
WILLS FOR HEROES

I. Project Description

The events of September 11, 2001 are a stark reminder of the extraordinary sacrifices made by firefighters, police and emergency medical technicians every day. These “first responders” devote their lives to serving their communities, and are prepared to pay the ultimate price in the line of duty. The Wills for Heroes program was created to allow the legal community a way to show its appreciation for the efforts and sacrifices of these brave men and women. The program offers first-response personnel free, will-preparation services.

America’s communities owe these courageous individuals a debt of gratitude. This program is intended to facilitate a contribution by the legal community to repay that debt by affording first-response personnel the peace of mind of knowing their affairs are “in order” and families “provided for,” should the unthinkable occur.

II. Project Planning/Development

A. Identification of Need

The Wills for Heroes program began in Columbia, South Carolina with an e-mail to a local Assistant Fire Chief, inquiring what lawyers could do to help the local department. The Chief pulled together a random sample of 15 firefighters for discussion of their possible legal needs. During a one-hour meeting with this group, it became clear that the service most needed by a majority of the department’s members was basic estate planning.

Numerous additional meetings with other first-response departments revealed that wills are generally not provided to first-response personnel despite the hazards of their profession. Nonetheless, one of the first steps in implementing this program is to contact a local, first-response office to see if that legal service is already provided.

Be prepared for some initial skepticism. People rarely believe that this program is offering free legal services, and most think that there is a “catch.” A survey of various fire, police and other emergency service providers will identify the scope of need for the Wills for Heroes program in your community.

B. Determination of Project Goals and Designs

1. Decisions to Be Made

a. Options - Project Goals

The goal of this program is to offer free wills to all first-responders who lack basic estate plans. This goal can be narrowed or expanded depending on the resources and objectives of the implementing affiliate. When the Wills for Heroes program was first implemented, the free wills

service was provided only to the fifteen firefighters who volunteered for the initial, needs survey. It may be wise for an affiliate to conduct a similar “test-run” before offering this service to an entire department, or multiple departments. A test-run will help to determine the scope of the project for each affiliate, and the number of lawyers necessary to support the program at the affiliate level. If an affiliate determines that it has resources sufficient to provide wills to those first-response personnel in need in local departments, the affiliate may wish to expand the scope of the program to include the provision of health care powers of attorney.

b. Options - Project Designs

After obtaining firm or bar association approval for the program, the first step is to consult with a Trusts & Estates specialist who will assist in the compilation of the wills offered. In order to keep the program manageable, we strongly suggest creating “form wills”, such as wills that “give all to spouse” or “all to children”. The forms leave personal information blank, such as the name of the testator, the personal representative, the guardian, the spouse, etc. Therefore, the only drafting performed by the attorneys who meet with the firefighters is to fill in the blanks of the wills form selected.

The benefit of the forms are two fold. Initially, by having Trust & Estates professionals set up the forms, the legal community will be more comfortable with young lawyers who are not Trusts & Estates professionals participating. Second, the young lawyers who meet with the first responders are not performing any real drafting. As the attorney is just filling in the blanks for the form selected, attorneys from all different practice areas can participate in the program. For your review, the four options offered in the initial Wills for Heroes program are attached and were estimated to provide appropriate estate planning to approximately 70 percent of the firefighters to be served by the program.

The second step in the program is to create a “questionnaire” that will be circulated to the firefighters, before they meet with an attorney. The questionnaire should include a brief explanation of the estate planning process, the key questions each firefighter will need to answer to complete a will and an easy to understand description of the will forms being offered. Ideally, the key questions will match the “blanks” left open in the different forms. So for example, in South Carolina, the questionnaire essentially asked the firefighter to identify their personal representative, their choice for guardian and which of the four will options they desired. Those questions provided the exact information needed by the attorney to fill in the blanks of the wills forms offered. By providing these questions in advance of the drafting meetings, program participants are afforded an opportunity to carefully consider decisions, and to discuss difficult issues with spouses, or other trusted friends. The South Carolina questionnaire is attached.

As one might expect, it is almost impossible to satisfy the estate planning needs of all the participants with this type of basic approach, or to offer, in bulk, complex trusts or other complicated estate planning structures. Affiliates should be prepared for firefighters who request planning services beyond the will options offered in the program. As a rule, individuals needing

planning assistance other than the offered options should be referred to an experienced trust and estates lawyer. If your local bar has a bar referral service, a copy of that telephone number could be provided to the firefighter. By creating only a few, relatively standardized options, the parameters of the program can be limited and help ensure an appropriate standard of care is used by volunteer lawyers. It is also important to keep in mind that the goal of the program is not necessarily to provide comprehensive estate planning to every participant. Rather, the goal of the program is to offer only basic estate planning and in the process show the participants that we as lawyers appreciate these courageous individuals.

