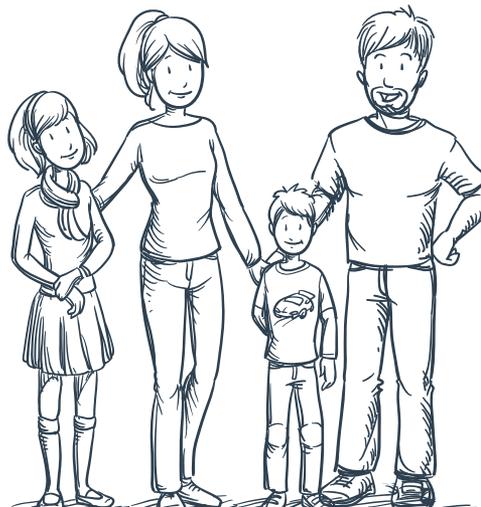




# Talking with Loved Ones



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## An Introduction to Talking with Loved Ones

Dr. BJ Miller, MD and Shoshana Berger wrote the useful and compassionate book [A Beginner's Guide to the End](#). In this book, they artfully intertwine psychological, medical, and practical advice on how to gracefully approach the topic of planning for death. Their book starts by saying "There's nothing wrong with you for dying, but you'd never know if from the way we talk about death".<sup>1</sup> Interestingly, even when we are sick or facing a terminal illness, we rarely take the steps necessary to prepare. In a 2019 speech, Katie Couric reflected that "I was so afraid to give up hope and make him (Jay her husband) give up hope, that we never discussed the alternative, which I really regret. He never wrote a letter to our girls."<sup>2</sup>

Our culture is vehemently opposed to admitting our mortality. We spend millions of dollars each year searching for the magic anti-aging cream, newest medical procedure, and the ever-elusive fountain of youth. However, death comes for us all, and, to be blunt, we can either approach it with hope and a sense of order and control or ignore it thereby leaving our loved ones with emotional grief compounded with practical trauma that takes time and a great deal of money to overcome.

Crain & Wooley sat down with two mental health professionals, Lisa Baker, MA and Karen Conklin, MA, to discuss common roadblocks that keep us from talking about death and how to best prepare for it.

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<sup>1</sup> Dr. BJ Miller, MD and Shoshana Berger, *A Beginner's Guide to the End* (New York: Simon & Schuster Paperbacks, 2019), xii.

<sup>2</sup> Katie Couric, "The Healing Power of Communication", Georgetown University, August 2019.

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# Conversation

## **Fear of death is common and complicated. Generally, what techniques can people use to overcome these fears?**

**Lisa & Karen:** Fear of death is a rational fear that many of us tend to deal with irrationally. Techniques to overcome this fear tend to differ between cultures, religions, and generations. The best general technique is to talk about it. To change the irrational fear of talking about it, that is the hard part. The best way for an individual person to move past it is to talk to their doctor, counselor, or lawyer. These professionals often are trained to counsel end of life fears and can be helpful.

**Crain & Wooley:** Crain & Wooley's free, estate planning webinars are a great way to get an overview of the process of planning for disability or death without feeling like you're committed to something. Our webinars are about 60 minutes and provide an overview of how to address the practical necessities of caring for ourselves and our loved ones. You can register for one of our webinars on our website ([www.crainwooley.law](http://www.crainwooley.law)) and then take your time to process the information as it pertains to you and your family.

## **How can someone temporarily get past anxiety long enough to get their affairs in order?**

**Lisa & Karen:** If this anxiety is crippling, and needs to be handled, talking about it to a professional is probably the best way to move past it. Another way is to find a friend or support group who has also dealt with it and hear what they were able to do.

**Crain & Wooley:** We strive to create a safe and non-threatening environment in our offices, but also understand that some people might be more comfortable talking from the security of their own home via telephone or video conference. Crain & Wooley offers complimentary in-person or web-based consultations to which you can bring family members or supportive friends so that you aren't alone in the process.

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## How could you help a loved one, relative or friend overcome barriers to preparing for end of life decisions?

**Lisa & Karen:** Helping a loved one be able to do this is very difficult as often the person trying to help is also afraid and frustrated. Approaching the conversation gently and supportively as well as encouraging (medical and legal) counseling as needed is helpful.

**Crain & Wooley:** If you already have your will or trust in place, let them know how you felt when you got yours done. If you don't have yours done, start the process and give them updates as you go along. When your plan is done, you can let your loved one know how much of a relief it was. Also, Crain & Wooley's website has some short videos educational videos that touch various ideas surrounding writing a will or trust, medical directives and more. Share these videos with your loved one and talk about them!

***"Justin Crain and his team are the best estate and trust team I have ever had the pleasure of doing business with. They are very knowledgeable, courteous and professional. We would and do highly recommend Justin and his team to all family and friends."***

***Dr. Tuesday Hambric***



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**Sometimes, people think they don't need to plan because they don't have kids. They don't recognize that other people depend on them. What coaching would you provide to help overcome this thought pattern?**

**Lisa & Karen:** Kids do tend to motivate people to get their affairs in order. For people that don't have kids, this is usually less pressing, at least in their thoughts. However, many also have parents or siblings they want to be taken care of if they pass away. Pointing this out may be a motivator for having the getting their affairs in order.

