ETHICS HYPOTHETICAL

You are contacted by phone by a woman named Marie on behalf of her mother, Sophia. Marie indicates she found your name online and that her mother wishes to update her estate plan. Specifically, Marie indicates that Sophia wishes to remove her two sons (Marie’s brothers) as beneficiaries. Marie tells you that Sophia’s health is declining and that she recently moved into Marie’s home. Sophia no longer drives so Marie will be bringing Sophia to meet with you in your office.

Questions for Discussion

1. Who is your client?
2. What steps do you take in meeting with this client to independently verify her wishes?
3. How much do you allow Marie to be involved in your meetings with Sophia?
4. What do you do to verify Sophia’s capacity and alleviate any concerns that Marie is influencing her decision?
5. How do you handle the execution meeting of Sophie’s new documents knowing that Sophie’s will may be challenged after her death?