At least one additional limitation might be imposed on the scope of the program. The Wills for Heroes program in South Carolina did not provide wills services for individuals with estates in excess of \$600,000. This cap was imposed for two reasons. First, federal estate tax becomes an issue if an estate exceeds approximately \$700,000 (The initial program built in a \$100,000 cushion). To avoid any federal income tax implications, individuals with estates of value near \$600,000-\$700,000 should be referred to a specialist. Second, individuals with estates in excess of \$600,000 probably do not need the free service provided by this program.

An additional component of the program is the choice and utilization of a computer software program to assist the lawyer with filling in the blanks. The South Carolina Bar Association Young Lawyers Division utilized a program called “HotDocs” by Capsoft. HotDocs™ is a document assembly software that turns the language used in form wills into a template. The software presents pre-determined questions that are the “key” questions discussed above and then asks the user to pick which of the four form wills the firefighter chose. Based on the form chosen and the answers to the key questions, HotDocs then generates a personalized will from the information provided. The South Carolina YLD found this software to be flexible and easy to use. If your firm does not use Hot Docs, other similar “form” programs may work just as well. Alternatively, a simple, but slightly more time consuming “find and replace” operation within your standard word processing software may also work, and will certainly save costs.

In summary, the prerequisites to meeting with firefighters and drafting wills are:

- (1) Obtain necessary approvals for the program
- (2) Distribute your questionnaire to the participants early so they can consider and make decisions in advance of your visit;
- (3) Keep the will options simple; and
- (4) Select a template or computer program that will allow you to “fill in the blanks” of each will based on the participant’s choices. Again, consulting a trust and estates lawyer is important in designing participants’ options.

Having prepared and distributed questionnaires, formulated a few standard will options, and devised a will template, drafting sessions can be begin. Firefighters may, like many non-lawyers, be hesitant or even reluctant to go to an attorney's office to plan their estates. For this reason, meetings and drafting sessions should be planned to occur at the firehouse, using laptop computers and portable printers. Consulting the fire Chief or scheduling supervisor of the departments to be served will allow productivity to be maximized during drafting sessions at the firehouse. Most fire departments already have a system in place to rotate firefighters to a centralized location, as most departments have either a main training room, or a location for yearly physicals. By using the fire department' system, the lawyers stay in one location and firefighters are rotated to them.

On an individual basis at the firehouse, completed questionnaires should be reviewed and explained. The information provided in questionnaire responses should be sufficient to "fill in the blanks" on the will templates being utilized. Once completed, an attorney should review the entire document with the participant, and ensure that the participant fully understands the substance and consequences of the document he/she is executing. With this process, most participants will execute their will before leaving. When the program first launches, it may help to have a T & E specialist on site to deal with the inevitable issues that arise. If no specialist is available, it is best to take down as much information from the firefighter as possible, then consult with a specialist later. As it will normally take two or three trips to complete a department, you will have the opportunity to meet with that fire fighter again.

In order to avoid any concerns over the obligation to maintain the confidentiality of these documents under an attorney/client relationship, an affiliate may choose not to retain any copies of the executed wills. Questionnaire responses should provide sufficient lists of individuals served, as well as the names and addresses of those participants who should ultimately receive disengagement letters.

2. Decision Making Process

Initially, the Wills for Heroes program will need approval from your firm or state bar association. Once approval is obtained for the project, consultation with the departments to be served should begin. With an established need identified, the program can be presented to young lawyers and support staff who will implement the program.

It is worth noting that various political issues may arise as you seek approval for, and begin to implement, the program. Specifically, it has been argued that the Wills for Heroes program takes business from firms, and solo practitioners who may otherwise provide estate planning services to program participants. To address this concern, the program provides wills only to firefighters, but not their spouses. This tends to encourage spouses to seek local attorneys for wills and, arguably, helps generate estate planning business for local attorneys. In addition, fire service personnel were generally skeptical that the program was totally free, and many believed the program was simply a lawyer's marketing tool in disguise. It is important that the program be presented from the outset,

and on more than one occasion, as a public service project of local, volunteer lawyers. With a clearly stated purpose, and proper explanation, skepticism and concerns generally fade. It is critically important that attorneys participating in the project be prohibited from conducting any solicitation during this process. Any solicitation is likely to deeply undermine the goals and reception of the Wills for Heroes program.

