

Planning Matters

Attorneys are good at taking care of clients. We respond to their demands and requests at all hours. We postpone vacations, miss dinners, and go the extra mile to make sure that they have the best representation. But, in doing so, we tend to put our own needs and personal responsibilities on the back burner.

I get it—we are busy. And when we get home we just want to relax. Right? There is always time to work on things tomorrow or over the weekend. I was that way with my own estate planning documents—and I am an estate planning and probate attorney.

I was drafting documents for all of my clients, but I didn't have any of my own. I knew I needed to prepare my will. I thought about it often. My husband and I discussed the importance of having a plan in place. We even debated who would be the guardians of our (at

the time) nonexistent children, which only fueled my procrastination.

Once I became pregnant, my husband and I acknowledged that we needed to complete this task. We continued to “negotiate” (the joys of being married to another attorney) the guardian provisions for our soon-to-arrive little one. But I got busy with work and nesting. By the time I went into labor, I not only failed to have my bags packed to take to the hospital but I also had not completed any of my estate planning.

I'll never forget the trip to the hospital. We hit every single red light on the drive, and the sweet lady checking us in could tell we were “first-timers.” She calmly (and slowly) asked us a ton of questions, from name and insurance information to address and occupation. When I informed her that I was an estate planning and probate attorney,

she said, “Well, then you have your will, powers of attorney, and directive in place.” I hung my head in shame. The cobbler's child had no shoes.

I vowed to complete our estate planning documents before the next child arrived. I can proudly say that we did successfully execute everything (a few weeks) before welcoming our second son to the world.

As young lawyers, we often think we will return to work the next day and pick up our pen or turn on our computer and continue right where we left off the day before. But we all know that things can happen. We should focus on having our estate and succession planning in place to ensure our loved ones and our clients are fully protected.

The Texas Rules of Disciplinary Procedure provide the framework for what to do when a licensed attorney dies, resigns, becomes inactive or disbarred, or is suspended. This year TYLA is encouraging attorneys to get their personal and business affairs in order. So many young lawyers graduate from law school and hang out their own shingle, but how many of these solo practitioners have a succession plan in place? What would happen to their caseload and clients if they were unable to return to work?

TYLA's newest project, “Just In Case” (available at tyla.org), provides some basic tips on preparing your succession plan. Additional resources are available through the Law Practice Management Committee of the State Bar of Texas (texaslawpracticemanagement.com).

As we start this new year, I encourage you to carve out a little bit of time to make sure your clients and your own family continue to receive the representation that you are known to give—by getting a plan in place. **TBJ**

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Courtesy of Judge Gil Jones

