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My Approach to Estate Planning

by Steve Raminiak, Esq.

Trying out a lawyer is like trying on a pair of shoes. Even though the label may suggest a good fit, you shouldn't buy it until you've tried it. This is one of the reasons why I always offer free initial consultations to all potential clients. There is no obligation to use my services after the consultation and, if you are looking for an estate plan, I will quote you a final, flat fee at the end of our meeting.

Due to the COVID-19 pandemic, your initial free consultation can be held through a phone call or via videoconference per my firm's Zoom account. When we meet to sign documents, we can do so in a private, outdoor setting in Arlington Heights, in which documents will be witnessed and notarized on separate sheets of paper as all persons remain at least six (6) feet away from each other during the entirety of the meeting. Alternatively, documents can also be notarized and signed via teleconference, if this is necessary due to illness, injury, or other concerns.

My standard estate plan includes a Will, a Revocable Trust, Powers of Attorney for Health Care and Property, one deed to your Trust (usually for your home), and written directions to you as to how to transfer assets to your Trust. As of this writing in 2021, my usual flat fee is \$2,700 for a single individual and \$3,400 for a married couple. However, in certain unusual circumstances, there may be additional flat charges (e.g., if you have an enormous amount of assets in retirement plans and request tax planning, if you own multiple other parcels of real estate, if you want to set aside funds for a disabled loved one in a way that does not disqualify receipt of certain government benefits).

With most clients, I am able to address all estate planning needs with two meetings that occur within 30-45 days of each other: (1) the initial meeting, where I gather information, identify issues and address concerns, and (2) the final meeting, where each document is discussed, then signed. You will be provided with a draft of all estate planning documents at least a week in advance of the final meeting.

I ask you to bring the following to our first meeting:

- 1) full names, addresses and phone numbers of persons who you might nominate as to act under estate planning documents,
- 2) a list of your assets and their approximate values (it is not necessary to mention account numbers),
- 3) a copy of any other estate planning documents that you signed in the past,
- 4) a copy of the deed to your home, if you have that somewhere convenient (if not, don't worry, we can pull most deeds from websites),
- 5) if you are divorced, a copy of the Marital Settlement Agreement (MSA) that was entered alongside the Court Order that finalized the termination of your marriage, and
- 6) a check. I usually ask for a retainer of about one third (1/3) of the flat fee before I will start working on your estate plan. The balance will be due at the second, final meeting.

When choosing a lawyer to draft your estate plan, you balance (1) the cost of that lawyer's services, against (2) the provider's expertise, and the depth of the services offered.

Since 2005, I have primarily handled legal matters involving the estates of disabled persons, minors and the deceased. By doing so, this has provided me with insights as to how to avoid certain issues in estate plans that might not be noticed by everyday people or less experienced attorneys. Such issues may lead to Court proceedings which could be an expensive drain on the assets that you would like to leave to your loved ones. Dramatic missteps can cause a Will Contest that results in tremendously large attorneys' fees. Not only do I prepare estate plans, but I also assist people after their loved ones have passed away or become disabled. Prior to the pandemic, I spent many of my mornings at the Daley Center Courthouse to argue about Wills, Trusts, Powers of Attorney, or the estates of those who are unable to speak for themselves due to death or disability. Presently, I am increasingly attending Court via teleconference. I have encountered situations where different choices in the development of an estate plan might have resulted in less litigation or no Court proceeding at all. I bring that knowledge to your estate plan.

In my experience, if a lawyer promises an estate plan at a fee that is far lower than mine, that lawyer usually has little experience in this area. This increases the chances that there will be errors or omissions in the final product.

Online services or blank forms may apply a one-size-fits-all option to every United States citizen. However, estates are governed by State law and there are deviations present in each of our 50 States. For example, the State of Illinois recently overhauled the law in regards to Trusts with the passage of a group of statutes called the Illinois Trust Code, which became effective on January 1, 2020. Further, such services usually do not provide an experienced lawyer who can make sure that your estate plan has been drafted correctly, anticipate potential problems with your wishes, and arrange witnessed signatures appropriately and in a manner that can be shown to a Court, if necessary.