3. Considerations in Project Planning

a. Community Resource

This program can be implemented on an individual, firm or bar association-wide basis. The scope of the Wills for Heroes program will be governed by the need for this service in each community, and the number of volunteer young lawyers willing to meet that identified need.

b. Personnel

To implement this program, the assistance of an experienced trust and estates lawyer and, an individual with some computer savvy, is strongly recommended. In addition, the assistance of support staff will be crucial. Having a secretary or other assistant present during drafting sessions will allow the attorney to give one-on-one attention and guidance to participants. Alternatively, contacting a local law school may provide a wealth of resources. Initially, the law school’s T & E’s professor may be of great assistance in drafting the form wills. Second, most law students value the opportunity to meet local lawyers and to put their book knowledge to good use. Finally, associating in a law school shows that the affiliate is reaching beyond traditional boundaries and forming new partnerships to foster the spirit of community service. The Law Student Outreach Committee of the YLD may be an excellent place to start.

c. Revenue Availability

The costs of implementing this program are nominal. Out-of-pocket expenses may include the costs of paper and pens, and perhaps, the costs of copying questionnaires. Personal or your firm’s laptops, may, of course, be used, but a solicitation by the South Carolina Bar Association Young Lawyer’s Division to the local Gateway Computer store resulted in a gracious donation; six laptop computers and a portable printer. The South Carolina Bar Association Young Lawyer’s Division discovered that the purpose of the program, coupled with the lack of ulterior motives, led to multiple, unexpected supporters. Affiliates may wish to contact a local computer store in the area as it begins to implement the program.

III. Implementation. . .How to Replicate Your Project

A. Timetable

The timetable of program implementation will depend largely on the amount of time volunteer lawyers can devote to the program. However, a sample step-by-step guide and estimated time line, follows:

STEP	TIME
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<p>Step 1:</p> <p>Get approval from your firm or local bar association to investigate and implement the program</p>	<p>2 weeks</p>
<p>Step 2:</p> <p>Contact your local fire, police, or EMT departments to gauge interest and possibly meet with a sampling of participants.</p>	<p>2 weeks</p>
<p>Step 3:</p> <p>Assuming there is interest, begin working on the questionnaire, wills forms and computer program.</p>	<p>1 month</p>
<p>Step 4:</p> <p>Deliver the questionnaire to the fire department and coordinate where and how the lawyers will meet with the participants. The local departments have typically required two to three weeks to circulate the questionnaire and encourage participation.</p>	<p>1 month</p>
<p>Step 5:</p> <p>Meet with the participants and draft the Wills. This time depends on the number of participants, lawyers and computers. Also, the complexity of your Will dictates how long the participant must meet with the lawyer. With the four will options offered in South Carolina, the total time involved in a drafting session, from when the participant first sat down with a lawyer, until the will is executed, was approximately 30-40 minutes. Based on teams of six lawyers and paralegals, the South Carolina YLD averaged 10-12 Wills an hour. Saturdays are often the most convenient time for volunteers and participants to meet. It may be necessary to dedicate consecutive Saturdays to individual departments, as departments carry multiple shifts. If services are provided from 9:00 a.m. to 12:00</p>	<p>3 weeks</p>

p.m. on three consecutive Saturdays, a large department can be served in 3 weeks.	
Step 6: Send out disengagement letters, if necessary.	1 week

B. Recruitment and Training of Volunteers

As this is a September 11th-inspired program, it often sells itself. By reaching out through e-mail, or your local bar magazine, you may find little difficulty locating volunteers. As for training, there is no substitute for the participation and leadership of an experienced Trusts & Estates lawyer to conduct a one hour seminar to explain the different will options and answer common questions. That seminar can be video-taped for use in training later volunteers.

C. Publicity

Provided that the program internally prohibits solicitation by the lawyers, and is motivated by the desire to give something back to the persons protecting our communities, publicity should come easily. The focus of the program and related publicity should be the participants, not the lawyers.

IV. Evaluation and Impact

The goal of the Wills for Heroes program is offer a much-needed, free service to those who risk their lives serving their communities. The program’s impact is immeasurable. Attached is a letter from the Fire Chief in Irmo, South Carolina that speaks for itself.

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