



# YOUR MINDSET TO SUCCESS

DAY 1

By **Craig R. Hersch**

## Bridging the Experience Gap

Creating an expectation of premium services

**M**any estate-planning attorneys quote fixed fees for services. Therefore, I commonly ask my colleagues, “Do you ever quote a fee that’s below the true value of the services you’re about to render?”

Resoundingly, almost every attorney to whom I make this inquiry answers, “Yes!”

The next question I ask is more difficult to answer: “Why?”

A variety of responses commonly emerge:

*The client won’t pay it.*

*They’ll visit the attorney down the street for a comparison quote.*

*My referral source might think I’m trying to gouge his client.*

*They’ll try to do it themselves on the Internet.*

None of these answers justifies charging amounts below a fee commensurate with the true value of the services delivered, and it speaks to certain expectations that may exist either in the client’s mind or in the mind of your referral source. Most readers of this magazine offer something beyond. We offer premium services, but our clients’ perception is a jaded one, as they often don’t know what level of service is even possible.

### No Frame of Reference

Let’s return to my original question above as to why you don’t charge for the level of service you’re about to deliver. The one answer that speaks to the heart of this

issue, and therefore leads us to a successful resolution is, “Because proximate to the time that I’m quoting the fee, the client (or often my referral source) doesn’t have a proper frame of reference in which to judge the true value of the services that I’m about to deliver.”

I call this “The Experience Gap,”<sup>1</sup> which, succinctly stated, refers to the problem that we ask our clients to sign a service agreement at a time before they understand the true value of the time, complexity and value of the services about to be delivered.

Let’s begin by examining exactly what I mean by The Experience Gap.

### Digitization

Understanding The Experience Gap starts with a foundational understanding of today’s marketplace. With the advent of the microchip (which, according to Moore’s law,<sup>2</sup> doubles its processing power every two years) comes commoditization. Consumers save time, money and headache minimizing human interaction when purchasing goods and services with the microchip enabling these efficiencies.

Those close to my age, (I was born in 1964) can remember a time when nearly every neighborhood shopping center contained a Blockbuster video store, a bookstore, a travel agency and a video arcade. Xfinity, Netflix, Hulu and a variety of similar faster, cheaper and more convenient programming overcame Blockbuster. Amazon ran many bookstores out of business. You complete your purchase of plane tickets, hotel reservations and car rentals through websites found on your smartphone, tablet or laptop in the convenience of your home. Teenagers and adolescents compete with their gaming systems, in real time, with others from around the globe.

The digital revolution isn’t confined to traditional retail businesses. Online brokerage and mutual fund offerings challenge client perceptions about the value



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of services provided by traditional financial advisors. Free or low cost tax preparation websites similarly challenge your local CPA's practice. As artificial intelligence (AI) improves, estate-planning attorneys feel the squeeze by LegalZoom, RocketLawyer and similar services.

These forces of competition and digitization are known as the "Commoditization Trap."<sup>3</sup> Increasing competitive forces, whether they come from the firm across the street or AI capabilities, are why you intuitively feel pressure not to charge a fee that's commensurate with the services.

### Transactions

What all of this points to is that transactions are commoditized. When you shop for groceries, you don't look to engage in a meaningful relationship. You drive to the store, seek out the most reasonably priced food options, pay (often at a self-service kiosk) and go home. In most instances, you're not willing to pay a premium, and that's why grocery store margins typically average less than 2 percent.<sup>4</sup>

More and more, shopping for goods and services becomes transactional. Here's where the disconnect lies. Legal, tax and financial services are viewed by our clients as mere transactions.<sup>5</sup> It's just that the service professionals haven't opened up to this reality. We still believe our clients want us.

They don't.

If your client could get along without ever interacting with you to achieve the desired end result, she'd be just as happy. With the exponentially increasing power of the microchip, such a reality becomes more attainable.

Yes, AI isn't fully capable of putting together an exceptional and complete estate plan in many situations ... yet. Complexities surrounding blended families, assets with income tax ramifications, larger estates, spendthrift or unusual beneficiaries and those who own significant commercial real estate and closely held business interests, to name a few, scream for the services of wise professionals.

### Commoditization

Yet, many prospective clients aren't aware of how we might add value even in those circumstances. This speaks to an educational element that I discuss later in this article. Estate-planning clients, for example, view attorney-drafted wills, trusts and ancillary documents as commodities. Your documents might be better constructed, thought out and lead to better outcomes than

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It's immensely important that your referral sources understand the uniquely valuable client experience you offer so that they can describe it to the potential clients they send your way.

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your competitors, but your client doesn't have the requisite background to judge that.

The proof that your clients consider your documents as a commodity is found when they refer to your carefully drafted provisions as "boilerplate." Another example is when a client calls your office needing a complete estate plan before his European vacation that he's leaving for this Friday. "Don't you just push a button?" seems to be the attitude.

Similarly, financial planning clients often believe that there's nothing special to the selection of an investment portfolio, citing low cost market tracking index funds. "I can track the market for almost nothing."

To the extent that our services are deemed transactional, similar to grocery shopping, buying an airline ticket or renewing your driver's license online, the perceived client value decreases. Clients are unwilling to pay a premium, viewing legal, tax and financial services as fungible. In a transaction-based economy, your services





## FEATURE: THE MODERN PRACTICE

are indistinguishable from the competitor across the street, with price as the only differentiating factor.

### Premium Prices

Looking at the general economy, however, there's a trend where one can find consumers willing to pay premium prices. In *The Experience Economy*, authors Jim Gilmore and Joseph Pine point to businesses that provide uniquely valuable experiences as finding success in today's marketplace.<sup>6</sup>

Pine and Gilmore identify four different experience realms: entertainment, escapist, esthetic and educational. Consider, for example, why one willingly pays a premium to stay at a Ritz Carlton hotel as opposed to a Best

A generic website won't differentiate or distinguish you, and in fact, will lead the client to anticipate a transactional experience.

Western. Both offer a room, bed and bathroom. Many customers willingly pay for the esthetic and escapist experience that the Ritz offers.

I could book my own European bicycling tour, arranging for bike rentals, hotels, transportation and food, but I'm willing to pay a premium to have the Backroads Travel Company take care of my every need. Adventure travel with Backroads is a truly escapist experience, as I can attest firsthand.

Pine and Gilmore instruct businesses, in this case law firms, to think of their practices as theater. Each firm has a front stage that the client experiences, but there's also a carefully scripted back stage that's necessary to pull off the experience.

### Educational Experience

Of the four experience realms, those in the legal, tax and financial community would likely focus on providing an educational experience to command premium fees. An experience occurs when a firm uses

services as a stage and the fungible commodities (legal documents, tax returns, financial service products) as props, to engage the client in a way that creates an individualized, memorable event.

Creating a valuable educational experience, however, is more difficult to consistently accomplish than it initially appears. Rather than passively listening to a lecture-style event, the experience should instead require active participation while absorbing material. The material itself must focus on your wisdom rather than data, information and textbook-type knowledge. I write extensively on how to create a uniquely positive educational experience that clients will pay a premium for, so I urge you to investigate those articles for more on that topic.<sup>7</sup>

The short-form educational experience includes seeking out your client's individual goals, obstacles to those goals, opportunities to capitalize on and strengths that you can both enhance in pursuing those opportunities. The educational process you put in place should explain the strategies that will satisfy the client's needs, conveyed in layman's terms. Like Disney, Backroads and the Ritz Carlton, it shouldn't matter who in your organization provides the experience, so the right systems need to be in place to ensure a uniquely valuable outcome.

### Client Expectations

This, nevertheless, begs the question: Now that you understand that by providing a valuable experience you break the commoditization trap, how do you bridge the client's expectation of engaging in and paying for a transaction as opposed to a premium experience with a commensurate fee?

"Bridging the Gap," p. 41, represents the issue at hand. The horizontal X axis is Time, with the vertical Y axis representing price/fee. The initial point on the Y axis indicates your client's expectation regarding the fee you would charge him for your firm's services, before or at the time of your initial meeting.

In almost all cases, that fee will be less than the zenith of the bell curve, marked as optimal billing point (OBP). Obviously, the OBP will be at different point(s) for legal, tax and financial services. It's usually safe to assume that the OBP will be at some point after you've delivered at least a portion of your services.

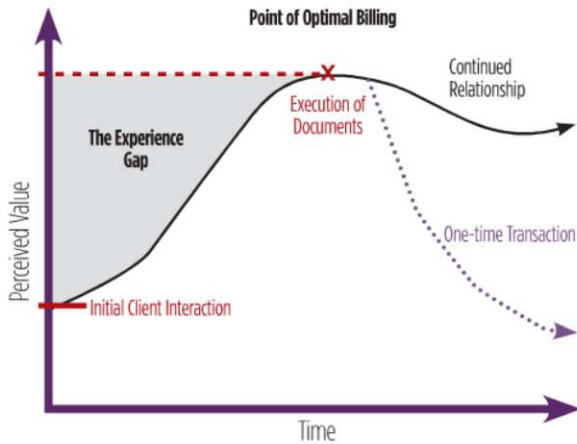
So, the challenge, as you can see, is reflected in the gray shaded area. That's The Experience Gap, which





### Bridging the Gap

The difference between client's expectation and the value of your services



— Craig R. Hersch

represents the difference between the fee you intend to charge and the fee that the client expects to pay. The larger the gray area, the more likely you'll be to quote a lesser fee.

### No Frame of Reference

Not all clients' initial expectations will be the same, so the starting point on the Y axis will be at a different point, and therefore, The Experience Gap will be either larger or smaller. Clients who find you through an online referral network, for example, and who have no other frame of reference working with you other than what they've imagined in their minds, may pose a large experience gap such as that found in "Low Expectations," p. 42.

Clients referred from existing clients, on the other hand, will likely have a smaller experience gap to close, represented by "Raised Expectations," p. 43, because the existing client most likely described the services in such a way as to raise expectations both as to the quality and the price.

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## I was 99% sure I was going to quit my practice...

Fifteen years ago, I almost quit the practice of law. I felt like I was working longer hours for less revenue.

Modern communication left clients expecting results yesterday at little or no cost. Overhead increased, but charging higher fees seemed out of the question.

I stopped working out. My wife and I became roommates instead of soulmates. I lost my work-life balance. I thought there must something else I could do with my

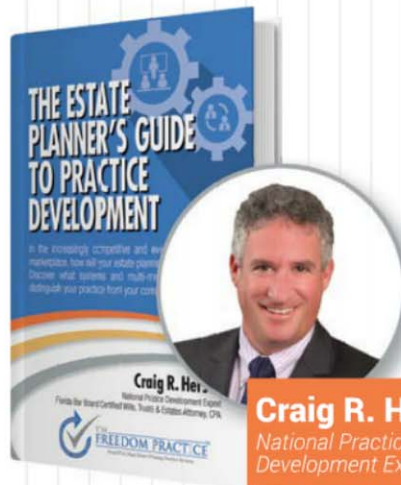
career that energized and balanced me.

Before giving up on a law practice that I worked so hard to build, I focused on rebuilding it to make it energizing, lucrative and fun. You can do the same.



Joining The Freedom Practice™ has been the single best decision we have made to transform our law practice. We've quickly implemented systems that reworked our firm, distinguishing ourselves in a crowded field.

— Kenneth Simmons & Marco Schiavo, Simmons & Schiavo, LLP | Woburn, MA



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National Practice Development Expert

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Marketing guru Joe Polish refers to this as a client who's predisposed, pre-interested, pre-motivated and pre-qualified to use your firm's services.<sup>8</sup> The more of these "Four Pre-s" each prospective client possesses, the more open he'll be to a fee that's commensurate with the quality of the experience you're about to deliver.

Intuitively, you know this to be true. Consider the most recent initial meeting you had with a client referred by an A+ referral source. Chances are the meeting went smoothly. The prospective client heard good things about you and went in with the attitude that you were going to meet her expectations. Similarly, you felt that because she expected quality services, there was a low

Most clients want to know what to expect in an initial meeting.

likelihood of her balking at your fee quote, so you confidently presented her with your service agreement.

### Closing The Experience Gap

Your goal, therefore, is to close this Experience Gap from the beginning of the client's interaction with you and your firm, so that at the time you quote a fee, the unique client value will at least be intuitively understood and willingly paid for.

That's a lot easier said than done.

Assuming that you carefully thought through your front-stage experience and the backstage support necessary to carry out that experience, you need to consider the specific elements that your typical client will walk through before you present your service agreement.

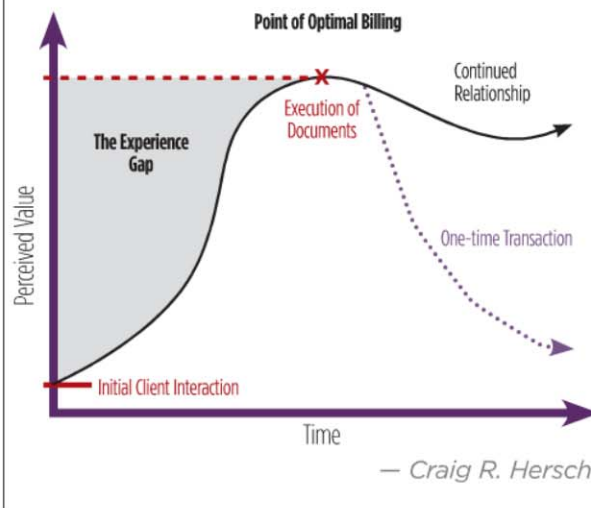
How, exactly, will you deliver client value? Remember that client value has little to do with your biography, experience and background. The description should be client-centric. What steps do you take and when? What will you ask of your client for you to diagnose the path to a better future? How will you maintain this success over time? The answers to these questions create your value creation proposition.

### Referral Source

It's therefore immensely important that your refer-

### Low Expectations

*Clients with no frame of reference pose a large experience gap*



ral sources understand the uniquely valuable client experience you offer so that they can describe it to the potential clients they send your way. Propose to give them a free trial run. This way, they can act as your beta test, providing you with valuable feedback. Assuming that the experience is found to be uniquely valuable, they could also vouch for you with first-hand knowledge.

### Website

More of our prospective clients either find us on the Internet, or, on being referred to us, investigate our websites prior to making an appointment. Therefore, the front stage educational experience must begin there. A generic website won't differentiate or distinguish you, and in fact, will lead the client to anticipate a transactional experience.

Does your website contain content speaking to the reason clients usually call on your services? Does it answer the questions that you hear most often with video, podcasts, webinars and blogs? It's important to convey this information in different formats as some of your clients will prefer to watch, others listen, while some want to read. Many will do all three.

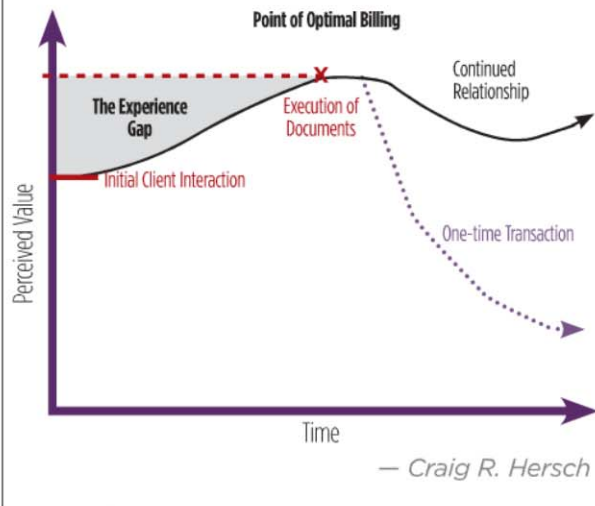
Most clients want to know what to expect in an initial





## Raised Expectations

*Clients referred from other clients have a smaller experience gap*



meeting. Will they be charged? What information will be exchanged? How will you identify the estate-planning issues most relevant to them? This should all be laid out in an easy-to-understand process, which becomes your firm's calling card—its message.

The more your promotional materials communicate the client value you're about to deliver even before that initial meeting, the smaller your Experience Gap will be.

### Seminars/Webinars

Your seminars and webinars offer another opportunity to close The Experience Gap. Just as your website describes an easy to navigate process leading to client value, so can your live and electronic presentations.

Many clients don't realize, for example, that they have certain estate-planning issues until a knowledgeable professional points them out. In Florida, for example, the devise of a homestead residence into a credit shelter or marital trust is invalid, often leading to unintended ownership and dispositive consequences. It's been my experience that many new Florida residents are unaware how the simple act of claiming Florida residency can create this problem despite an estate plan that's otherwise up-to-date.

Accountants and financial planners also have

opportunities to depict various tax and financial planning issues commonly encountered but not wholly understood.

You can probably recall any number of instances when your clients were surprised they even had an issue before you identified it. While you don't want to "spill the candy in the lobby," that is, give away all of your knowledge before getting engaged, it's relatively easy for potential clients to relate your best war stories to their own individual situation. By identifying issues and illustrating how you solved client problems, you close The Experience Gap.

### Introductory Client Package

How does your current introductory client package introduce the client value your firm is about to create? Do you include a brochure that describes the front-stage processes that your prospect is about to experience? Do you forward information not only in paper form but also electronically, enabling an audio/visual experience that immediately distinguishes you from the competition?

Do you confirm the appointment with a telephone call? Text message? Does an electronic confirmation include directions to your office that can be accessed from navigation apps?

