Dear Evy,

When I die, there will be many things to do. But before I explain them, let me thank you for your love, support, and encouragement. We've had a good life together and, after I'm gone, I want to make the details as easy as possible for you. That's why I like to meet with you each year to review and update this letter.

This is a summary of the things we discussed. Although there are many items, they can be divided into sections because not everything has to be done at once.

FOR IMMEDIATE ATTENTION

Funeral

I would like you to spend as little money as possible for the casket and funeral. But before the body is given to the undertaker, you should ask the doctor if my eyes or any organs could be used to help another person or to further medical research. If that's possible, then I wholeheartedly approve your decision for organ donation.

Services

As we discussed, I would like our Rabbi to present the eulogy, if possible. Throughout the years, we have exchanged correspondence and notes, and discussed many topics that would give him good background information about me.

Our Wills and Trusts

Copies of these documents are in the "Estate Planning" notebook on the bottom shelf of the bookcase in our home office. The originals are in the vault under "Sussman." Basically, our wills give our property to each other, either outright or in trust, and there are special trust provisions for certain children.

FOR CONSIDERATION IN FIFTEEN DAYS

Insurance

The bottom shelf of the bookcase in our home office also holds a black notebook labeled "Insurance Notebook." Section I contains a summary of my life insurance. Claim forms are in Section II, so immediate application can be made for the policy proceeds. The other sections of the Insurance Notebook contain summaries and actual policies for our home, cars, and personal property. Section VII has the business policies.

Home Mortgage

Our home mortgage interest rate could be significantly lower than current mortgage rates. Therefore, do not be in a hurry to pay off the mortgage. Rather, consider investing any excess cash, and then make the mortgage payments each month.

American Bar Association

I've been active in the Law Practice Management Section of the American Bar Association. I suggest you call the staff liaison to let him or her know of my death. Also, you should inform the director of publications because I have been spending a good deal of my effort working in that area. You should ask the staff liaison to contact the current chairperson of the Law Practice Management Section. Those three people will have a good idea of the projects I'm involved in, so someone can take them over. I've tried to keep each project file updated by memos or notes. The ABA files can be returned to the staff liaison or whoever can make best use of them.

Financial

In addition to the insurance money, there will be money from the law practice, social security, and other investments. I suggest you sit down with our accountant to discuss your entire financial/income situation. I've made a rough draft of the income you might expect, and that's in Section V of the Insurance Notebook.

FOR CONSIDERATION IN THIRTY DAYS

Advisors

You should first select a lawyer and investment advisor to help you with estate administration and financial affairs. My suggestion for a lawyer is my associate, Gina. She would work closely with our legal assistant and handle things in a simple, straightforward manner. Talk to her first and see how you feel, and then make your decision. And be sure to discuss fees so there will be no surprises.

Financial Information

Next to the Insurance Notebook is a black notebook labeled “RAS Financial Information.” This is a listing of our assets, bank balances, asset ownership, and other financial data that will be useful. I have tried to keep it updated. By way of summary, a personal and business financial statement is included in the first section of the notebook. A draft of the Federal Estate Tax Return (Form 706) is in the third section of the notebook.

Personal Property

Attached to our wills are lists specifying items of personal property we would like to give to other people. In Section V of the RAS Financial Information notebook is a list of special items of personal property I own. These are significant objects, generally artwork or other items of special value, with comments about them, when and where they were purchased, my reason for buying them, the significance of the items, values and who could furnish up-to-date valuations, and, sometimes, who the item should be given to.

Other than the items specified on the lists, you and the children should decide who should get what. If some book, postcard, item of jewelry, or artwork appeals to one child, then he or she should have it. In fact, if you and they can’t agree, I would suggest a “round-robin” selection. That is, you all take turns choosing an object until all the objects are chosen.

If the boys want any of my clothing, that’s great, but the decision is up to them. If you want some of my favorite ties to make a skirt, vest, or something else, that is just fine with me. The rest should be donated to a charity resale shop.

Safe-Deposit Box

Although I do not have a safe-deposit box, any “valuable papers” are kept in the vault.

Office Lease

The lease runs until August 31, 2008. However, the lease is cancelable if I should become disabled for six months or upon my death. This is not a decision you must make immediately. However, it is something for you to discuss with Gina. Because Gina is my associate, she implicitly has the right to complete the work on my files.

Accounts Receivable

Each month a detailed list of accounts receivable is prepared. You should meet with Gina to decide what should be done to collect the unpaid accounts. We have tried to keep on top of them each month, but we are not always successful.

Law Cases

Gina is quite familiar with almost all the cases in the office. I suggest the attached letter be sent to all clients with pending matters. Another attached letter is to be sent to clients with closed matters.

Books, Furniture, and Other Office Equipment

If Gina will continue with my cases, then I suggest you ask her to purchase my furniture, computers, office equipment, library, and other personal business property.

Old Files

Although we eliminated most of the old files, there still are many boxes of old files in the garage. To start with, you and Gina should refer to the most recent edition of the *Law Office Policy and Procedures Manual for Solos and Small Firms* (ABA, 2005), written by my friend, Demetrios Dimitriou. Then decide how to dispose of these files. Each file should be checked to see if it contains any valuable documents. It is best to have one of our secretaries or law clerks do that (after proper instruction, of course). If there are original court papers in the files, they could be filed with the clerk of the court. However, I would not recommend paying the filing fees to open a new file. Instead, it might be wise to use the last attached letter and return the papers to the client. And when the papers are mailed to the client, it's a good idea to have the words "Address Change Requested" typed on the envelope. That way, you will receive notification from the post office of the client's new address for your records. If the file pertains to a minor, then I suggest you keep it for seven years after the person reaches his or her eighteenth birthday.