Some law firms will generate costs higher than mine, but they usually do so by providing advanced tax planning, by billing at an hourly rate, or by assisting with asset transfers.

If you are a single individual with more than \$4 million in assets or a married couple with more than \$8 million in assets (which are the thresholds of the Illinois Estate Tax as of 2021), then I will be happy to refer you to a firm that is a bit more expensive than me, but is better suited to your needs. In my view, an Illinois estate planning lawyer who is assisting a single individual with less than \$4 million or a married couple with less than \$8 million should only bill at an hourly rate in very limited circumstances (e.g., when the client cannot make up his or her mind as to what to leave to which family member, or when the client requests certain additional documents or services). Otherwise, in my humble opinion, a lawyer should usually be able to (a) size up your needs from the first interview, (b) estimate how long it will take to complete the job, and (c) give you a flat fee quote.

Some lawyers will ask to take an active role in transferring all of your assets into your Trust. My flat fee does not include services for transferring assets to your Trust (except for drafting the aforementioned deed). Instead, I provide directions so that you can easily accomplish this yourself and I remain available for any questions or concerns about asset transfer that you may encounter. In my experience, it usually takes a law firm about 3 hours, on average, to transfer each of a client's accounts to a Trust (aside from real estate). The law firm then usually charges between \$50-\$150/hour for an assistant, or \$200-\$350/hour for an attorney, for such services. Alternatively, if you visit your financial institutions, their employees will either do this for you or, at least, will provide you with all necessary forms. It is up to you as to whether you would like to pay a law firm to gather forms, insert your information, arrange your signature and then present them to your financial institutions. When offered this choice, some clients prefer that their lawyer do so. Also, since some people lose focus on asset transfer after documents are signed, it may be helpful for a law firm to arrange this. However, you do not need a law degree to do this. If I never went to law school and was faced with this choice, I am certain that I would rather save my money and do this myself instead of paying a law firm to do this for me. Also, keep in mind, my flat fee allows you to call me with any questions that you have in regards to asset transfer as you handle this yourself. If you ultimately need help, my assistant can arrange asset transfers for an additional hourly fee, but the vast majority of my clients have been able to do this on their own.

My flat fees anticipate that everyone is a little different, and will have slightly different needs.

For example, if you anticipate that you may have children at a later date, I can draft an estate plan in a way which would make it unnecessary to update your documents after the birth of any additional children. This would be drafted at no additional charge.

Another example, if you anticipate that you may become married or divorced in the near future, I can draft documents which become effective immediately as to your present wishes (including in regards to who would make health care decisions for you if you become

disabled). In most circumstances, it would be unnecessary to revise your estate plan after the expected marriage or divorce becomes final. This would be drafted at no additional charge.

My clients often tell me that they feel relieved after all of the documents have been signed. However, at least every 5 to 10 years, I encourage all of my clients to call me for another free initial consultation. If everything still seems to match your wishes, then you can rest assured with that peace of mind. If we identify changes with your loved ones, your assets, or the law, then I would estimate the actual time it would take to update your documents, and quote a flat fee. However, you will never be obligated to return to me. Your documents will be drafted in a manner in which any knowledgeable estate planning attorney can also assist you.

Thank you for allowing me to introduce my approach to you. At your convenience, please contact me for a free initial consultation.

The Law Offices of Steve Raminiak, P.C. provide counsel for estate planning and the administration of estates and trusts established for decedents, minors and disabled persons. Steve regularly tackles contested estates, and has been appointed as Guardian ad Litem, Special Administrator, and as counsel for disabled persons by Judges in the Probate Division of the Circuit Court of Cook County.

Steve serves as a resource for Chicago Volunteer Legal Services (CVLS) by handling pro bono matters and providing direction to volunteer attorneys. He also contributes to Lawguru.com, a site that offers free answers to legal questions. Steve speaks with groups about estate planning and how to assist elderly or disabled family members with financial and legal issues. He also hosts seminars for lawyers about probate procedures.