A potential client who scheduled an appointment is most of the way to being pre-disposed, pre-interested, pre-motivated and pre-qualified to engage your firm's services. Consequently, the introductory client package is probably the most important tool in your marketing arsenal.

### Initial Meeting

Finally, your initial client meeting is the opportunity to close the sale, gaining the client engagement. This is also your last opportunity to close The Experience Gap before discussing your fees and having your client sign a service agreement.

If you have a front-stage process describing the steps you'll travel together to achieve your client's goals, I suggest describing that process in detail just prior to asking for the commitment. Legal, tax and financial professionals too often instead provide what they believe is the actual answer to the client's issues. That's something you should avoid until getting the client's commitment. Besides, you probably haven't gathered enough




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information to provide end-result answers anyway. Believe me when I tell you that your clients will appreciate understanding the process. If they have the right mindset, you're likely off to a great relationship.

### Close the Gap

The Experience Gap explains what many legal, tax and financial professionals intuitively knew but couldn't put their finger on as to why it's common to quote a fee below the value of the service that your firm is about to provide. Now that you understand it, you can take steps necessary to close the gap between your clients' perception as to the value you're about to deliver and the exceptional experience that they'll pay handsomely for.

The more you work on closing this gap, the easier it will get. Just like any improvement you make in your practice, it will take time and effort to perfect your process and that of your team. 

### Endnotes

1. "The Experience Gap" concept is copyright and trademarked by The Freedom Practice.
2. Gordon E. Moore, "Cramming More Components Onto Integrated Circuits" (April 19, 1965), [http://cmore.soest.hawaii.edu/summercourse/2014/documents/Karl\\_05-27/Moore\\_1965.pdf](http://cmore.soest.hawaii.edu/summercourse/2014/documents/Karl_05-27/Moore_1965.pdf).
3. Jeff Thull, "Avoid the Commoditization Trap," [www.forbes.com/2010/04/23/commoditization-trap-branding-leadership-managing-marketing.html#739ad340166a](http://www.forbes.com/2010/04/23/commoditization-trap-branding-leadership-managing-marketing.html#739ad340166a).
4. Mary Ellen Biery and Sageworks Stats, "The 15 Least Profitable Industries In The U.S.," *Forbes*, [www.forbes.com/sites/sageworks/2016/10/03/the-15-least-profitable-industries-in-the-u-s/#2a079dde618a](http://www.forbes.com/sites/sageworks/2016/10/03/the-15-least-profitable-industries-in-the-u-s/#2a079dde618a).
5. Thomson Reuters and The Georgetown University Law Center, "2017 Report on the State of the Legal Market," [www.thomsonreuters.com/en/press-releases/2017/january/2017-report-on-the-state-of-the-legal-market.html](http://www.thomsonreuters.com/en/press-releases/2017/january/2017-report-on-the-state-of-the-legal-market.html).
6. B.J. Pine and J.H. Gilmore, *The Experience Economy*, Boston: Harvard Business School (2011).
7. [www.wealthmanagement.com/author/Craig%20R.-Hersch](http://www.wealthmanagement.com/author/Craig%20R.-Hersch).
8. <https://joepolish.com/>.

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By **Craig R. Hersch**

## Marketing the Modern Estate-Planning Practice

Beyond networking in an age of commoditization and fragmented media

In 1989, I graduated from law school and soon after landed at my present firm. Founded in 1924, it's a stalwart in Fort Myers, Fla. and the surrounding area. At the time, Southwest Florida had a small but fast growing population; the local bar was collegial, and the clients were abundant.

To get my name around town and build my professional reputation, I published an article or two in journals like *Trusts & Estates* magazine, among others, using them as a springboard to conduct workshops for local attorneys, CPAs, trust officers and financial advisors. Back then, that's about all it took to establish and maintain a thriving practice.

Those days are gone.

Traditional marketing methods alone don't work anymore. Today's experience economy, which shapes the delivery of our services, reveals how to identify your target clients and employ specific strategies to attract them.

### Competition and Commoditization

With increased client mobility, especially in Florida, where everybody is from somewhere else, it no longer matters whether you've had years of practice experience or that your firm has been in the community for almost 100 years. Sure, those attributes help, but that alone won't bring business to your doorstep.

A plethora of national and regional firms moved to where I practice in an attempt to service clients who, once retired, flee tax-happy northern jurisdictions for Florida's tax-friendly, sunny skies. Competition also includes many boutique practices similar in size and

scope to my own firm. Chances are, no matter where you're located, you face similar competitive forces.

Differentiating your services from those of your competitors is more difficult than ever in the present age of commoditization. Not only can clients choose between all the firms clamoring for their business, but also the Internet opens up a new world of do-it-yourself tools.

Even the most intelligent laymen don't often understand the difference among: a well thought out estate plan that consists of excellent documents; will and trust documents prepared by less experienced firms; and self-prepared plans that contain glaring holes. To them, estate-planning documents are a commodity like a bushel of corn or a barrel of crude. Here, price becomes the only distinctive factor.

So, how do you attract A+ clients and, once in front of them, break through this commoditization trap?<sup>1</sup>

### Traditional Marketing

Networking among other attorneys and related professionals is an important way to bring in new business, as it was always and will always continue to be. Referrals are wonderful because your source has presold the client on your firm's services. But, it's possible she gave her client two or three names from which to choose. How do you rise above the other names on that list? Further, with the ease of electronic communication, many clients maintain longstanding relationships with their tax and financial professionals in distant places. How do you reach those clients?

Another time-tested way to establish expertise and drive sophisticated clients into your conference rooms is by publishing in professional journals and writing estate-planning features for local newspapers and periodicals. Once they find your name, how will they learn about your services and where to find you?

Beyond that, conducting professional and client



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workshops also establishes your expertise, as well as gives you the opportunity to showcase your personality and communication skills. How do you fill the seats at your workshops?

### Aversion to Advertising

Some attorneys turn to advertising. Others are averse to newspaper and other periodical advertising, as they find it distasteful. They equate it to personal injury lawyer advertisements begging clients to sue someone—anyone—for anything.

To make matters more complicated, print newspaper and periodical circulation declines yearly. Eyeballs turn to the Internet, where information is available 24/7. Thousands of choices abound.

Television advertising often has the same stigma as print and is saddled with its own problem in that it remains fairly expensive to produce and run. Prices are somewhat lower than in the past, however, as the media fragments. Even if you're open to creating print or media ads, where and when do you run your ads? Do you use social media and the Internet? More importantly, what content should your marketing efforts include?

### Ineffective Marketing

I admit to chuckling at the attorneys in business suit ads and webpages touting wills, trust and estate-planning services. These ads often include descriptions of the attorneys' experience and educational backgrounds and short definitions of common estate-planning documents. I consider that a waste of a marketing budget. Aside from blending into the hodgepodge of similar advertising content existing since 1985, it does nothing for the client. In contrast, top marketing experts instruct that your marketing plan should be client focused. What exactly does that mean?

### Start With Why

Author and TED Talk contributor Simon Sinek<sup>2</sup> instructs in his book, *Start with Why*,<sup>3</sup> that companies that emphasize why their services or products will benefit the consumer will always outperform those that advertise the specific attributes of that particular service or product.

Sinek compares Apple to Dell. Dell focuses on the features of its computers and laptops, while Apple expands beyond those products through a corporate culture of breaking the mold to bring consumers what they want. Steve Jobs never conducted a focus group,

explaining that, “[i]t’s really hard to design products by focus groups. A lot of times, people don’t know what they want until you show it to them.”<sup>4</sup>

### Probe Individual Client’s Concerns

Dan Sullivan, creator of “The Strategic Coach”<sup>5</sup> program, teaches his entrepreneurs to probe into each individual client’s dangers, opportunities and strengths.<sup>6</sup> Students in the “Strategic Coach” program learn to create unique processes around their firms’ services, ensuring a consistently positive client experience that can’t be found anywhere else at any price.

### Transform Through Experience

Authors Joseph Pine II and James H. Gilmore write in *The Experience Economy*<sup>7</sup> that when businesses orchestrate memorable experiences for their customers, the memory itself—the experience—becomes the product. More advanced businesses charge premiums for the transformation that the experience offers. This is how Disney can charge \$40 for a character breakfast that serves the same meal found at Denny’s or First Watch for \$8. The experience commands the premium.

### Educational Experience

Pine and Gilmore identify four possible experience realms businesses offer: entertainment, esthetic, escapist and educational. While some businesses offer several of those four realms—think Four Seasons Resorts offering esthetic and escapist concurrently—an estate-planning practice may offer a transformational experience in the educational realm.

The common advice among top marketing professionals is to create an individualized transformational client experience. Once created, you market that experience, ignoring those aspects the client views as a commodity. For estate-planning firms, you wouldn’t market trusts or durable powers of attorney that the client believes are commodities. The preparation of a legal document is a one-time transaction. When you deliver an experience associated with that client’s individual estate plan, you foster a long-term relationship.

How do you then start building those relationships?

### Identify Your Target Market

The first step to creating the most effective marketing plan is to identify your target market. Because I practice



in a resort area with wealthy semi-retirees and retirees who are current and former business professionals, I target those families. Many of those clients are seasonal residents, spending half the year in another state. These individuals face residency and tax issues when updating their estate plans.

Everyone has his own niche. You might be an expert with physicians' asset protection planning or live in a community of farmers who have land wealth. Perhaps you developed a following with performing artists or professional athletes. Many of us counsel blended families in which each spouse has children from a prior marriage, or maybe you have a special talent for business succession planning.

Chances are you developed expertise within a client niche and found that many of your referrals come from within an estate-planning subspecialty or two. When you're a hero to a specific group, that group is your target market.

### Identify Common Goals and Concerns

Once you identify that target market, the next step is to employ Sullivan's methodologies to identify those clients' common dangers or concerns:

- What keeps your target market clients awake at night prompting them to schedule an appointment?
- Do these clients miss important issues until you bring them up for discussion?
- What misconceptions do they harbor?
- What legal, tax and financial opportunities do you point out when discussing how they may address their concerns and achieve their goals?
- How do you ensure client success in taking advantage of those opportunities?
- What are the common strengths that you find among this target market?
- How can those strengths best be used?



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By answering these questions, you're now on the path to creating unique client value in the form of leadership, relationship and creativity.

How do you package these intangibles, thereby assuaging your client's fears? The raw material is already present. Examine the steps that your firm takes every day to meet your clients' needs.

### Front Stage Processes

Most offices go about their day by rote: finishing tasks without much thought about how they accomplished them or the effect that those tasks have on your client's experience. When you consider that your goal is to create a uniquely positive client experience that can't be found anywhere else—at any price—then everything becomes more intentional. You systemize your backstage.

You achieve this by documenting all of the specific steps you and your team perform to intake a new client, interview that client to understand her goals and concerns, provide drafting instructions to your staff, explain the documents and ultimately implement the plan.

Finally, you name and label the front stage client experience.

### Client Value Creation

Remember that you don't sell wills or trusts. Those are commodities. You sell an educational experience. For example, I have a trademarked client estate-planning experience, "The Family Estate & Legacy Program," which does just that. It serves as the content for my law firm's website and focuses on what the clients want. Partnered with "The Estate Settlement Program"—used for estate administration—we emphasize the transformative experience.<sup>8</sup>

Our front stage unique process is supported by videos, blogs, books and podcasts. These are all marketing tools designed to enhance our clients' estate-planning experience and serve to attract prospective clients.

As Sinek illustrates, creating a client experience answers the question of why a client should meet with you. This is your marketing launch pad. The obvious distribution channel is your firm's website. Rather than build a site that talks all about you, showcase the material that speaks to your prospective clients' concerns.

### Multimedia Content Creation

Media such as videos, webinars and podcasts give you

new capabilities and confidence in your marketing efforts. Today's cost of producing and posting multimedia is a fraction of what it once was. Rome wasn't built in a day, nor will your client's educational experience be so built. If it was that easy, then everyone would do it, but it still doesn't take a technical guru with loads of cash.

**Videos.** It's as simple as recording and uploading video content from your Smartphone, at least to start. Further down the line, it's wise to produce content that appears professional and not amateurish. Prosumer video equipment, while not quite the equipment that network news stations purchase, is better than your Smartphone, affordable and easy to use. I converted a 72 square foot file room in my office into a soundproof video and podcast studio, and there's little stopping you from doing the same.

Nevertheless, have your videos professionally edited. Editors are available on freelancing websites like *Upwork.com* and *Guru.com*.

**Podcasts.** Podcasts are yet another educational medium that you can launch from your website. Five years ago, creating and uploading podcasts was prohibitively expensive. Today, you can record and upload a podcast from your Smartphone. Podcast hosting resources like *Blubrry*<sup>9</sup> work well. Once again, to obtain professional results, find affordable audio editors using your freelancing resources.

**Webinars.** Your clients may appreciate receiving current advice through seminars but don't have the time to attend live productions. You can easily produce webinars online via sites like *Gotowebinar.com* or *Clickmeeting.com*. It's uncomplicated and inexpensive. If you know how to create a PowerPoint presentation and can speak articulately, you have the ability to produce a webinar.

**Books.** A decade ago, publishing a book took years if you were lucky enough to find a publisher interested in your content. Today, self-publishing allows you to get a professional looking book to print in no time. I've published several books through Amazon's Createspace. Self-published books are extremely customizable. For example, with my estate practice systems, adding an attorney licensee's name to my books for distribution to their own clients is a simple change.

When writing books, you don't have to write a several hundred page treatise on estate-planning law. In fact, you shouldn't. Your books should be short and limited to a single topic.





As you start to build your educational content, you need to consider the multitude of distribution channels to promote your material and attract new clients.

## Deliver Content to New Clients

Your centers of influence and existing client base will serve as your best distribution channel. One way to let your referral sources and clients know that you've created all of this educational content is via emails. I use both Constant Contact and Mailchimp.

To get the word out in a more personalized fashion, schedule lunches and conduct client or continuing education workshops for your referral sources. It's easy to register with the state bar, local CPA chapters or CFP organizations to provide continuing education hours to those that attend. Promote your content to your referral sources, and make it easy for them to forward that content to their clients.

Where to spend your marketing budget takes careful thought; otherwise, you find yourself wasting thousands of dollars. Social media like Twitter, Facebook and LinkedIn fight for your dollars. I recommend hiring a good marketing and public relations firm. They'll be able to best direct what type of print or electronic media is suited to your market. Personally, I enjoy conducting workshops for my existing client base in my maintenance program and advertising workshops for new clients.


It's important to have a catch for clients that might attend your workshops. I offer attendees a free book educating them on Florida residency and estate planning, among other things, thereby using content that also promotes my unique educational experience.

## It Takes Courage

Having an effective marketing plan is not only about being intentional in attracting the best clients, it's also about having the right mindset. I previously pointed out how many attorneys loathe advertising. Now, you're creating something you're proud of, far from the screeching ad of a personal injury attorney. Creating educational content and then marketing that content helps even those who never choose to meet with you.

Many attorneys won't act until they feel confident. Confidence is a byproduct of committing to a course of action and having the courage to spend the time and resources necessary to bring your practice's marketing efforts into the 21st century.

As you develop new capabilities, you'll continue to gain confidence to supplement your content, buttressing the client experience by leaps and bounds. Trust me when I tell you that you'll command premium fees by offering something that clients desperately want and can't find anywhere else.

After all, isn't that the desired result of an effective marketing program? 

## Endnotes

1. [go.strategiccoach.com/overcoming-commodization](http://go.strategiccoach.com/overcoming-commodization).
2. [www.ted.com/speakers/simon\\_sinek](http://www.ted.com/speakers/simon_sinek).
3. Simon Sinek, *Start with Why* (2009).
4. Andy Reinhardt, "Steve Jobs on Apple's Resurgence," *Business Week* (May 12, 1998).
5. [www.strategiccoach.com](http://www.strategiccoach.com).
6. Dan Sullivan, *The Dan Sullivan Question* (2010).
7. Joseph Pine II and James H. Gilmore, *The Experience Economy* (1999).
8. [www.estateprograms.com](http://www.estateprograms.com).
9. [www.blubrri.com](http://www.blubrri.com).



## SPOT LIGHT **Robotic**

"Nature Morte en Bleu," by Claude Venard, sold for \$7,500 at Sotheby's Impressionist and Modern Art sale in New York City on Dec. 16, 2016. Venard was known for working in a distinctively angular style, sometimes using thickly applied impasto paint to create an accentuated three dimensional quality to his paintings.