**Crain & Wooley:** What many don't realize is that no matter your "kid situation", we all have the potential to experience either temporary or permanent disability during a lifetime. Without a comprehensive plan in place that addresses BOTH what happens in times of disability AND at time of death, a friend or loved one would actually have to sue you for guardianship in order to make financial and medical decisions on your behalf during times of incapacity. Then at time of death, the loved ones will have to go through an heirship proceeding for the court to decide who should be in-charge of wrapping up the estate (paying creditors, closing accounts, selling homes, ending leases, etc.) and who should get what assets. Both of these scenarios cost a lot of money and cause a lot of emotional distress. Thankfully, all of that financial and emotional pain can be avoided if planning is done in advance.

***"10 months ago, we had Crain & Wooley draw up a trust for us. They did a great job. They answered all our questions and gave us good advice. We were very pleased with their service. We would recommend Crain & Wooley. They will give you good service."***  
***Colene W.***

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**Many times, individuals and families make assumptions about the law that are incorrect, and these assumptions end up costing a lot of money and consuming a ton of time to correct. How can people avoid hearing “what they want to hear” vs. learning the truth?**

**Lisa & Karen:** This would start by talking to a specific professional (an attorney who practices in a specific type of law). There is no way to know what you don't know until you talk with a professional.

**Crain & Wooley:** Our office is a judgment-free zone. Almost everyone has misconceptions about the law due to TV, movies, secondhand information from friends, and now, of course, the Internet. In the same way that people check WebMD before they go to the doctor, we know that people check the Internet to try to get answers to complex legal questions before they hire an attorney. Completing due diligence is GREAT, but much of the time this self-study leads to misinformed decisions.

We've heard it all before, and we can explain everything that the Internet got wrong. It is extremely important to talk with attorneys who practice solely in the area of estate planning.

There is no switch to flip or magic potion to use in order to make talking about death easy or enjoyable. As a firm that supports the surviving family members of those who have planned in advance as well as those who have failed to plan, it is, without a doubt, easier, cheaper and less stressful for survivors to wrap up the estate of someone who planned in advance.



***"Jacob Wooley is easy to work with.  
He is knowledgeable and compassionate.  
A great sense of humor makes him fun. Great job!"  
Waldon Grant***

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## Frequently Asked Questions?

1. Who needs disability documents/Power of Attorney documents?
    - a. **Everyone** over the age of 18. These documents name an “agent” who can act on your behalf during times of temporary or permanent incapacity. This “agent” can pay your bills, make medical decisions on your behalf and more. Without these documents, loved ones have to sue you in court to be given legal right to make decisions on your behalf.
  2. Who needs a will or a trust?
    - a. **EVERYONE**. If you own a bank account, lease a car, own a house...anything...or have anyone who cares about you, a will or a trust is a must.
  3. Why aren't my beneficiary designations/pay on death designations enough?
    - a. These two line forms oversimplify the distribution of assets. There are at least FIVE situations in which these designations do not work.
      - i. Death: what happens if a beneficiary pre-deceases you?
      - ii. Debt: your creditors or your beneficiary's creditors can attached to these types of distributions.
      - iii. Divorce: if the beneficiary has been divorced or is going through a divorce the ex-spouse can lay claim to these current or future assets.
      - iv. Disability: if a beneficiary is currently disabled or becomes disabled, receiving a lump-sum of cash will negatively impact the financial and programmatic support received through federal and state programs.
      - v. Disagreement: if there is any disagreement between beneficiaries, financial institutions will freeze any distribution until a court issues a ruling.
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## Working with Crain & Wooley

**A**ny licensed attorney can write a Will or Trust for you; however, very few dedicated themselves solely to the art and science of estate planning. We do! We practice solely in the area of estate planning thereby providing our clients best-in-class service supported by up-to-date, best practices.

As for online “legal” self-help, it’s typically generic and does not meet state-specific rules nor does it necessarily meet your specific needs and goals as an individual. We can.

Crain & Wooley is a full-service estate planning firm with expertise in Trust Creation, Will Creation, Probate Services, Adult Guardianship, Nursing Home (Medicaid) Qualification, Business Planning, Asset Protection, and Reviewing as well as Updating Existing Plans.

At Crain & Wooley, you will never receive a surprise legal bill. We are upfront with our pricing for proactive estate planning. Learn more about our flat-rate prices on our website [www.crainwooley.law/flat-rate-services](http://www.crainwooley.law/flat-rate-services).



**Justin T. Crain**

Justin T. Crain has been recognized by the Texas Bar College as one of the best-trained attorneys in Texas. Justin practices exclusively in estate planning and settlement.



**Jacob K. Wooley**

Jacob K. Wooley’s experience with businesses and families allows him to address a wide range of estate planning issues.

Disclaimer: Information presented is for general educational purposes only and does not constitute legal advice. Crain & Wooley encourages you to meet with a qualified attorney to learn more about your unique situation.

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## Our Services

Crain & Wooley provides expert service in the following areas:

- Standard and complex Trust creation
- Standard and complex Will creation
- Primary and ancillary probate
- Adult guardianship
- Nursing home qualification (Medicaid)
- Existing document review and update
- Business continuity planning
- Small business formation

## Contact Us

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