what actually falls into your estate and how those items can most practically be dealt with in achieving your goals.

- Guardians – If you have minor children then your lawyer will recommend that you name a guardian or guardians in your Will.

If you are completing a power of attorney, it is helpful to consider the following:

- Attorney – This is the person or people who will act in the capacity as your attorney when needed and manage your affairs. You can expect that your lawyer will go over the role and function of your named attorney. If you have some thoughts on who you may wish to name in that capacity, then you and your lawyer can discuss those individuals specifically to determine if they are right for that role.

If you are completing a health care directive, it is helpful to consider the following:

- Proxy – This is the person or people who will act as your proxy in the event that medical decisions are required. Again, you can expect that your lawyer will discuss the role and function of the proxy. If you have considered who you may select for this role, you and your lawyer can discuss those individuals specifically to determine if they are right for that role.
- Instructions/Restrictions on medical treatments – If you have any specific instructions or restrictions you wish to be stated in your health care directive, it is helpful to talk through those and understand your goals and directions.

Don't worry if you don't have anything decided in advance of your meeting or if you haven't had a chance to consider everything completely. It is your lawyer's job to walk you through the process. The first meeting is your opportunity to ask all the questions and gather all the information so that you can decide what is best for your estate planning. Make sure your lawyer confirms the follow-up steps and if possible, schedule your second appointment (perhaps to sign your completed documents) so that things do in fact get completed!

**DISCLAIMER:** *This article is written for informational purposes only and does not constitute legal advice. The views expressed are solely the author's and should not be attributed to any other party, including Meighen Haddad LLP. If you want to seek legal advice, please contact the author directly or call our office at (204) 727-8461.*

The Author:

**Karla Dane**

Partner

kdane@mhlaw.ca

204.725.8772