## **YOUR MINDSET TO SUCCESS**

1. The Client Experience
2. Your Practice as Theatre
3. Overcoming Rugged Individualism
4. The Successful Initial Client Interview
5. Task Tracking & Delegation
6. The Freedom Practice Implementation Wheel
7. Engagement Documents





**PRACTICE  
XCELERATOR™**  
LIVE SPECIAL EVENTS

# WORKSHOP NOTES

MAY 19, 2022

NAME:

**THE CLIENT EXPERIENCE**

<b>1</b>	<b>2</b>	<b>3</b>
ACTION PLAN	ACTION PLAN	ACTION PLAN

**YOUR PRACTICE AS THEATRE**

<b>1</b>	<b>2</b>	<b>3</b>
ACTION PLAN	ACTION PLAN	ACTION PLAN

**OVERCOMING RUGGED INDIVIDUALISM**

<b>1</b>	<b>2</b>	<b>3</b>
ACTION PLAN	ACTION PLAN	ACTION PLAN

**THE SUCCESSFUL INITIAL CLIENT INTERVIEW**

<b>1</b>	<b>2</b>	<b>3</b>
ACTION PLAN	ACTION PLAN	ACTION PLAN











































**DEVELOPING NEW PROFICIENCIES**

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**DEFINING MOTIVATION**

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**BUILDING SUPPORT TEAM**

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**SYSTEMIZING CLIENT VALUE**

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**PACKAGING YOUR WISDOM**

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**MANAGING PRACTICE**

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**INCREASING CAPABILITIES**

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**TAKEAWAYS**

**KNOWLEDGE BASE**

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MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
GOALS:	GOALS:	GOALS:	GOALS:	GOALS:
PLAN:	PLAN:	PLAN:	PLAN:	PLAN:
WHO CAN HELP:	WHO CAN HELP:	WHO CAN HELP:	WHO CAN HELP:	WHO CAN HELP:

**TO-DO LIST**

1	_____	8	_____
2	_____	9	_____
3	_____	10	_____
4	_____	11	_____
5	_____	12	_____
6	_____	13	_____
7	_____	14	_____

**WHAT MUST YOU ACCOMPLISH FOR THIS WEEK TO FEEL LIKE A SUCCESS?**

<b>Project</b>	
<b>Today's Date</b>	<b>Due Date</b>
<b>Goal</b> What is it that you wish to accomplish?	
<b>Importance</b> What's the impact this will make?	
<b>Who</b> Who do we need to involve?	
<b>How Cialdini's Principles of Persuasion Apply</b>	<b>Which Principles Apply to this Project &amp; Why?</b>
<b>Reciprocity:</b>	<b>Consistency:</b>
<b>Social Proof:</b>	<b>Liking:</b>
<b>Authority:</b>	<b>Scarcity:</b>
<b>Ideal Outcome</b>	
<b>Consequence of Inaction</b>	



**DEVELOPING NEW PROFICIENCIES**

**DEFINING MOTIVATION**

**BUILDING SUPPORT TEAM**

**SYSTEMIZING CLIENT VALUE**

**PACKAGING YOUR WISDOM**

**MANAGING PRACTICE**

**INCREASING CAPABILITIES**

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<b>Authority:</b>	<b>Scarcity:</b>
<b>Ideal Outcome</b>	
<b>Consequence of Inaction</b>	

# FRONT STAGE ACTION ITEMS



PROJECTS	WHO?	BY WHEN?
1.		
2.		
3.		
<b>NOTES</b>		

# BACK STAGE ACTION ITEMS



PROJECTS	WHO?	BY WHEN?
1.		
2.		
3.		
<b>NOTES</b>		



# TEAM ACTION ITEMS



PROJECTS	WHO?	BY WHEN?
1.		
2.		
3.		

## NOTES

Large empty rectangular area for taking notes, spanning the width of the table below the 'NOTES' header.

# MARKETING ACTION ITEMS



PROJECTS	WHO?	BY WHEN?
1.		
2.		
3.		
<b>NOTES</b>		

# TECHNOLOGY ACTION ITEMS



PROJECTS	WHO?	BY WHEN?
1.		
2.		
3.		
<b>NOTES</b>		

For More information about  
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or call **(239) 334. 1141**



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FORT MYERS, FL 33919

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NAME:

DATE:


30 DAYS				✓	
1					
2					
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12					
13				✓	
14					
15					
60 DAYS		✓	90 DAYS		✓
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2		✓	2		
3			3		
4			4		
5			5		
6			6		
7			7		
8			8		
9			9		
10			10		

In The Experience Economy, Pine and Gilmore identify four experience realms that businesses can offer: entertainment, esthetic, escapist, and educational. Thinking about the below examples, it's easy to see how many businesses contain elements of more than one type of experience.




## ENTERTAINMENT

*You are engaged by the performances*




<p>Disney &amp; Universal Theme Parks Broadway Productions &amp; Concerts</p>	<p>Internet Social Media &amp; Gaming Sites Medieval Times Dinner Theatre</p>
---	---





## ESTHETIC

*You are enriched by sensual environments*



<p>Bass Pro Shops REI Outfitter Stores</p>	<p>Canyon Ranch Spas Cherry Blossoms at Hirosaki Castle Park</p>
--	--




## ESCAPIST

*You become engrossed by participating in a time or place*




<p>Backroads Travel Company Regent Seven Seas Cruise Line</p>	<p>Murder Mystery Dinner Train Vineyard Tours in Napa Valley</p>
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## EDUCATIONAL

*You enhance your knowledge or skills*



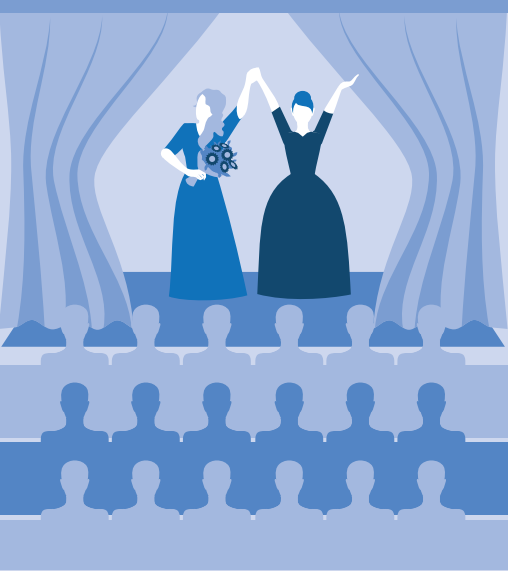





<p>Brown University Spanish Immersion Program Steve Martin Master Comedy Class</p>	<p>Brown University Spanish Immersion Program Steve Martin Master Comedy Class</p>
--	--

When considering the experience you wish to create, how are you going to build an experience that transforms a prospect into a client? Will your website offer information beyond mundane articles describing wills, trusts and probate? What interactive materials, videos, webinars and podcasts might be built to set the stage for your client experience? How do those materials coordinate with everything else you offer?



When considering your firm's operations, it's helpful to recognize there are two major elements to your practice: Front Stage & Back Stage, Ultimately, the Front Stage is about the client experience your firm creates and the Back Stage creates better support systems that expand the impact of the Front Stage.

FRONT STAGE		
 <p><b>THEATER</b></p>		
<p><i>Deliver a Unique Experience</i></p>	<p><i>Differentiate Yourself from Competitors</i></p>	<p><i>Create Exceptional Client Value</i></p>
BACK STAGE		
		
<p><i>Documented Systems &amp; Processes</i></p>	<p><i>Teamwork &amp; Collaborative Communication</i></p>	<p><i>Coordination &amp; Organization of Firm Activities</i></p>



What you love doing energizes you and provides the largest contribution of revenue and growth to your firm. What distinguishes you in your marketplace is a product of these activities. Typically, we spend only a fraction of our time focusing on activities that will lead to exponential growth.

# FACT FINDER



<b>LOW</b>	<b>MEDIUM</b>	<b>HIGH</b>
<p><i>Your best way of gathering and sharing information is to <b>Simplify</b>.</i></p> <ul style="list-style-type: none"> <li>• Distill information</li> <li>• Draft abridgements</li> <li>• Estimate</li> <li>• Approximate the particulars</li> <li>• Abbreviate the historical background</li> <li>• Create metaphors</li> <li>• See the big picture</li> <li>• Isolate the crucial material</li> <li>• Stick with the basic hypothesis</li> <li>• Condense the data</li> </ul>	<p><i>Your best way of gathering and sharing information is to <b>Explain</b>.</i></p> <ul style="list-style-type: none"> <li>• Paraphrase reports</li> <li>• Review the data</li> <li>• Edit the details</li> <li>• Work within priorities</li> <li>• Start with the highest probability</li> <li>• Use terms properly</li> <li>• Respond appropriately</li> <li>• Test analogies</li> <li>• Clarify specifics</li> <li>• Rewrite and fact-check written material</li> </ul>	<p><i>Your best way of gathering and sharing information is to <b>Strategize</b>.</i></p> <ul style="list-style-type: none"> <li>• Research in-depth</li> <li>• Establish specific priorities</li> <li>• Quantify/rank order particulars</li> <li>• Define objectives</li> <li>• Assess probabilities</li> <li>• Define terms with exactness</li> <li>• Determine appropriateness</li> <li>• Provide historical evidence</li> <li>• Create analogies</li> <li>• Develop complex strategies</li> </ul>

Fact Finder deals with the way we gather information. People within this mode range from generalist to specialist. Deal with information in the way that's best for you and let others do the rest.

# FOLLOW THRU



<b>LOW</b>	<b>MEDIUM</b>	<b>HIGH</b>
<p><i>Your best way of organizing is to <b>Adapt</b>.</i></p> <ul style="list-style-type: none"> <li>• Create shortcuts</li> <li>• Revise approaches</li> <li>• Thrive on interruptions</li> <li>• Diversify</li> <li>• Switch tasks frequently</li> <li>• Be flexible</li> <li>• Vary efforts</li> <li>• Do several things at once</li> <li>• Keep everything accessible</li> <li>• Find ways around problems</li> </ul>	<p><i>Your best way of organizing is to <b>Maintain</b>.</i></p> <ul style="list-style-type: none"> <li>• Package things together that fit</li> <li>• Adjust procedures</li> <li>• Monitor policies</li> <li>• Realign objectives</li> <li>• Coordinate schedules</li> <li>• Draft guidelines</li> <li>• Provide transitions and segues</li> <li>• Identify inconsistencies</li> <li>• Meet the need for closure</li> <li>• Maintain order</li> </ul>	<p><i>Your best way of organizing is to <b>Systemize</b>.</i></p> <ul style="list-style-type: none"> <li>• Create the plan</li> <li>• Coordinate needs</li> <li>• Chart and graph logistics</li> <li>• Integrate past, present, and future</li> <li>• Distinguish patterns</li> <li>• Design sequential systems</li> <li>• Categorize differences and similarities</li> <li>• Bring focus and closure</li> <li>• Organize information and materials</li> <li>• Itemize procedures</li> </ul>

Follow Thru deals with the way we organize information. People within this mode range from being adaptive to being structured/systematic. When organizing, trust your instincts. Don't let others force you into doing it their way!

# QUICK START



## LOW

Your best way of dealing with risks/uncertainty is to *Stabilize*.

- Create undeviating standards
- Decide what will/can stay the same
- Protect the status quo
- Create precedents
- Clarify deadlines
- Stick with what's familiar
- Reduce unexpected events
- Minimize risk factors
- Establish outside limits
- Conform to accredited concepts

## MEDIUM

Your best way of dealing with risks/uncertainty is to *Modify*.

- Participate in experiments
- Create responses to challenges
- Try out new ideas
- Sustain innovations
- Use metaphors
- Navigate through uncertainty
- Interject spontaneously
- Adjust deadlines
- Reduce risks
- Mediate between the vision and the given

## HIGH

Your best way of dealing with risks/uncertainty is to *Innovate*.

- Create a sense of urgency
- Initiate change
- Improvise solutions
- Promote alternatives
- Negotiate shortcuts
- Brainstorm possibilities
- Originate options
- Generate slogans
- Defy the odds
- Ad lib stories and presentations

Quick Start deals with the way we deal with time and uncertainty. People within this mode range from stabilizers to improvisers. In the midst of uncertainty, you shine because of your Quick Start mode.

# IMPLEMENTOR



## LOW

Your best way of tackling space and tangibles is to *Envision*.

- Create virtual presentations
- Conceptualize solutions
- Envision circumstances
- Capture the essence
- Portray symbolically
- Find intangible methods
- Jury-rig fixes
- Sketch ideas
- Simulate actual situations
- Concoct out of thin air

## MEDIUM

Your best way of tackling space and tangibles is to *Restore*.

- Relocate and refurbish
- Renovate structures
- Test ingredients
- Fix moving parts
- Convert space
- Remove obstacles – real and intangible
- Utilize mechanical equipment
- Interpret sign and body language
- Reinforce tangibles
- Connect concrete paths

## HIGH

Your best way of tackling space and tangibles is to *Build*.

- Produce quality solutions
- Display prototypes
- Pick out fine ingredients
- Tackle tangible solutions
- Handle transportation and packaging
- Provide protection and safeguards
- Erect and install mechanical devices
- Create substantive demonstrations
- Build hand-crafted models
- Protect nature/the environment

Implementor deals with the way we seek tangible solutions. People within this mode range from being abstract to concrete. How you show what you mean is part of your "charm." You're perfect just the way you are.

Attorneys tend to be “rugged individualists.” We take on too much instead of focusing time maximizing the use of our unique abilities. Let’s examine some common excuses:

### *I can do it better than anyone else.*

This may be true, but ask yourself if the activity is the highest and best use of your time. On each Task Inventory, circle the activities that energize you. Chances are, these are the activities that maximize your firm’s revenue and growth.

### *It’s faster to do it myself than to train someone.*

If Suzy invests 45 minutes to train John to complete a task that would only take 10 minutes of time, she lost 35 minutes. Consider that the next 20 times John completes that same task on his own she saves 200 minutes! This frees Suzy to concentrate on those activities that will exponentially grow her firm.

### *I can’t afford to pay someone else to do it.*

Assume that Suzy doesn’t have a paralegal to delegate certain high-level tasks to. Assume also that, in Suzy’s geographical market, a paralegal’s salary is \$800/week. Suzy must realize the equivalent of less than one additional estate-planning client each month to pay that salary. If that paralegal frees Suzy’s time to focus on those activities to grow her practice can she not easily achieve that goal?

### *It really doesn’t take that much time*

While any one task may not take that much time, consider all of the tasks that you handle on these inventories. It’s not the one task that matters—it’s this attitude towards many tasks. Consider how much of your time is spent on activities that impede your progress toward a bigger future.

NAME:

DATE:



## Rugged Randy

Least					Most
1	2	3	4	5	

Thinks he can do it all himself. He doesn't need to hire anyone, since he'll never delegate much of anything. His typical excuses are "I can do it faster than if I have to explain it to someone," "They won't do it as well as I can do it," and "I can't afford to hire anyone to do it." The reason he can't afford to hire much-needed assistance, whether it's an associate attorney, paralegal, or clerical worker is because he's not in his highest and best use, so revenue will always be stunted.



## Procrastinating Patty

Least					Most
1	2	3	4	5	

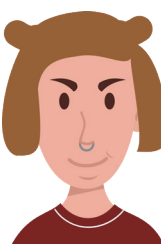
Knows she has a long checklist of things to do but is paralyzed because she's working on tasks that she doesn't enjoy, whether projects for clients or administratively for the firm. If Patty would only recognize that other people enjoy some of the tasks she detests, she might feel better about getting things off her desk. She might also be hampered by Rugged Randy Syndrome or by Cheap Chad.



## Cheap Chad

Least					Most
1	2	3	4	5	

Never wants to pay for anything. He's running Windows 98 as his operating system, and most of his software is no longer supported by the developers. He also likes to download test versions of software using different email accounts. He undervalues his employees, resulting in low morale. Coupling Cheap Chad with Hellish Helen usually erupts in constant dumpster fires. Reactive rather than proactive is the name of the game in his office.



## Hellish Helen

Least					Most
1	2	3	4	5	

Her temper can flash hot at any moment. The team is afraid to take chances because they're blamed for mistakes they make, as well as those Hellish Helen makes herself. When a team fears that they may get roasted by this fire-breathing behemoth, they simply ask her approval for every mundane task and are quick to point fingers at one another. Eventually, Hellish Helen transforms into Burned-Out Bernie.



## Head-In-Sand Harry

Least					Most
1	2	3	4	5	

His go-to phrase is, "if it ain't broke, don't fix it! He's even worse than Cheap Chad in the sense that he sees no reason to keep up with the times until it's too late. In today's hyper-competitive and ever-changing marketplace, Head-in-Sand Harry's firm is likely to die a slow death.



## Burned-Out Bernie

Least					Most
1	2	3	4	5	

Bernie is the unfortunate result of all of these syndromes, if not corrected sooner rather than later. At some point, Burned-Out Bernie throws up his hands in despair and retires, changes occupations, or moves on to another firm so he can just work and let everyone else worry about the business of practicing law.

## Delegating Dan

Dan focuses on his strengths and trusts his capable team with the rest, knowing that investing in training and delegation pays off.

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## Just-Say-No Julie

Just-Say-No Julie focuses on projects within her strengths and says "no" to tasks that drain her, keeping her productivity and satisfaction high.

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## Appreciating Alice

Appreciating Alice invests in the tools and resources her team needs to perform at their best. She values her employees' contributions, fostering high morale and a proactive, productive work environment.

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## Strategizing Simon

Strategizing Simon fosters a calm environment where team members feel safe to take initiative. By guiding rather than blaming, he builds trust and encourages collaboration.

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## Technology Ted

Technology Ted embraces innovation, staying ahead with tools and systems that keep his firm competitive. He knows that adapting early is key to thriving in a fast-changing marketplace.

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## Freedom Freddie

Freedom Freddie is the product of smart delegation and forward-thinking strategy. With an engaged team and modern tools, he leads a thriving practice and enjoys the freedom to focus on what he does best.

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NAME:

DATE:



## Rugged Randy

Least					Most
1	2	3	4	5	

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Least					Most
1	2	3	4	5	

Bernie is the unfortunate result of all of these syndromes, if not corrected sooner rather than later. At some point, Burned-Out Bernie throws up his hands in despair and retires, changes occupations, or moves on to another firm so he can just work and let everyone else worry about the business of practicing law.

