

WILLMS, S.C.

LAW FIRM

MEMORANDUM

TO: Clients and Friends of Willms, S.C.

FROM: Kathryn Hallanger

DATE: September 12, 2011

RE: Using the Concept of an Ethical Will to Supplement Your Estate Plan

Introduction

A person's estate plan can accomplish many things. It can distribute financial assets to family members, give to charity, and distribute treasured personal possessions. It can set out provisions for health care and wishes for memorials. It can ensure that family and friends are taken care of, and provide for the education and well-being of the next generation.

However, there are things beyond finances and possessions that many of us wish to leave for our families and for future generations. We have life experiences, wisdom and spiritual learning. We have practical knowledge regarding business sense that could help our successors become successful businesspersons. In other words, we know things that could provide much-needed guidance to future generations. One way to accomplish this goal is through an ethical will.

The Concept of "An Ethical Will"

An ethical will, unlike other documents found in a traditional estate plan, is not a binding legal document. It is not a "will" in the sense that most people think of. Instead, it is a personal record of an individual's life, chronicling his or her beliefs, philosophy, and life experiences. Each ethical will is as unique as the person it who creates it.

Early ethical wills, which date back to Biblical times, were most often relayed orally to children and other family members when a father or grandfather passed away. These early ethical wills most often were a series of guidelines and wishes for children to follow, encompassing religious practices, marriage advice, and guidance concerning education. Originally a Jewish tradition, ethical wills gained wider popularity during the Middle Ages and gradually became written documents that were passed down as heirlooms for future generations.

The tradition of the written ethical will has gained new prominence in recent years. Many people find that a traditional estate plan provides the necessary legal framework to efficiently pass property to future generations, but does not necessarily convey intangible desires or ideas of a non-legal nature. Therefore, an ethical will is one way to ensure that a person's wisdom and life experiences are conveyed to future generations in that person's own unique voice and according to his or her specific guidelines.

Incorporating an "Ethical Will" Into Your Estate Plan

The tradition of the ethical will has expanded beyond the confines of end-of-life preparation. Much like estate planning is a necessary tool to develop and revisit at various stages of life, an ethical will is often prepared in relation to pivotal life events, such as marriage, the birth of a child, or major medical procedures. An ethical will, as an individualized document, can serve as anything from a memoir to a time capsule to a "just in case" letter.

In conjunction with traditional estate planning documents, we can help individuals prepare an ethical will that further explains the decisions made in those documents. Additionally, this concept can be expanded beyond the traditional "ethical will," becoming an invaluable supplement to financial and health care documents, and therefore creating a more complete estate plan. What if you could explain your preferred investment strategy to the trustees of your trust, for them to utilize after you pass away? What if you could tell your health care agent what is most important to you in selecting a long-term care facility? We can streamline this process by assisting with brainstorming, drafting and editing documents that will do just that.

Conclusion

Adding a more personalized, non-legal component to your traditional estate planning documents could allow you to convey valuable information to your loved ones in the event you do not have the opportunity to do so yourself. Just as importantly, this approach could provide your agents, trustees and other responsible parties the information they need to carry out your intentions and make the decisions you are trusting them to make.

We hope you find the information contained in this memorandum helpful. Please contact us if you have any questions, or would like more information.

End of Memo