Client Index

We maintain a detailed client index on our computer system. When a file is destroyed, that fact is noted on the index, including the date of destruction and who authorized it.

Pending Files

This was covered in an earlier paragraph. However, because of our increased specialization and selectivity in accepting cases, there shouldn't be very many, if any, cases that have to be referred to other lawyers. Gina has a list of other lawyers who specialize in various areas. So, if she thinks a referral is appropriate, she may want to refer the client to those other specialized lawyers, or she may want to use them as consultants to help her complete the pending matters. But that should be done only with client authorization.

Investments and Banker

As you know, my investments consist largely of art objects, rather than the traditional stocks, bonds, or real estate. We also have a money-market fund at Associated Bank. Our banker and account representative is Mary Carlson. Gina knows her and deals with her frequently for various clients. I suggest you meet with her and listen to her recommendations. You should listen to her advice, but don't take it blindly; use your own internal judgment. Whatever the investments are, they must be something you are comfortable with and can live with from day to day.

FOR CONSIDERATION WITHIN SIXTY DAYS

Book and Photography Collections

Throughout the years, I have accumulated private-press books. Like etchings and lithographs, these are produced in limited editions, generally hand-printed on specially made paper and bound by hand. The invoices for the books, and sometimes special articles about the book, are usually kept inside the front cover of each book. In addition, I have correspondence and ephemera from the press in a file folder organized alphabetically by the publisher/press. Right now, this information is in the top drawer of my black file cabinet. If you wonder what the value of the books may be, you should check the book catalogs we regularly receive, and contact Daile Kaplan at Swann Galleries (an auction house in New York City). Daile can advise you concerning my photography collection.

FOR CONSIDERATION AFTER SIX MONTHS

Malpractice Insurance

Under Tab 10 of the Insurance Notebook, you will find the current malpractice policy. In the old business files, you will find the old malpractice policies filed under MLM—that's the malpractice insurance carrier sponsored by the Minnesota Bar Association. These policies should be retained, literally, forever. If any claims are made against my estate for improper handling of cases, you should immediately contact MLM. In fact, you should send MLM a copy of the papers by registered mail, return-receipt requested, so you have proof of filing the claim. My estate can purchase a one-time policy to cover any future malpractice claims that may be made. There is a reasonable premium charge for this coverage, and I would recommend that you do it.

Bar Memorial

Each year around May, the Hennepin County Bar Association has a memorial service for the lawyers who died during the past year. You will be invited to it. Whether you and the children attend is up to you.

FOREVER

Remarriage

Should you consider remarriage, and I hope you do, you should absolutely, definitely, and positively have an antenuptial agreement. This agreement spells out the rights you and your prospective spouse have in the assets you own. Each of you must have your own lawyer. The agreement will not be valid if you use the same lawyer, or two lawyers from the same office. Even though you may be marrying for love, there are certain financial matters that must be taken care of. After all, we have worked during our marriage to accumulate the things we have, and I am sure you want many of them to go to the children.

Finally, thank you for everything, and I shall miss you.

Love and kisses and lots of hugs—

Ross

Sample Letter to Clients with Pending Matters

I. M. Client
123 Main Street
Happy Valley, Minnesota 55333

Dear Client:

At your last meeting with Ross, you discussed your estate plan and decided upon the terms of your will and trusts. He was to draft the documents for your review.

I am sorry to report that Ross died unexpectedly last Thursday after a massive heart attack. I have been Ross's associate for several years, and together we worked extensively in the estate planning areas. If you would like, I would be glad to complete your will and trusts. Just call me, and we will discuss what remains to be done. We can personally meet before the documents are drafted, and there will be no charge for this meeting. Or, if you would like to discuss these things by phone, please call me. If I don't hear from you within two weeks, I will call you.

If you would like another lawyer to complete your will and trusts, please let me know, and I will transfer your file to him or her.

We, too, are sad. Ross was such a joy to have around. We shall miss his smile and jokes and goldfish in the watercooler.

Sincerely,

Gina Associate

Sample Letter to Clients with Closed Files

I. M. Client
123 Main Street
Happy Valley, Minnesota 55333

Dear Client:

As you may know, Ross died last Thursday after a massive heart attack.

We are now in the process of closing the office. I will continue doing work on the “active” files. However, because your file is not active, we would like to know what to do with it. You have several choices:

1. You can pick up your file or ask us to mail it to you.
2. We can destroy it.
3. We can transfer it to another lawyer for you.

We would like to know what you would like us to do. Just circle number 1, 2, or 3 on the enclosed copy of this letter and mail it to us. We shall do what you want. However, if we don’t hear from you within thirty days, we will assume you want this file destroyed, and we will do so, accordingly.

Meanwhile, if you have any questions, please call.

Sincerely,

Gina Associate

Sample Letter to Clients for Whom We Have Valuable Documents

I. M. Client
123 Main Street
Happy Valley, Minnesota 55333

Dear Client:

I am sorry to report that Ross died unexpectedly last Thursday after a massive heart attack.

As you may know, I have been Ross's associate for several years, and together we worked extensively in the estate planning areas. Recently, I reviewed the documents in our vault and found the following documents for you, which we are enclosing with this letter:

- Original Will, dated May 10, 1995
- Original Power of Attorney, dated May 10, 1995
- Original Living Will, dated May 10, 1995

Let me suggest that you review these documents to make sure they are still what you want. If you would like to make some changes or have any questions, I would be happy to help you.

We, too, are sad. Ross was such a joy to have around. We shall miss his smile and jokes and goldfish in the watercooler.

Sincerely,

Gina Associate

Enclosures