## Delegating Dan

Dan focuses on his strengths and trusts his capable team with the rest, knowing that investing in training and delegation pays off.

## Just-Say-No Julie

Just-Say-No Julie focuses on projects within her strengths and says "no" to tasks that drain her, keeping her productivity and satisfaction high.

## Appreciating Alice

Appreciating Alice invests in the tools and resources her team needs to perform at their best. She values her employees' contributions, fostering high morale and a proactive, productive work environment.

## Strategizing Simon

Strategizing Simon fosters a calm environment where team members feel safe to take initiative. By guiding rather than blaming, he builds trust and encourages collaboration.

## Technology Ted

Technology Ted embraces innovation, staying ahead with tools and systems that keep his firm competitive. He knows that adapting early is key to thriving in a fast-changing marketplace.

## Freedom Freddie

Freedom Freddie is the product of smart delegation and forward-thinking strategy. With an engaged team and modern tools, he leads a thriving practice and enjoys the freedom to focus on what he does best.

NAME:

DATE:



## Rugged Randy

Least					Most
	1	2	3	4	5

Thinks he can do it all himself. He doesn't need to hire anyone, since he'll never delegate much of anything. His typical excuses are "I can do it faster than if I have to explain it to someone," "They won't do it as well as I can do it," and "I can't afford to hire anyone to do it." The reason he can't afford to hire much-needed assistance, whether it's an associate attorney, paralegal, or clerical worker is because he's not in his highest and best use, so revenue will always be stunted.



## Procrastinating Patty

Least					Most
	1	2	3	4	5

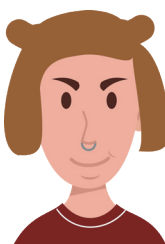
Knows she has a long checklist of things to do but is paralyzed because she's working on tasks that she doesn't enjoy, whether projects for clients or administratively for the firm. If Patty would only recognize that other people enjoy some of the tasks she detests, she might feel better about getting things off her desk. She might also be hampered by Rugged Chad, Randy Syndrome or by Cheap Chad.



## Cheap Chad

Least					Most
	1	2	3	4	5

Never wants to pay for anything. He's running Windows 98 as his operating system, and most of his software is no longer supported by the developers. He also likes to download test versions of software using different email accounts. He undervalues his employees, resulting in low morale. Coupling Cheap Chad with Hellish Helen usually erupts in constant dumpster fires. Reactive rather than proactive is the name of the game in his office.



## Hellish Helen

Least					Most
	1	2	3	4	5

Her temper can flash hot at any moment. The team is afraid to take chances because they're blamed for mistakes they make, as well as those Hellish Helen makes herself. When a team fears that they may get roasted by this fire-breathing behemoth, they simply ask her approval for every mundane task and are quick to point fingers at one another. Eventually, Hellish Helen transforms into Burned-Out Bernie.



## Head-In-Sand Harry

Least					Most
	1	2	3	4	5

His go-to phrase is, "if it ain't broke, don't fix it! He's even worse than Cheap Chad in the sense that he sees no reason to keep up with the times until it's too late. In today's hyper-competitive and ever-changing marketplace, Head-in-Sand Harry's firm is likely to die a slow death.



## Burned-Out Bernie

Least					Most
	1	2	3	4	5

Bernie is the unfortunate result of all of these syndromes, if not corrected sooner rather than later. At some point, Burned-Out Bernie throws up his hands in despair and retires, changes occupations, or moves on to another firm so he can just work and let everyone else worry about the business of practicing law.

## Delegating Dan

Dan focuses on his strengths and trusts his capable team with the rest, knowing that investing in training and delegation pays off.

I'M HAPPY TO DELEGATE ANYTHING THAT I CAN  
TO AVOID RUGGED RANDY SYNDROME. ALWAYS  
LOOKING FOR WHO NOT HOW!

## Just-Say-No Julie

Just-Say-No Julie focuses on projects within her strengths and says "no" to tasks that drain her, keeping her productivity and satisfaction high.

I TEND TO PROCRASTINATE ON PROJECTS THAT  
AREN'T WITHIN MY UNIQUE ABILITIES. NEED TO SAY  
"NO" TO WORK I DON'T ENJOY DOING.

## Appreciating Alice

Appreciating Alice invests in the tools and resources her team needs to perform at their best. She values her employees' contributions, fostering high morale and a proactive, productive work environment.

WE TRY TO COMPENSATE STAFF AND PROVIDE BONUSES WHEN WE HAVE GOOD YEARS. TREAT  
SOFTWARE AND EQUIPMENT AS ESSENTIAL TOOLS OF OUR TRADE.

## Strategizing Simon

Strategizing Simon fosters a calm environment where team members feel safe to take initiative. By guiding rather than blaming, he builds trust and encourages collaboration.

I CAN TEND TO BE MERCURIAL. NEED TO "COUNT TO 10" AND STRATEGIZE MORE.  
I BECOME HELLISH HELEN WHEN I'M WORKING ON TASKS I DON'T ENJOY.

## Technology Ted

Technology Ted embraces innovation, staying ahead with tools and systems that keep his firm competitive. He knows that adapting early is key to thriving in a fast-changing marketplace.

I HAD LAW PARTNERS (SINCE RETIRED) WHO NEVER MET A NEW IDEA, STRATEGY,  
TECHNOLOGY THEY LIKED OR NEEDED. I VOWED NEVER TO BECOME THAT WAY.  
I EMBRACE TECHNOLOGY & MODERNIZATION

## Freedom Freddie

Freedom Freddie is the product of smart delegation and forward-thinking strategy. With an engaged team and modern tools, he leads a thriving practice and enjoys the freedom to focus on what he does best.

THE ANTIDOTE TO BERNIE IS TO SET YOURSELF UP FOR FREEDOMS. ALWAYS LOOK AT  
WHETHER YOU'RE CREATING A PERSONAL 24/7 JOB OR NURTURING  
A BALANCED CAREER/LIFE.





# YOUR ESTATE PLANNING & ADMINISTRATION TEAM



**CRAIG R. HERSCH**

KOLBE: 6 2 9 3

SENIOR PARTNER

FLORIDA BAR BOARD CERTIFIED  
WILLS, TRUSTS & ESTATES ATTORNEY  
CPA



**MICHAEL B. HILL**

KOLBE: 8 3 4 4

PARTNER

FLORIDA BAR BOARD CERTIFIED  
WILLS, TRUSTS & ESTATES ATTORNEY



**HAYLEY E. DONALDSON**

KOLBE: 8 8 2 3

PARTNER

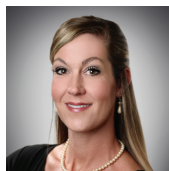
FLORIDA BAR BOARD CERTIFIED  
WILLS, TRUSTS & ESTATES ATTORNEY  
CPA



**Maria Reimer**

Kolbe: 6 7 3 4

Asset Alignment Coordinator  
& Team Strategist



**Regina Sadoski**

Kolbe: 8 7 2 3

Intake Scheduling Coordinator  
& Initial Client Contact



**Deborah Shannon**

Kolbe: 8 7 3 2

Asset Alignment Coordinator



**Bronwyn Merhige**

Kolbe: 6 5 3 7

Probate & Trust Admin.  
Coordinator



**Michelle Goble**

Kolbe: 7 8 3 2

Accounting & Human  
Resources



**Liam Ladia**

Kolbe: 8 4 3 4

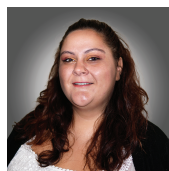
Marketing & Development



**Laura Ruiz**

Kolbe: 7 8 3 2

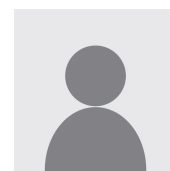
Binder Presentation  
Assistant



**Olivia Powell**

Kolbe: 7 8 3 2

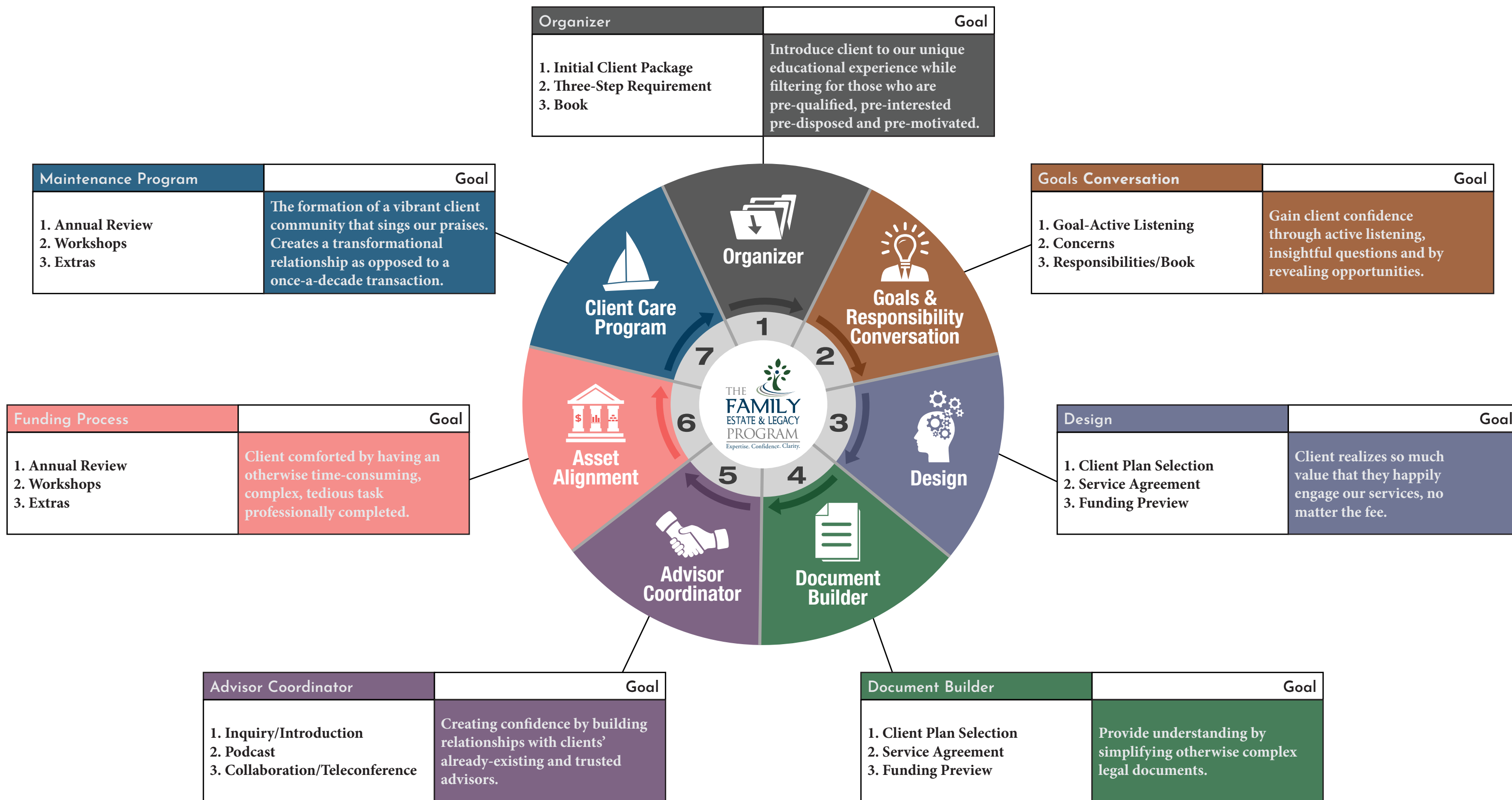
Drafting Assistant &  
Amendments






**Donnelly Liebsch**

Reception & Initial  
Contact Assistant





The Goals Conversation™ establishes a transformative relationship as opposed to a commoditized transaction with the end result being your client's intellectual engagement and investment in their own expansion and growth.

<b>THE GOALS CONVERSATION</b>	 <b>AVOID</b>	 <b>DIRECT</b> (VALUE CREATION)	 <b>CONFIRM</b>
<b>RELATIONSHIP QUESTIONS</b>	TRANSACTIONAL QUESTIONS	HOPES/ WISHES	OPEN QUESTIONS
<b>DANGERS/ IMPEDIMENTS</b>	SCARE TACTICS	ISSUE IDENTIFICATION	SOLUTION WILL ADDRESS
<b>EDUCATIONAL COMPONENT</b>	LEGALESE/ TECHNICAL LANGUAGE	GENERAL SOLUTIONS	RESULT OF SOLUTION UNDERSTOOD
<b>GOAL REVIEW</b>	CREATING FOR CLIENT	ACTIVE LISTENING/ RESPONSE	END RESULT
<b>SOLUTION PRESENTATION</b>	JUMPING THE GUN	SETTING EXPECTATIONS THROUGH FELP PROCESS	<b>ENGAGE!</b>

## Goals Conversation - Initial Client Appointment

### Before Meeting:

- Review Client Worksheet
- Review current estate planning documents
- Not to file of anything unusual

### Meeting:

- Greet Clients in Lobby
- Ask if they want any water, soda, coffee
- Ask if they found the office okay
- Engage in small talk

### Goals Conversation:

- Make sure that you ask **OPEN ENDED** and **NOT** leading questions
- What would you like your estate plan to accomplish?
- What prompted today's appointment?
- Follow up question to those
- Ask about their career; marriage
- Tell me about your family- loved ones (Whomever are listed in worksheet)
- Are there any missing family members? (Sometimes they want to disinherit someone and don't include child/grandchild on worksheet, which could lead to inadvertent inclusion in the plan)

### If Married Couple:

- How is your estate plan important to you as a married couple?
- What is your overriding goal for taking care of one another?
- If blended marriage/family- Do we hope to secure inheritance for your children/bloodline?
- Given the choice between giving the survivor of you maximum flexibility or assuring that the plan we discuss today is the one that is ultimately carried out, which is your preference? Why is that the preference?
- Are we worried about another spouse becoming a beneficiary after your death?

**Everyone:**

- Tell me about your children/grandchildren
- Marriage strong?
- Good career?
- Do you help/support?
- Anyone that you are currently supporting that we haven't discussed?
- How do you feel about leaving your estate plan to these people?
- What worries you?
- What do you hope they accomplish with the inheritance?
- Do you have charitable intent in your estate plan?
- Are taxes something you worry about? Estate? Income? State Level?

**Assets:**

- Separate assets into baskets- see our Worksheet from today
- Point out different tax/planning/estate elements to the baskets
- Ask if anyone has ever approached their estate plan in this fashion
- Zero in on the answers to their goals questions above given the asset dynamic
- Step by step establish the elements of their plan given the above

**Finalize:**

- Talk through the FELP wheel to assure the client that our unique process will help them accomplish their goals









# TRELLO & TEAMS GUIDE

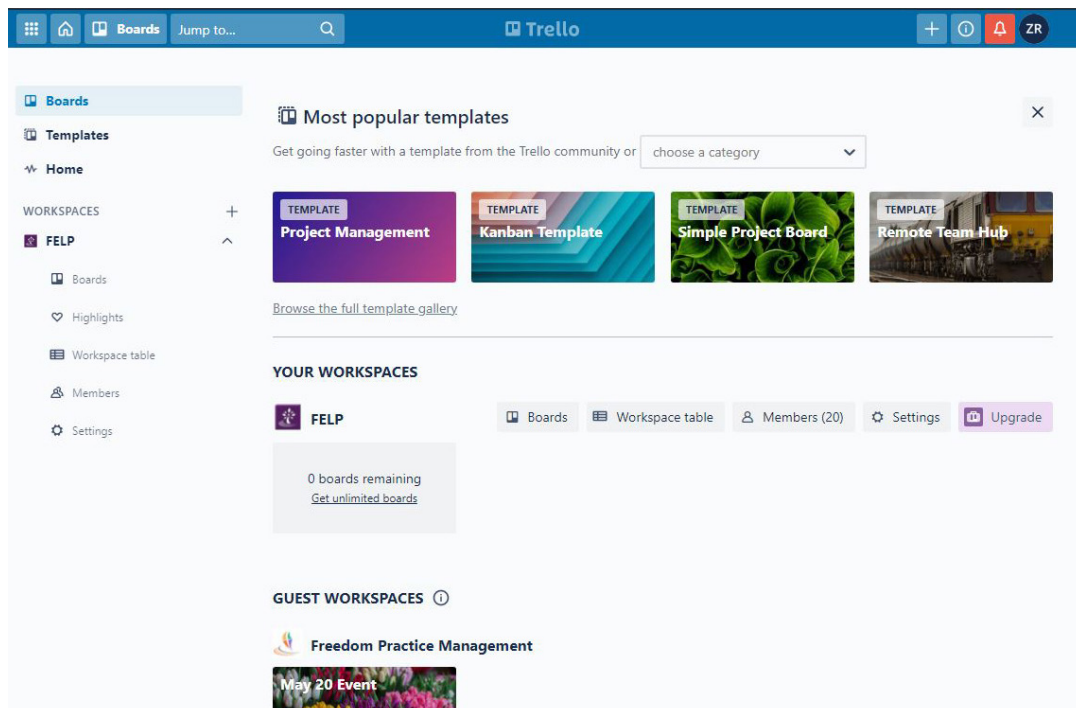
# Trello How To

## Anatomy of Trello

Trello has various parts that all have unique names. It is often easy to confuse the parts of the Trello structure. Therefore we've assembled a brief breakdown of Trello's anatomy for your reference and so that the rest of the manual makes sense

## Home Screen

The Trello Home Screen is a collective dashboard of all of your teams, boards, as well as a feed of upcoming due dates and recent activity (see below). This is the main screen you see when you log into Trello.



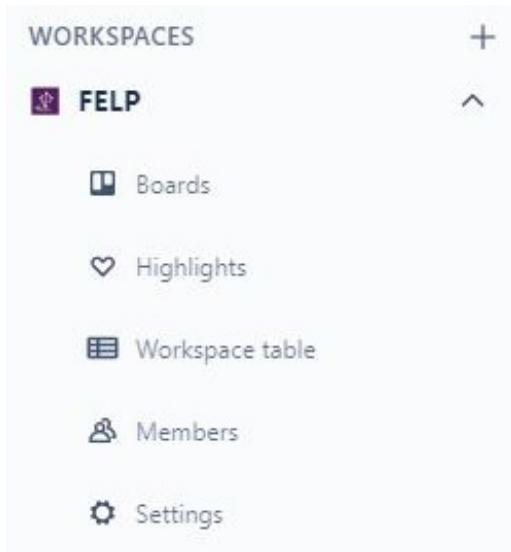
When you navigate away from the Home Screen, you can either hit the back feature on your browser or click on the Trello logo on the top of your screen.

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## Workspaces

---

A Team on Trello is just as it sounds. It is a collection of members that have common work or goals to accomplish. Usually, all of your teams are visible on the Home Screen to the left. Clicking on the team of your choice will display the feed for just that team.

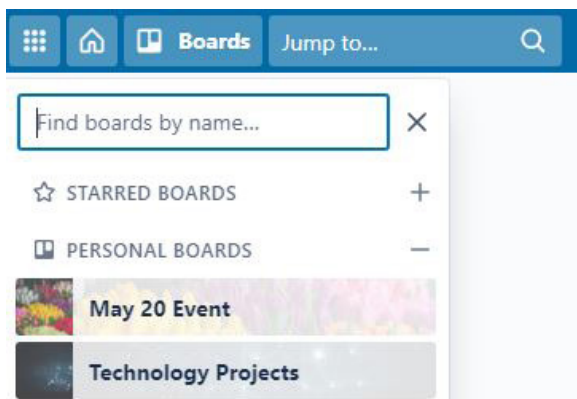


## Boards

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A Board is a way of organizing and managing a project. Similar to other project management programs, Trello's Boards gather all the steps and details of a project or process. Each board can be customized to fit your needs, which we will go into more later. All of your boards are displayed both on the Dashboard, as seen above, and in the Boards dropdown menu located to the top right of your screen:

Clicking on the Boards dropdown menu will open a categorized menu of all of your boards, organized by team: You can also click the Boards button on the left panel of the Home Screen.



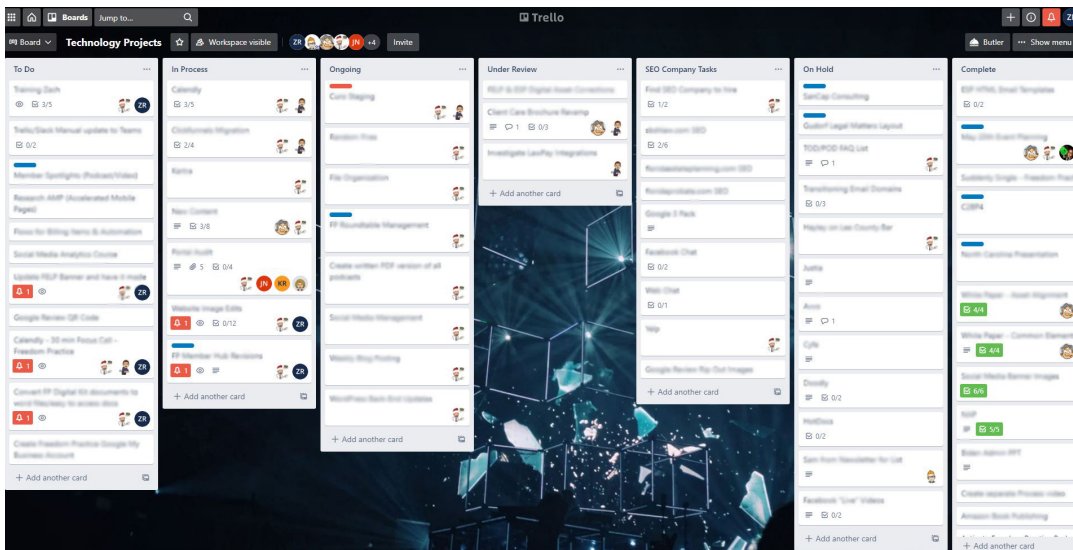
## Lists

---

Each Board is composed of a series of Lists and Cards (see below). When you click on a Board, all of the Lists and Cards on that Board become visible. Lists can be created by scrolling all the way to the right of the Board and clicking into Add a list...

Or you can double-click between two existing Lists to add a new List in that position:

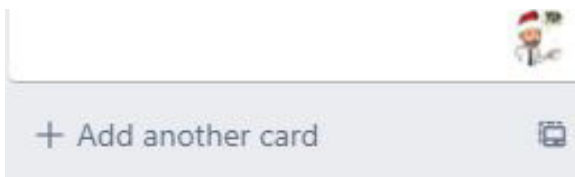
Lists can also be dragged and dropped into a new position on the Board.



## Cards

---

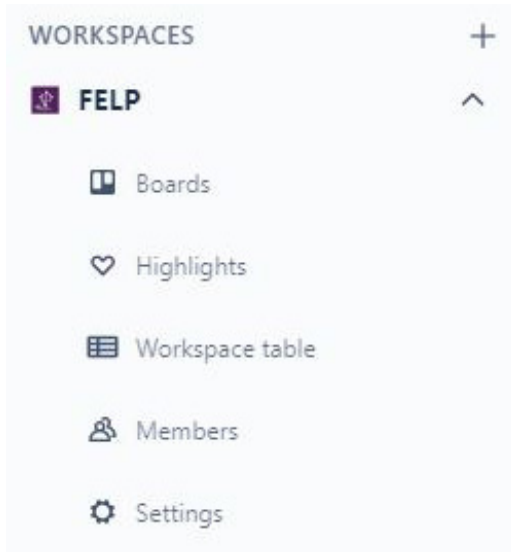
Each List is composed of Cards. Cards are a highly customizable medium for taking notes, adding attachments, checking off lists, making comments, and a variety of other tasks. A List can have as many Cards as you need. As with Lists, cards can be dragged and dropped to change position. Cards can also be dragged and dropped between Lists.



## List Features

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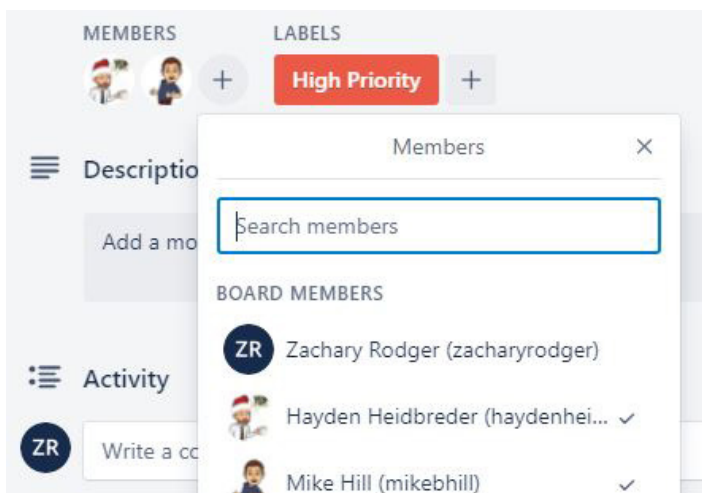
When you click “...” you can access various features for arranging, organizing and moving whole Lists:



## Members

---

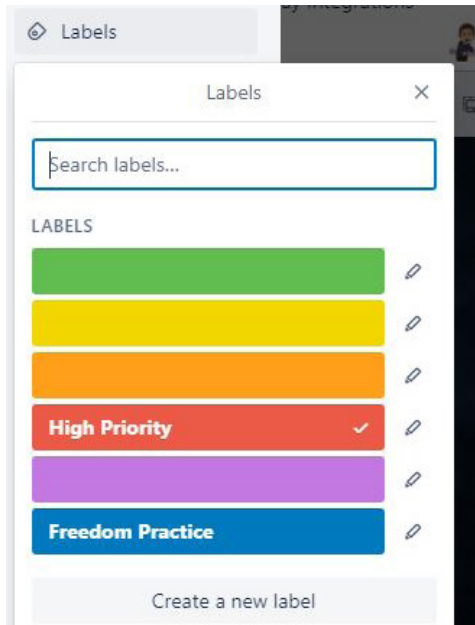
Add pertinent Members to a Card by clicking this feature. The menu that opens allows you to search for members of your team that should be on this Card and kept aware of its happenings at all times.



## Labels

---

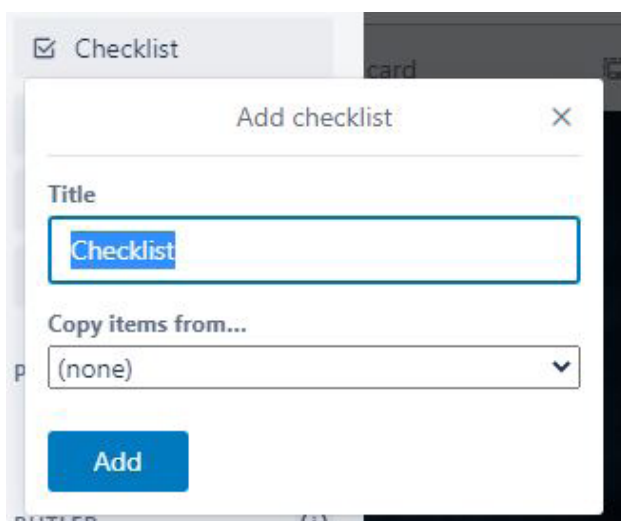
Labels assist by color coding a Card. Labels can be edited and created to fit certain needs:



## Checklist

---

Checklists create to-do lists that can be checked off as items are completed. These are handy for keeping track of tasks that must be completed before a Card can move along in the process:





## Due Date

---

To keep you on your toes or to ensure something is done in a timely fashion, Due Dates can be added to cards.

**Start date**

M/D/YYYY

**Due date**

5/27/2021 4:24 PM

**Set due date reminder**

1 Day before ▼

Reminders will be sent to all members and watchers of this card.



**Save**

Remove

## Attachment

---

Add documents, images, and various files to a card so everyone can stay in the know by using the Attachment feature:

 Attachment 

Attach from... ×

Computer

Trello

Google Drive

Dropbox

Box

OneDrive

**Attach a link**

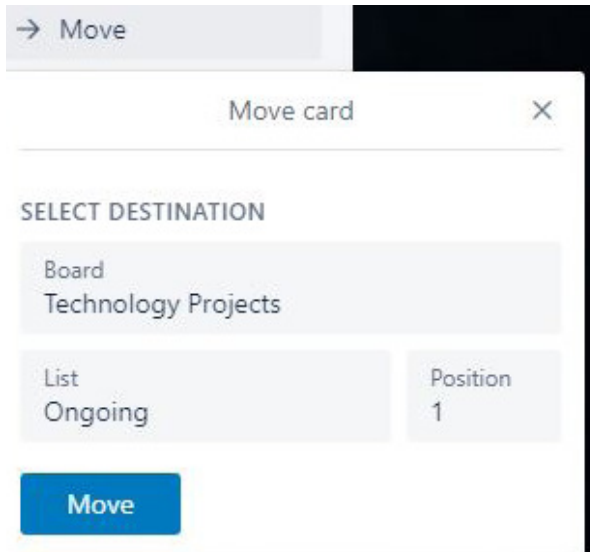
Paste any link here...

...

## Move

---

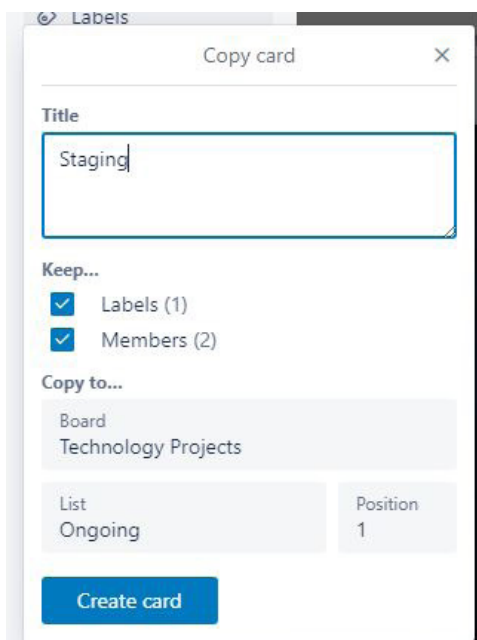
Easily move a Card to another Board by using the Move feature. Just pick your Board, List and Position to migrate the Card to its new location:



## Copy

---

If instead you want to keep the Card in its current location, but also want it on another Board, you can Copy it:



## Watch

---

By pressing the watch button you will be updated when things change on whatever you have decided to watch



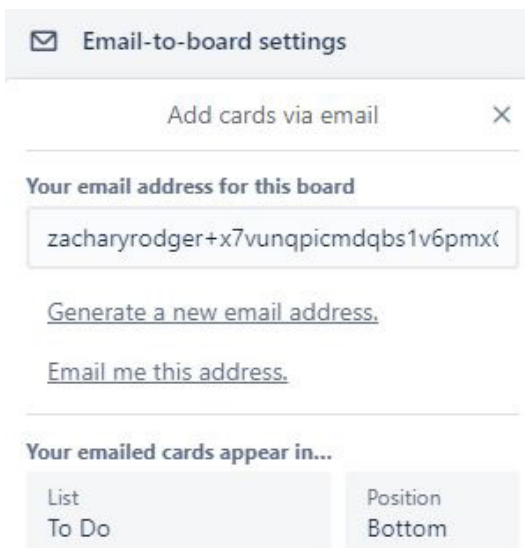
## Email-to-Board

---

Trello allows you the capability to forward emails (even from Outlook) to a board. You can pick a specific list on that board, and Trello will add the subject as the title of the card, add the text as the description, and add any attachments in the email. Each board has its own email identifier. See below to learn how to find your board's email address.

1. Click on the board that you wish to access via email addition.
2. Find the menu on the top left side of the board and click ●●● Show Menu:
3. When the menu expands, click ●●● More:
4. When the menu expands, you'll see Email-to-board Settings. Click on that:
5. The menu that expands below shows the email address for the board and on which list (and position) an emailed item will appear:
6. When you receive an email you wish to add to a specific board, forward that email to the board's email address.

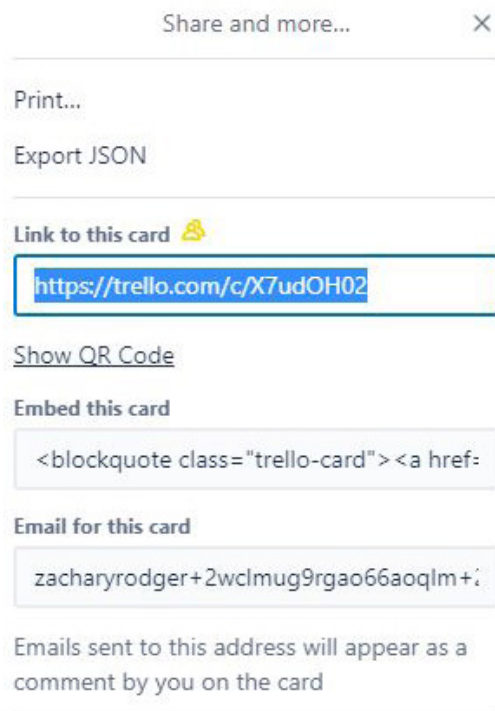
I suggest adding each board you may potentially wish to forward emails to as a saved contact in Outlook (labeled for the name of the board to which it will be directed).



## Email-to-Card

---

Just as with above, you can add the content of an email to an already-created Card as a comment. As each Board has its own email address, each card does too. You can forward emails to a Card by finding the email address when the Card is open. Click “Share and more...” on an open Card to copy and paste the email address:



## Converting Spreadsheet Columns to Cards

---

Entire, singular columns in an Excel spreadsheet can be added to a Trello card all at once and then automatically delineated as separate cards on a list. Simply copy the list directly from Excel and paste onto a blank card.

## Converting Spreadsheet Columns to Checklists

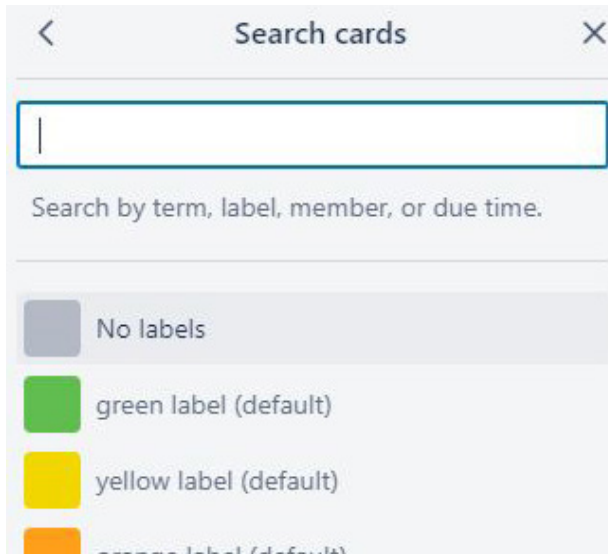
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As with above, easily create Checklists from a list or spreadsheet by copying and pasting the line separated items into a new Checklist item and clicking “Add”.

## Filter Cards

---

You can filter your Cards based on a variety of options. Pressing the “f” key while on a Trello Board will open the Filter Cards feature.



## Assign a Card to Yourself

---

While your cursor is over a Card, press the spacebar to assign yourself to that card.

## Filter Your Assigned Cards

---

View only Cards assigned to you by pressing the “q” key while on an active Trello Board.

## Open Search Feature

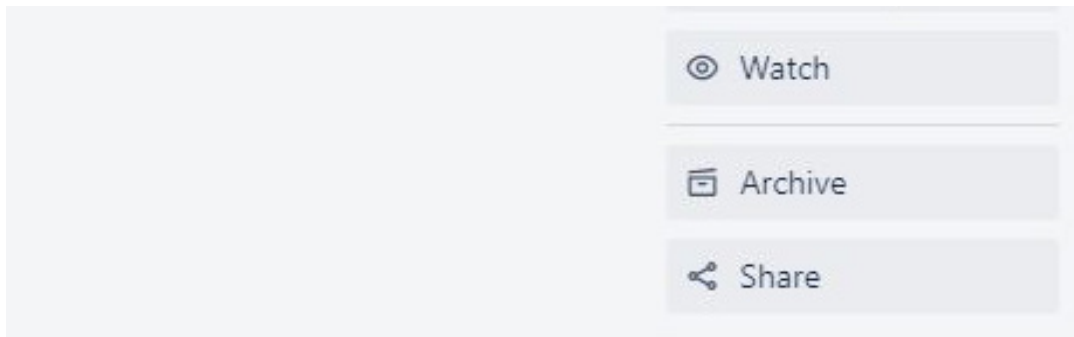
---

Automatically open the search feature without having to manually navigate to it by pressing the “/” while on an active Trello Board.

## Archive Cards

---

Send Cards to the Archive by mousing over it and pressing the “c” key. This can be undone by navigating to the Board’s Menu and viewing your recent activity. Click on the Card you archived and press “Send to Board”.



## Add Labels to New Cards

---

When adding a new Card, you can type “#” plus the label’s color or title and get a list of matching labels. This is just a few of the shortcuts available on Trello. For a full list of shortcuts, visit <https://trello.com/shortcuts/>.

## Drag & Drop Multiple Attachments

---

Bulk attach files to a Card by selecting multiple files and dropping them onto a Card. Bonus: There is no limit to the number of files you can attach to a card.

## View All of Your Assigned Cards from All Boards

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View all cards assigned to you across all boards by visiting <https://trello.com/your/cards>.



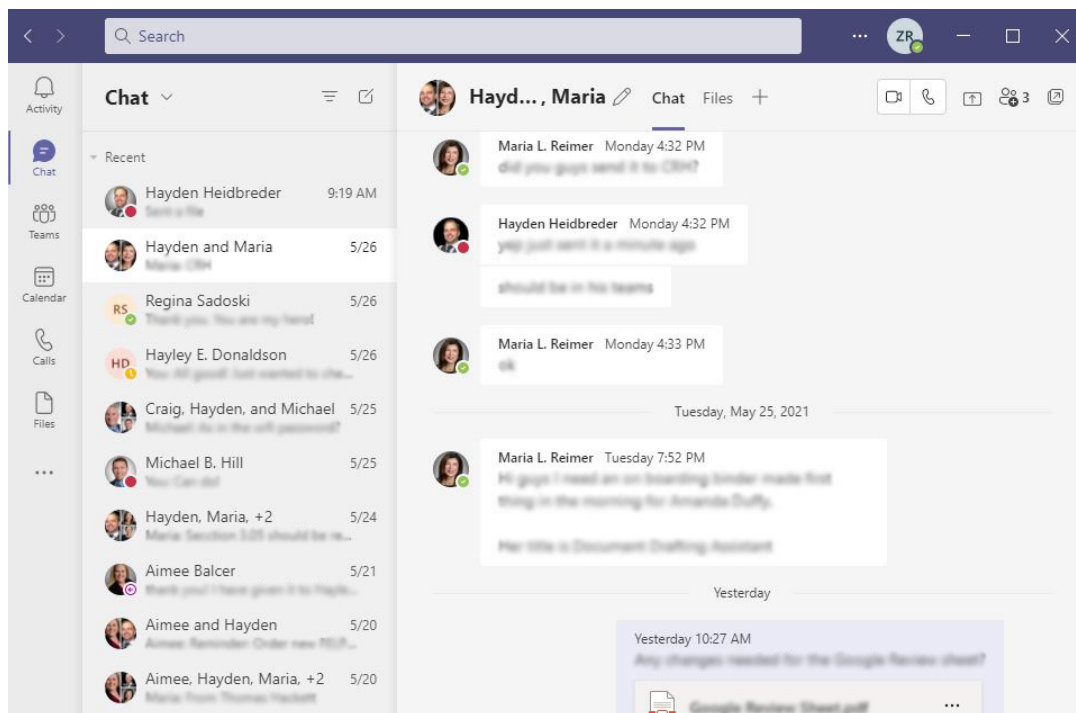
# Teams How To

## Anatomy of Teams

Microsoft Teams is a messenger system that can be utilized throughout the office for quick texts messages, voice and video calling as well as screen sharing.

## Teams Screen

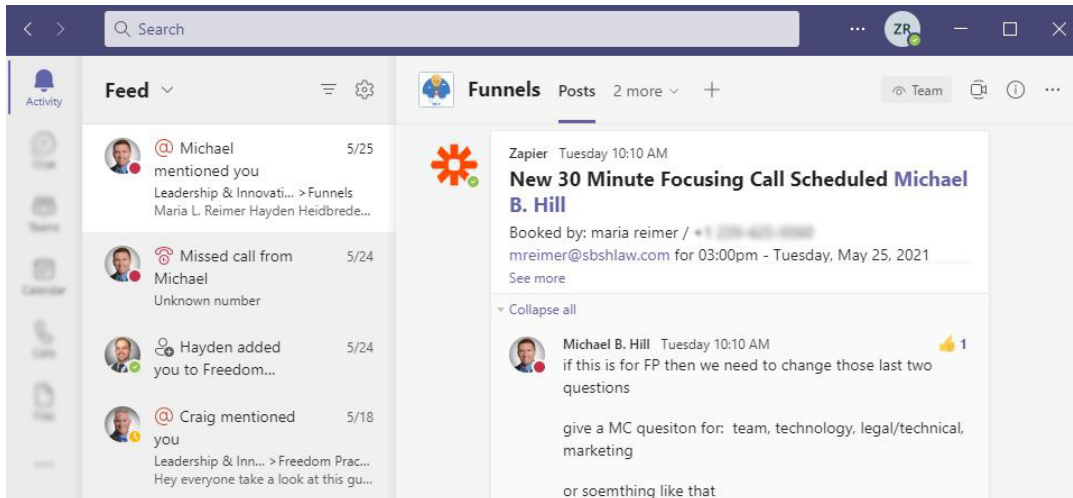
When you open Microsoft teams you will see a screen similar to the one below. You will have a bar with Activity ,Chat, Teams, Calendar, Calls, Files, and a More button as well.



## Activity

---

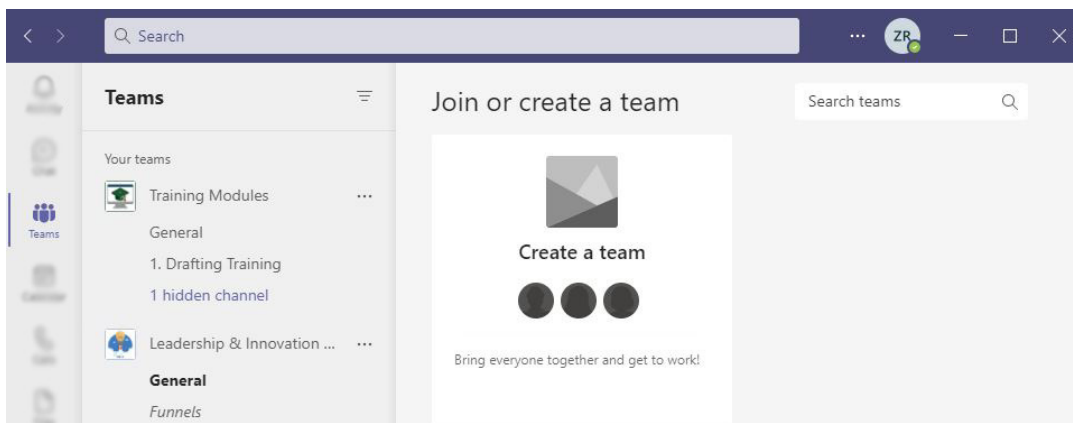
The activity panel is where you will get notifications on the things you are involved in throughout teams.



## Boards

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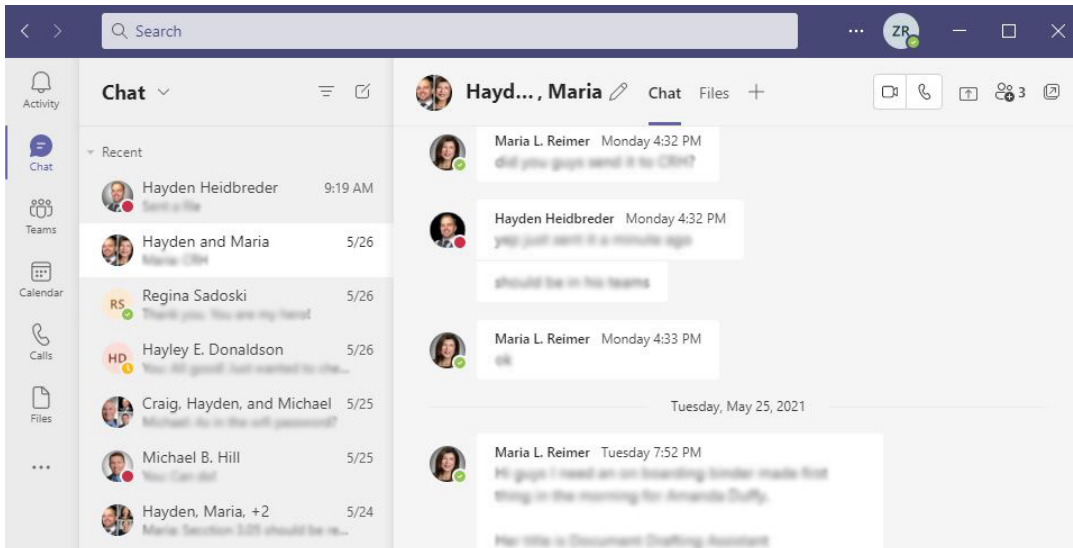
The teams option allows you to message a specific set of people all at once instead of sending each person on their own. When you create a team, you will first have the option to either build it from scratch, or create it from an existing Office 365 group or team. This second option is for any business that already has an Office 365 group. Groups are great as a quick way to create a team with members already attached. The easiest way to add team members is to send them an email link, which will go ahead and enroll them when it is clicked on. You can also simply add their email address directly into Teams.



## Chat

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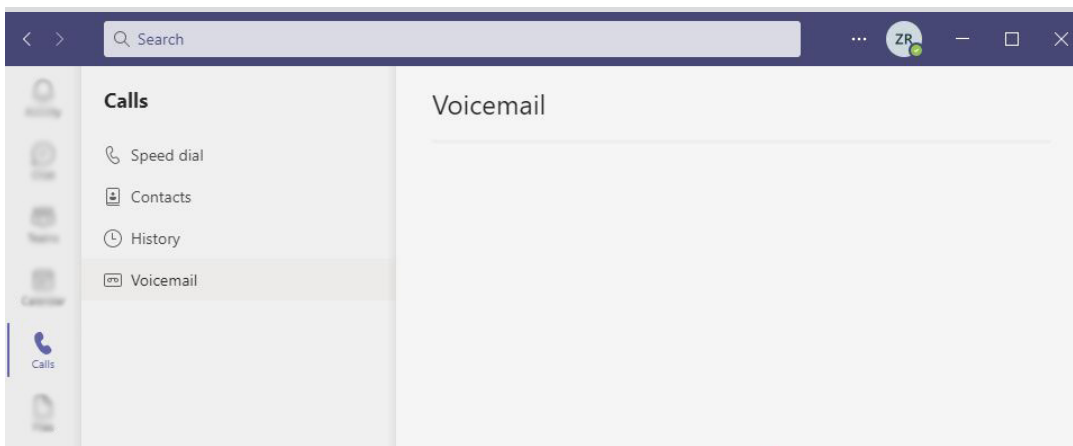
The chat function allows you to converse with anyone that is part of the business' teams account. You can send direct messages to one person or group messages to multiple people. The feature chat saves conversations, allows you to react to messages, send files and even post GIFs. The chat feature is one of the biggest elements of Teams.



## Calls

---

Microsoft Teams allow you to make calls to your co-workers, both voice and video calls. Options like Mute and Hide microphone, as well as gives you the ability to share the screen during a video call. You can even do a multiple person call!



For More information about  
The Freedom Practice®  
visit [4freedompractice.com](http://4freedompractice.com)  
or call (239) 334. 1141



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**Organizer**

Let's suppose, for example, that you are becoming proficient not only with basic estate planning documents, but in crafting continuing testamentary trusts with embedded income tax planning, like Beneficiary Deemed Income Trusts, the use of Trust Protectors and creative powers of appointment. The first step is to become proficient with this area of your practice.

**Increasing Capabilities**

The last step, increasing your firm's capabilities, leads to the first step again, but with another capability – or two or three! Perhaps you're interested in maximizing your Client Care Program, or in creating a system for advanced estate planning or for your trust administration process. Your next orbit around the wheel will be at a higher level. Interestingly, the higher the orbit, the narrower your personal focus becomes, leading to greater freedoms.

**Defining Motivation**

While certain activities energize you and provide motivation, others sap you of energy. Defining your highest and best use provides insight into what tasks you need to focus on within your practice. At the same time, you're discovering what motivates your clients to select the estate planning strategies that best fit their goals. Understanding what motivates your team is also crucial to your firm's success. As you work through your newest proficiency, pay attention to these motivating factors.

**Self Managing Practice**

The goal to the five preceding steps is to create a self-managing practice. Everyone knows their role in your frontstage and backstage processes, are working within their highest and best use, leaving you to have the freedoms necessary to continually upgrade your client value propositions. The byproduct of all this success is increased revenue, profits, and team harmony.

**Building Support Team**

Once you define the activities that motivate you, it's time to build a support team that compliments your skill set. Placing team members in tasks they enjoy, and filling the holes you inevitably find, creates a stronger, more capable firm. You're happier because other people are completing the tasks you find mundane.

**Packaging Your Wisdom**

Now that you've systemized your client value proposition, it's time to package it for sale. Selling a process is more client friendly than selling a commoditized document or strategy. This includes developing brochures, books, white papers, podcasts, and other media that you'll use to market your expertise. You'll mine your existing client base, educate your centers of influence on your unique systems and processes, and use state-of-the-art social media marketing to get the word out to those who aren't yet familiar with your firm.

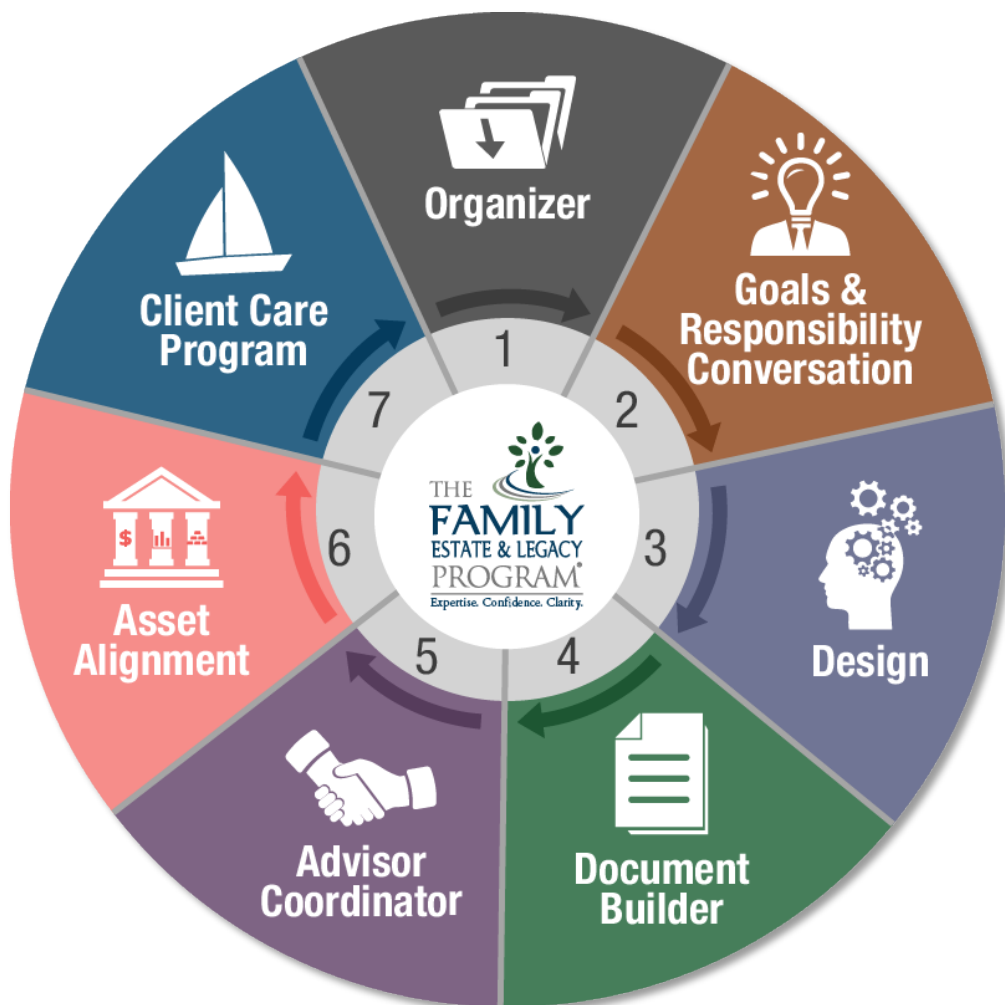
**Systemizing Client Value**

With the proper focus on the first three steps, you're ready to put frontstage and backstage systems in place to continually provide a uniquely positive client experience that can't be found anywhere else at any price. While every client's plan is different, you've implemented client intake, drafting, review, signing and client care systems that attract A+ clients and pay dividends well into the future.



## Initial Deposit Agreement

Client Name: \_\_\_\_\_





## Responsibility Conversation

**Initial Trustee:**

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**Trustee Removal / Trust Protector:**

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**Disability Trustee:**

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**Death Trustee / Personal Representative:**

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**Disability Panel:**

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**Health Care Agents:**

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**Durable Power of Attorney Agent:**

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**Designated Representative / Guardian:**

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## Basic Plan

The Basic Plan includes your new or restated revocable living trust, related pour-over will, durable powers of attorney, health care surrogates, living will and related ancillary documents. You will likely serve as your own initial trustee, as you will continue to own and control the assets funded into your trust. You understand that this Basic Plan only addresses probate avoidance and does not provide disability planning or other provisions designed to enhance your lifetime protection. Further, this Basic Plan does not provide any inheritance protection for your beneficiaries.

Upon your passing, if you are married, there may be continuing testamentary trust(s) created for your surviving spouse. How those trusts are managed and distributed will also be clearly defined pursuant to our conversations and your direction. If you are not married, then this element will not be included in your plan.

Upon the death of you and if you are married, the survivor of you and your surviving spouse, amounts will ultimately be distributed outright and free of trust to the beneficiaries you name regardless of how old the beneficiaries are.

<b>Package (initial one)</b>	<b>Price</b>
<input type="checkbox"/> <b>Single Person</b>	<b>\$2,500.00</b>
<input type="checkbox"/> <b>Married Joint Trust</b>	<b>2,750.00</b>

**Excluded services for Basic Plan (initial each to confirm)**

- No funding assistance**
- No membership in Client Care Program**
- No guardianship or disability planning**

**Total** \_\_\_\_\_

## Foundational Planning

Florida Compliant Documents:

Revocable Trust (or Restatement of Revocable Trust)  
 includes special disability provisions

Pour Over Will

Durable Power of Attorneys

Health Care Surrogate

Living Will

Pre-Need Guardian

**Final Disposition will be outright to beneficiaries**

**Married Clients:**

All of the above plus

Testamentary Family and/or Marital Trust and/or Survivor Trust

Estate Tax Deferral Planning

Disclaimer Provision

**Final Disposition will be outright to beneficiaries**

<b>Package (initial one)</b>	<b>Price</b>
_____ Single Person	4,750.00
_____ Married Joint Trust	5,650.00
_____ Married Separate Trust Mirrored	6,350.00
_____ Married Separate Not Mirrored	8,500.00

<b>Add-Ons (initial all that apply)</b>	<b>Price</b>
<b>Additional Dispositive Planning</b>	
_____ Residential Property Trust Planning	1,500.00
_____ Homestead Planning	1,500.00
_____ Testamentary Special Needs Planning	2,500.00
_____ Marital Remarriage Planning	750.00
_____ Staged Distribution Planning	750.00
_____ Other _____	_____
_____ Other _____	_____

<b>Add-Ons (initial all that apply)</b>	<b>Price</b>
<b>Additional Tax Planning</b>	
_____ Florida Community Property Opt-In (Joint Trust Only)	750.00
_____ Optimal Basis Increase Planning	1,250.00
_____ Testamentary Charitable Remainder Trust Planning	2,250.00
_____ Testamentary Charitable Lead Trust Planning	2,250.00
_____ Testamentary Private Foundation Planning	2,250.00
_____ Other _____	_____
_____ Other _____	_____
_____ Other _____	_____

**Total** \_\_\_\_\_

## Signature Planning

Florida Compliant Documents:

Revocable Trust (or Restatement of Revocable Trust)  
 includes special disability provisions

Pour Over Will

Durable Power of Attorneys

Health Care Surrogate

Living Will

Pre-Need Guardian

**Testamentary Asset Protection Trust Planning for Children/Grandchildren/Other Beneficiaries/Sprinkle Planning  
 Optional**

**Married Clients:**

All of the above plus

Testamentary Family and/or Marital Trust and/or Survivor Trust

Estate Tax Deferral Planning

Disclaimer Provision

**Testamentary Asset Protection Trust Planning for Children/Grandchildren/Other Beneficiaries/Sprinkle Planning  
 Optional**

<b>Package (initial one)</b>	<b>Price</b>
<input type="checkbox"/> Single Person	6,850.00
<input type="checkbox"/> Married Joint Trust	7,650.00
<input type="checkbox"/> Married Separate Trust Mirrored	8,250.00
<input type="checkbox"/> Married Separate Not Mirrored	10,950.00

<b>Add-Ons (initial all that apply)</b>	<b>Price</b>
<b>Additional Dispositive Planning</b>	
<input type="checkbox"/> Residential Property Trust Planning	1,500.00
<input type="checkbox"/> Homestead Planning	1,500.00
<input type="checkbox"/> Testamentary Special Needs Planning	2,500.00
<input type="checkbox"/> Marital Remarriage Planning	750.00
<input type="checkbox"/> Staged Distribution Planning	750.00
<input type="checkbox"/> Other _____	_____
<input type="checkbox"/> Other _____	_____

<b>Add-Ons (initial all that apply)</b>	<b>Price</b>
<b>Additional Tax Planning</b>	
<input type="checkbox"/> Florida Community Property Opt-In (Joint Trust Only)	750.00
<input type="checkbox"/> Beneficiary Income Tax Planning	1,500.00
<input type="checkbox"/> IRA SECURE Act Planning	1,500.00
<input type="checkbox"/> Optimal Basis Increase Planning	1,250.00
<input type="checkbox"/> Testamentary Charitable Remainder Trust Planning	2,250.00
<input type="checkbox"/> Testamentary Charitable Lead Trust Planning	2,250.00
<input type="checkbox"/> Testamentary Private Foundation Planning	2,250.00
<input type="checkbox"/> Other _____	_____
<input type="checkbox"/> Other _____	_____
<input type="checkbox"/> Other _____	_____

**Total** \_\_\_\_\_

## Transformative Planning

Florida Compliant Documents:

Revocable Trust (or Restatement of Revocable Trust)

includes special disability provisions

Retirement Plan Legacy Trust (Identifiable Beneficiary/SECURE Act Compliant)

Pour Over Will

Durable Power of Attorneys

Health Care Surrogate

Living Will

Pre-Need Guardian

**Testamentary Asset Protection Trust Planning for Children/Grandchildren/Other Beneficiaries/Sprinkle Planning Optional**

**Married Clients:**

All of the above plus

Testamentary Family and/or Marital Trust and/or Survivor Trust

Estate Tax Deferral Planning

Disclaimer Provision

**Testamentary Asset Protection Trust Planning for Children/Grandchildren/Other Beneficiaries/Sprinkle Planning Optional**

<b>Package (initial one)</b>	<b>Price</b>
<input type="checkbox"/> Single Person	10,000.00
<input type="checkbox"/> Married Joint Trust	11,500.00
<input type="checkbox"/> Married Separate Trust Mirrored	12,750.00
<input type="checkbox"/> Married Separate Not Mirrored	16,250.00
<b>Add-Ons (initial all that apply)</b>	<b>Price</b>
<b>Additional Dispositive Planning</b>	
<input type="checkbox"/> Residential Property Trust Planning	1,500.00
<input type="checkbox"/> Homestead Planning	1,500.00
<input type="checkbox"/> Testamentary Special Needs Planning	2,500.00
<input type="checkbox"/> Marital Remarriage Planning	750.00
<input type="checkbox"/> Staged Distribution Planning	750.00
<input type="checkbox"/> Other _____	_____
<input type="checkbox"/> Other _____	_____
<b>Add-Ons (initial all that apply)</b>	<b>Price</b>
<b>Additional Tax Planning</b>	
<input type="checkbox"/> Florida Community Property Opt-In (Joint Trust Only)	750.00
<input type="checkbox"/> Beneficiary Income Tax Planning	1,500.00
<input type="checkbox"/> Optimal Basis Increase Planning	1,250.00
<input type="checkbox"/> Testamentary Charitable Remainder Trust Planning	2,250.00
<input type="checkbox"/> Testamentary Charitable Lead Trust Planning	2,250.00
<input type="checkbox"/> Testamentary Private Foundation Planning	2,250.00
<input type="checkbox"/> Other _____	_____
<input type="checkbox"/> Other _____	_____
<input type="checkbox"/> Other _____	_____
<b>Total</b>	_____

## Asset Alignment

Asset alignment is an important element to anyone’s estate plan that is often overlooked. When you have a revocable trust and/or retirement plan trust, it is vital that all of your assets, including your real property, bank accounts, investment and brokerage accounts, closely held business interests, intellectual property, IRAs, 401(k)s, pension, profit sharing plans, annuities, life insurance and other assets be properly aligned with your estate plan.

Your estate planning package contains the following asset alignment service choices. *Please read your Terms of Service for complete details.*

**Basic Plan – No asset alignment services are included;**

<b>Foundational, Signature &amp; Transformative</b>	<b>Price</b>
_____ <b>Done With You</b>	<b>INCLUDED</b>
_____ <b>Deed – Primary Florida Residence</b>	<b>INCLUDED</b>
_____ <b>Done For You (up to 12 instruments)</b>	<b>2,500.00</b>
_____ <b>Done For You above 12 instruments:</b>	<b>185 for each instrument</b>
_____ <b>Additional Deeds (individual)</b>	<b>350.00</b>

**Total** \_\_\_\_\_

<b>DONE WITH YOU INCLUDES:</b>	<b>DONE FOR YOU INCLUDES:</b>
<p>Review of assets found in Client Organizer</p> <p>Asset Alignment Coordinator Meeting</p> <p>Preparation of Asset Alignment Worksheet</p> <p>Letter of instruction as to the proper titling or designation of beneficiaries for each account/asset</p> <p>We prepare Letters of Direction for you to provide to your financial institutions</p> <p>You provide us copies of change of ownership and designations and beneficiary forms once complete</p> <p>Our confirmation of proper asset alignment</p>	<p style="text-align: center;"><i>Everything listed in Done with You plan PLUS:</i></p> <p>You provide us blank institutional change of ownership and change of beneficiary forms.</p> <p>Our assistance in completing:</p> <ul style="list-style-type: none"> <li>Bank transfer ownership forms</li> <li>Life insurance ownership forms</li> <li>Investment Company/brokerage transfer ownership forms</li> <li>Retirement Account Beneficiary Designations</li> <li>Life Insurance beneficiary designations</li> <li>Annuity beneficiary designations</li> <li>In-state deeds</li> <li>Out of state deed coordination with out of state attorney</li> </ul> <p>You provide us institutional change of ownership and designations and beneficiary forms</p> <p>Our confirmation of proper asset alignment</p>



## Initial Deposit Agreement

Client Name(s): \_\_\_\_\_

Date: \_\_\_\_\_

LEGAL SERVICES & EXPENSES	
<input type="checkbox"/> Basic Plan	
<input type="checkbox"/> Foundational Plan	
<input type="checkbox"/> Signature Plan	
<input type="checkbox"/> Transformative Plan	
Add-ons:	
Asset Alignment Plan: Credit / Done With You / Done For You	
Expenses: <input type="checkbox"/> Exact <input type="checkbox"/> Estimated ( <i>if estimated, adjustments made later</i> )	
<b>TOTAL COST:</b>	
<i>Initial Consultation Credit</i>	
<i>Initial Payment:</i> <input type="checkbox"/> <i>which was paid today</i> - or - <input type="checkbox"/> <i>which will be paid before work is started</i>	
<b>Initial Deposit Due at Design</b>	
<b>Remaining Balance Due at Signing Date</b>	

**Services/Fees.** By signing below, we retain Sheppard Law Firm (“Sheppard Law”) to prepare the work indicated above and agree to pay the cost, including expenses, as quoted. We acknowledge that payment for our legal fees is necessary before work is started, whether we pay today or at our Design Meeting. Sheppard Law may withdraw at any time. All fees paid are considered earned when paid. Nonetheless, if Sheppard Law does not complete the representation for any reason, you may be entitled to a refund based upon the value of our representation of you.

**Deposit of Fees.** All fees paid will be deposited into the firm operating account.

**Completion of Engagement.** We understand that upon completion of the seven steps in The Family Estate and Legacy Program®, all services of are completed. An ongoing relationship continues based on our enrollment in and renewal of our membership in The Family Estate & Legacy Client Care Program.

\_\_\_\_\_  
Client Name:

\_\_\_\_\_  
Client Name:

**SHEPPARD LAW FIRM**

By: \_\_\_\_\_  
Attorney:



## **Terms of Service**

**Client Name:** \_\_\_\_\_

## Service Agreement

Thank you for retaining Sheppard Law Firm (“the Sheppard Law” or “the Firm”) to assist you with your estate planning. **We have found a written engagement agreement is helpful to clients to ensure that what we do for you is what you want, and to ensure you understand the price that you pay for the services that you will receive.** Our services are priced on a fixed fee basis, meaning that we do not compute and bill you for each and every hour spent planning, constructing and implementing your estate plan. The amounts determined are a result of calculations relating to the time, complexity and expertise required to complete the work of the seven modules contained within The Family Estate & Legacy Program™.

The Family Estate & Legacy Program™ is our seven-step unique process designed to provide you confidence and clarity when creating and implementing your estate plan. When deciding on which revocable trust plan is right for you and your family, there are four different levels you may choose from. Each level is priced differently as described in the prior pages.

1. **Design, Creation, Drafting & Implementation:** The price for the legal work to be completed pursuant to this engagement is \$ \_\_\_\_\_. One-half of the agreed upon fee is payable upon the signing of this engagement and represents our nonrefundable fee for considering, selecting and arriving at your planning options. The balance of the fee is due upon the earlier of: (1) the signing of the Plan documents and (2) three weeks after the Plan documents are prepared and ready for Client review. Fees are payable by a client personal check or by credit card. “Soft” costs, such as reasonable copies, fax, and postage, are included in the fee. Out of pocket costs, such as recording fees, FedEx or certified mailing fees, filing fees, and other such “hard” costs as incurred by this firm are billed separately. This agreement does not cover any fees for other professional services not contemplated in this engagement, including but not limited to litigation support and testifying about the circumstances surrounding the preparation of any documents. Should such professional services ever be required, you agree to billed separately at our then existing standard hourly rates at the time those services are rendered.
2. **Potential Conflict of Interest:** By this agreement, the Firm is retained to represent you exclusively, and no other person who might be connected to your plan (e.g., your heirs, successor trustees, business partners). It is not uncommon, however, for the Firm to be retained by a relative, such as a child, sibling, or parent. Although any information we receive from you is confidential and will not be disclosed to anyone without your prior written permission, if you are uncomfortable with our representation of you based upon our past, present, or future representation of any of your relatives, you may wish to consider engaging another firm for your estate plan. Unless we hear from you to the contrary, by signing this agreement, you acknowledge that you have no objection to our representation of any of your relatives.
3. **Tax & Asset Protection Consequences for Beneficiaries:** There are four (4) designs under the Family Estate & Legacy Plan: Basic, Foundational, Signature and Transformational. The Foundational Plan has provisions for you during your lifetime. After you have passed away, the assets are distributed, unprotected, to your beneficiaries. The Signature Plan includes the elements of the Foundational Plan, plus it includes protective provisions for your beneficiaries during their lifetimes and may provide elements of estate and income tax planning. The Transformational Plan includes the elements of the Foundational and Signature Plans, plus it applies those protective provisions to your retirement plan assets by incorporating the Family Estate & Legacy Retirement Plan Trust. Note, the final Plan may differ from the terms and provisions described in the above pages based on discussions and client choices subsequent to our initial engagement. ***The assets in your Revocable Living Trust are not protected from creditors***

*during your lifetime, as the assets remain yours. Only at your death may protective provisions be built in for your beneficiaries.*

4. **Confirmation Letter:** When your documents are completed, we will send you a letter confirming the details of your plan. This letter will include a Summary of your documents, a thorough Flowchart, a Name and Fiduciary Confirmation, and a confirmation of our review appointment. This will simplify your review by allowing you to focus on pertinent provisions of your documents to determine whether any changes are necessary or desired.
5. **Process for Handling Disputes:** If any dispute should arise as to fees, costs, performance, or this agreement, we encourage you to contact us for a resolution. If any dispute cannot be amicably resolved between us, the dispute shall be settled by mediation. Performance of this agreement and venue for any dispute hereunder shall also be deemed to take place in Lee County, Florida.
6. **Retention of Files:** We customarily retain copies of all the signed documents we prepare. We reserve the right to discard any file or document that we have maintained at our office after seven years. All papers and research produced by the Firm, other than your original legal documents, will remain the confidential property of the Firm.

If, during your life, the Firm ever ceases to do business, we will make reasonable efforts to notify you in writing including electronic communication and allow you to transfer your file, if still in our possession, to the attorney of your choice. If you do not ask us to transfer your file to a particular attorney, you agree that we may either mail your file to your last known address or forward it to an attorney of our choice. You will be considered an inactive client of that attorney until you enter into a written representation agreement.

7. **Services Included in The Design Fee:**

- a. **Design Counseling and Document Preparation:** In order to be certain that your documents are consistent with your goals and objectives, we provide the following:

Preparation of a Revocable Living Trust, Pour-over Wills, Durable Powers of Attorney, Advance Health Care Directives, Authorizations To Release Private Medical Information and a Certification of Trust, in accordance with your values, objectives and goals; Notary services will be provided to sign your estate planning documents at our cost, so long as you use the services of the notary at our offices.

- b. **Asset Alignment for Family Estate & Legacy Plan Clients:** In order to ensure that your estate plan meets your personal goals, it is absolutely imperative that during your lifetime you have certain assets transferred into your trust. Correctly designating ownership and beneficiary information on insurance policies, annuities, and retirement plans is also essential. This process is called “Asset Alignment” or may also be referred to as “Funding.” In addition to the personalized Asset Alignment instructions, the extent of any assistance on our part is detailed in this Section. **This does not apply to clients who chose the Basic Plan.**
  - i. **Asset Alignment Meeting:** You will have a meeting with your Asset Alignment Coordinator to review and complete the Asset Alignment Worksheet. We will require you to provide us complete copies of the information requested in the Asset Alignment Worksheet prior to the start of your work.

- ii. **Done With You Asset Alignment:** If you have selected the Done With You option, then you will be primarily responsible for completing the change of ownership and designation of beneficiary forms. We will provide you specific instruction the correct title or the proper beneficiary designation for each account. Once the account has been re-titled as directed, or the account beneficiary designation has been updated as directed, it is your responsibility to provide us evidence of the update so that we may verify that the account/asset title or beneficiary designation is correct and in accordance with your estate plan. In some instances, your bank or brokerage firm will assist you in completing these instruments. In such case, it is your responsibility to have your financial institution provide us verification that the changes have been made in accordance with our direction.
- iii. **Done For You Asset Alignment:** Some clients would prefer not to complete all of the various change of ownership and change of designation forms on their own, and would prefer our assistance in completing all those forms. Such work is time intensive, complicated, and unique to each asset/account and financial institution. In those instances where you have selected Done For You, it is your responsibility to provide us with the correct change of ownership or change of asset form from your financial institutions. We will then complete the forms, have you sign them, and either our office or you will submit them to the financial institution.
  1. **Medallion Guarantees.** Some financial institutions require a Medallion Guarantee for your signature. Our office cannot provide Medallion Guarantees. You will responsible for obtaining same.
  2. **In Person Requirement.** Some banks and financial institutions require an in person visit to change accounts, titles or signature cards. In such cases, you will be required to personally visit the financial institution to complete same.
  3. **Investment Settings/Risk Tolerance.** Our office will be responsible for completing the ownership sections of the change of account title and/or beneficiary designations. You are responsible for completing any non-ownership sections, including but not limited to: investment settings and risk tolerance sections.
  4. **Closely Held Business Interests.** We will prepare assignments of interest and/or change of ownership direction. You are responsible for communicating with any registered agent, general partner or managing member to complete the change of ownership. We are not liable for any restrictions in any applicable agreement that would inhibit or otherwise trigger a due on transfer clause. It is your responsibility to obtain a confirmation from any registered agent, general partner or managing member that the transfer or assignment has been accepted by the closely held business and is now of record. If an adverse consequence should result due to any transfer, it is your responsibility to direct us not to proceed with the transfer or assignment of this closely held business interest. Similarly, it is your responsibility to take necessary steps to ensure that any tax election, such as a Subchapter S election, is properly and timely made, renewed or continued due to the transfer.
  5. **Out of State Deeds.** To transfer real property located outside the state of Florida or any property, including both real and personal property, located outside of the United States into your trust requires the assistance of an attorney licensed within the state or country where the property is located. The costs of out-of-state counsel are the responsibility of the client. Should

you have out-of-state property that requires the assistance of another attorney, you may select your own attorney or we will be happy to find an attorney who can assist and coordinate with that office.

6. **Excluded Assets.** For your protection, we do not take possession, nor change ownership, of individual securities or bonds. We encourage you to place any securities you own in an investment or brokerage account registered in the name of your trust. Similarly, we will not assist in the transfer of United States Savings bonds, timeshares, 529 accounts, UTMA and UGMA accounts, safety deposit boxes, certificates of deposits, country club membership certificates, automobiles, airplanes and boats.
  7. **The alignment of the assets may therefore occur after your estate planning documents are signed.** Our assistance with Done For You includes the preparation of ten (10) funding instruments. A “funding instrument” is defined as a deed, brokerage account form, beneficiary designation or bank form. In some cases, your presence may be required at a financial institution to sign signature cards or other appropriate documentation required by that institution. **It will be your responsibility to fund assets not listed on the Client Organizer or assets that were acquired after the date the Asset Alignment Worksheet was completed, or for any assets above the funding instruments that you paid for.** Any assets not clearly identified on your Client Organizer or for which appropriate documentation has not been received within sixty (60) days from the date of signing your documents are not the responsibility of the Firm to fund, even if you are enrolled in the Client Care Program.
- iv. **Deed Preparation.** As to any Florida deed prepared by this office, you must provide us your current deed and parcel identification number. If your deed is a metes and bounds description, it is your responsibility to provide us a correct and updated description. If you have previously conveyed any portion of a legal description provided to us, it is your responsibility to obtain an survey that identifies the lot, parcel or portion thereof that is to be transferred into your trust.
1. **Homeowner’s Association/ Condominium Association.** You must provide us information as to any association, including but not limited to homeowner’s and condominium associations, that must approve of any deed transfer, including relevant contact information. We will contact said association, but cannot guarantee or otherwise assure you that the association will so approve. It is your responsibility to obtain any necessary consents.
  2. **Liens, Mortgages and Encumbrances.** It is your responsibility to inform us as to any liens, mortgages or other encumbrances over any property that we are assisting with the transfer of title to your trust. It is also your responsibility to determine whether the transfer would trigger any “due on transfer” or other adverse consequences. If there are any adverse consequences, it is your responsibility to direct us to not proceed with the asset/property transfer.
  3. **Liability Insurance.** It is your responsibility to inform your liability carriers that a change of ownership is occurring. Some carriers will alter, drop or amend coverage due to transfer of ownership. If a carrier is not informed of the transfer, it may deny coverage in the event of an incident.



8. **Services Not Included in The Design Fee:**

- a. **Client Care Program Fee Services:** For all plans other than our Basic Plan, which does not include these services, an integral part of the Family Estate & Legacy Plan™ is our Client Care Program. Your fee is waived for the first twelve (12) months of maintenance, beginning on the date you sign your trust documents. On the first business date after January 1st, you will be charged, in advance, a prorated share of the maintenance fee for the remainder of the calendar year which is not included in your initial twelve (12) months. Each January thereafter, you will be billed the then ongoing maintenance rates. The Client Care Program has two levels. The level included with your plan is called **The Client Care Essential Program**. The Essential Program includes the following:
- i. An annual trust review letter, which may include recommended changes to your estate planning documents;
  - ii. Necessary amendments to your estate planning documents required by law, requested by you, or suggested by us;
  - iii. An annual workshop held exclusively for our Family Estate & Legacy Plan™ clients, which notifies you of recent legal changes and/or educates you about the provisions in your plan;
  - iv. Access to your online private client portal which will keep, among other things, your important legal documents;
  - v. An emergency card providing access to your health care documents 24 hours a day, 7 days a week, anywhere in the world;
  - vi. Reasonable telephone calls by you or your advisors to members of our team at no additional charge.
- b. **Client Care Elite Program:** The Client Care Elite Program includes all of the benefits of the Client Care Essential Program PLUS the following:
- i. An in-office appointment with your attorney and Asset Alignment Coordinator;
  - ii. A complete review and audit of your estate plan to determine whether it remains consistent with your intent;
  - iii. A complete review and audit of your assets to ensure that they remain properly aligned with your estate plan;
  - iv. A video or telephone conference which may include important advisors or loved ones;
- a. **Client Care Program Charges:** Charges may be increased. We typically do not increase annual charges on a yearly basis, however the cost of providing the service, as well as other factors including the services offered, may warrant increases. In said event we will notify you at the time the annual review letters are mailed of any price increases.
- i. Charges may be increased. We typically do not increase annual charges on a yearly basis, however the cost of providing the service, as well as other factors including the extent of new services

offered, may warrant increases. In said event we will notify you at the time the annual review letters are mailed of any price increases.

ii. You may terminate the Client Care services at any time by notifying us in writing within thirty (30) days of your receipt of the annual fee invoice. We reserve the right to terminate your Client Care services at any time.

b. **Significant Changes to Your Situation:** As part of your participation in the Client Care Program, you agree that we may assume that no significant changes in your health, family, or financial situation have occurred unless you have otherwise notified us in writing. If such changes occur, please notify us and the necessary steps will be taken to address these changes.

c. **Counseling and Major Modifications:** None of the fees quoted include: (1) subsequent office appointments with an attorney, (2) Family Estate & Legacy Plan™ upgrades from one category to another, or (3) advanced planning. The following examples may help to clarify these issues.

i. The Client Care Program includes having your questions answered by anyone in the office, including an attorney. However, if you would like to have an in office appointment with an attorney, this will be charged at our then prevailing hourly rate.

ii. Currently, you have chosen either a Basic Plan or a Family Estate & Legacy Foundational, Signature or Transformative Plan. You are welcome to change from one to another. Likewise, you are welcome to switch your plan from a single version to a married version. However, this constitutes an upgrade in planning, not maintenance of your existing plan. The fee for doing so is the difference between the original fee paid and the current fee for the particular plan requested.

iii. Continuing Done For You Asset Alignment is charged in accordance with our then existing fee schedule;

iv. In addition, counseling and document preparation in conjunction with advanced planning are not included in the Client Care Fee. Examples include, but are not limited to, Family Limited Partnerships, Limited Liability Companies, Corporations, Charitable Trusts, Irrevocable Life Insurance Trusts, and other advanced trusts. Fees for advanced planning will be quoted on a case-by-case basis.

d. **Settlement/Trust Administration:** Successor Trustees are not obligated to, but may, retain our firm upon the death or disability of a Settlor. A separate written agreement will be provided if we are retained for any settlement assistance in the following areas:

i. **Disability:** We will provide administrative assistance upon disability of the Settlor, at a fee to be determined.

ii. **Death** - We will agree to represent your Trustees with post-death administration at a fee to be determined. This fee will be based on the services your representative asks us to provide during a free one-hour consultation. During this consultation, we will discuss the Estate Settlement Program™.

9. **Full Disclosure of Assets:** As your estate plan is established, it is important that you disclose to us all of the assets that you own. Assets not disclosed to us are likely to be subject to probate at your death, lead

to inadequate planning, and may cause estate taxes to be incurred. In designing your estate plan, we have relied upon the approximate value you have indicated on your Client Organizer. Please note that if your assets are undervalued, your estate plan may be inadequate for your needs.

By signing this agreement, you are aware that we can only be responsible for assets disclosed to us and for which appropriate supporting documentation has been provided. By signing this engagement agreement, you agree that Sheppard Law Firm will represent you under the terms proposed. If this is not acceptable to you, please do not sign the engagement agreement. If this arrangement is acceptable to you, please sign and date this agreement below.

\_\_\_\_\_  
Attorney:

\_\_\_\_\_  
Client Name:

\_\_\_\_\_  
Client Name:

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

## Release of Confidentiality

I hereby authorize the Firm to communicate and/or release documents to the following individuals without first contacting me for my authorization:

\_\_\_\_\_ My spouse

\_\_\_\_\_ Any legal, tax or financial professional that I have worked with in the past, currently or in the future, including but not limited to attorneys, accountants, tax return preparers, financial advisors and insurance advisors

\_\_\_\_\_ Any individual named in my documents as my personal representative, health care surrogate or agent under a durable power of attorney or living will (including alternates)

My children, step-children or other relatives as follows:

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Others:

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\_\_\_\_\_  
Client Name:

\_\_\_\_\_  
Client Name:

## **Married Couples Addendum**

You have asked us to prepare both of your estate planning documents. Whenever an estate planning attorney represents both a husband and wife, particularly where there are children not of that marriage, there is a “conflict of interest” under the Florida Bar Rules of Ethics.

One way to deal with the conflict is for me to represent one of you and for the other of you to obtain separate legal counsel to review the documents and represent your interests. I understand that the two of you have indicated that you trust one another and that you do not want separate estate planning legal counsel. You want me to represent both of you. I can do so provided you agree to waive this “conflict of interest” and release me and my firm from the conflict. By signing this engagement letter that is what you will be doing. In other words, you are releasing me and the firm from a claim that we should not have represented both of you together. This release is also binding on your assigns, heirs and beneficiaries.

In so releasing the conflict we cannot give any advice to one of you against the other. Similarly, there can be no secrets between anyone in this firm and only one of you. I do not anticipate this being a problem but I am ethically obligated to advise you of this. The advice we give you will be to you as a married couple with concurrent interests and no intent to upset those interests.

Also, you are going to trust each other not to change your estate planning documents to thwart the intent of the other after the first spouse’s death. Since I represent both of you I will not be able to bind either of you in any way to this promise, as such an agreement requires separate counsel. If you want to legally bind yourselves to the estate plan outlined above (rather than simply trust one another) then we need to take different action. Please see me if this is the case.

### **Confidential Information**

We will not disclose any information concerning either of you to third parties without your consent. Our duty to keep your information confidential also precludes us from disclosing any information that one of you may ask us to keep confidential. Also, you should understand that this firm is to act on your behalf on a joint representation basis -- that is, we are to represent you jointly, rather than separately. This means it is agreed that we will not maintain confidentiality as between you with respect to information of material import, so that all material information that we receive is generally to be shared with you both. If a legal proceeding were ever to arise between the two of you, we would be subject to being compelled to testify about advice we may give to or information we may obtain from either of you.

### **Conflict of Interest**

In signing this engagement and waiver, you acknowledge that we have advised you as to the potential for one spouse exercising statutory, constitutional or other rights which may thwart one or both of your dispositive intents. You have indicated to us that you are trusting one another not to exercise any right which may thwart one another’s intent, and in the event this were to happen, you are releasing me and this firm from any liability associated with said action.

Your situation may also contain potential conflicts if you have descendants not of this marriage or separate beneficiaries. In such situations, it would be most appropriate for each of you to have separate estate planning representation. However, you have indicated to me that despite the potential conflict of interest, you wish for this firm to represent you jointly.

In addition, you may wish to restrict or eliminate amounts to your spouse in favor of distributions to your own heirs or beneficiaries. In such circumstance, this firm may have a conflict of interest due to the existence of spousal elective share laws, including laws passed effective October, 2002, which provide the surviving spouse the means by which to make claims against the deceased spouse’s “augmented estate”. Our representing you jointly places us in the potentially problematic position of having to identify the means by which the surviving spouse may make claim against the deceased spouse’s estate.

There are similar issues, including, but not limited to your IRA's, annuities, homestead rights, disclaimers, and other estate planning issues, each of which may present a situation where one spouse may restrict control, or eliminate assets or right as to the other spouse, or may thwart your dispositive intent by renaming beneficiaries (over those documents or accounts the spouse may have control) after one of you is either incapacitated or deceased.

There is the possibility that the survivor of you thwarts your estate plan in one of several ways. In allowing this firm to represent you jointly, you indicate that you understand this possibility, you have been counseled about the possibility, and that you release me and this firm from any liability associated with such an event. This release shall also be binding upon your successors, beneficiaries and assigns.

## **Release**

By having us represent you jointly, you are, in essence, agreeing that if you (or your beneficiaries and/or heirs) make a claim against the other's estate, you are releasing me and this firm from liability to any interested party, including you and your heirs and beneficiaries, who may allege that I or this firm improperly represented both of you simultaneously. In signing the acknowledgment at the bottom of this correspondence, you acknowledge that you have read and understand this and agree to release me and my firm from any conflict of interest or liability associated with the joint representation of your estate planning matters. This waiver and release shall not apply to malpractice liability pursuant to Florida Bar Rule 4-1.8(h).

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Client Name:

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Client Name:

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Attorney: