

ESTATE PLANNING NEWS



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Advance Health Care Planning:

Tools for Self-Reflection and Discussion

March 18, 2006 marked the 1-year anniversary of the removal of Terri Schiavo's feeding tube. The unfortunate fate of a 26-year-old woman who spent 15 years in a vegetative state taught us all the importance of advance health care planning.

While most people recognize the need to make an Advance Health Care Directive, it can be difficult to engage in self-reflection and discussions with intended agents. After all, good advance health care planning is not just a document. It is a continuing conversation about values, priorities, the meaning of life, and quality of life. This article presents a variety of tools designed to activate that process.

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Announcements

Nicole and her husband, George, are celebrating their 4th wedding anniversary on March 30. The law office will be closed from Thursday, March 30 through Monday, April 3.



Tip of the Month

Spring Cleaning: Update Your Net Worth Statement

Now that you have finished - or are near finishing - your income tax returns, take a moment to update your net worth statement. A net worth statement is a detailed list of your assets, their location, and their approximate value. It would also be helpful to include the asset owner(s) and beneficiary(ies), when applicable. Store the net worth statement with your estate plan documents. When your time comes, your loved ones will thank you.



Entertainment

City of Angels (1998)

An angel named Seth (Nicolas Cage) has come for the patient lost by heart surgeon Maggie Rice (Meg Ryan). Maggie's struggle to come to grips with the death of her patient touches Seth so deeply that he reveals himself and risks surrendering his gift of eternal life.



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To use the same words is not a sufficient guarantee of understanding; one must use the same words for the same genus of inward experience; ultimately one must have one's experiences in common

-- FRIEDRICH NIETZSCHE
Beyond Good and Evil

Advance Health Care Planning

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Tool #1: Selecting a Health Care Agent

When choosing the person who will speak for you in a medical crisis, there are many considerations. Usually, it is best to name one agent to serve at a time, with at least one back-up (called a "successor agent").

Your health care agent should be:

- (a) Legally qualified -- your agent must be at least 18 years old and, unless he or she is a spouse or close relative, may not be your health care provider or an employee of your health care provider;
- (b) Willing to speak on your behalf;
- (c) Able to separate his/her feelings from your wishes;
- (d) Close by or able to travel to be at your side;
- (e) Someone who knows you well and understands what is important to you;
- (f) Able to talk with you now about sensitive issues and willing to listen to your wishes;
- (g) Likely to be available long into the future;
- (h) Able to handle conflicting opinions between family members, friends, and medical personnel; and
- (i) A strong advocate in the face of an unresponsive doctor or institution.

Tool #2: Conditions Worse Than Death

These days, many treatments can keep people alive even if there is no chance that the treatment will reverse or improve their condition.

What would you want in the situations described below if the treatment would not reverse or improve your condition?

- (a) Adam cannot walk, but he can get around in a wheelchair.
- (b) Betsy can no longer go outside. She spends all day at home.
- (c) Connor can no longer contribute to his family's well being.
- (d) Dot is usually in severe pain.
- (e) Ed has severe discomfort most of the time (*e.g.*, persistent nausea).
- (f) Fran's life depends on a feeding tube.
- (g) Greg is on a kidney dialysis machine to keep him alive.
- (h) Harriet would not be alive but for a breathing machine.
- (i) Ivan needs someone to care for him 24 hours a day.
- (j) Justine cannot control her bladder.
- (k) Keith lives in a nursing home.
- (m) Mary cannot think or speak clearly.
- (n) Ned cannot recognize his family.

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Advance Health Planning

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Tool #3: Weighing the Odds of Survival

People evaluate the pros and cons of medical treatments in very personal ways. That is why some people choose to receive a treatment, but other people will reject that treatment.

Imagine that you are seriously ill. Your doctor is recommending a treatment with very severe side effects (*e.g.*, severe pain, nausea, vomiting, or weakness) that could last for months. Would you be willing to endure the side effects if the chance that you would regain your current health is:

- (a) High (over 80%)
- (b) Moderate (50%)
- (c) Low (20%)
- (d) Very low (less than 2%)

Tool #4: Personal Priorities and Spiritual/Religious Values

People have personal priorities and spiritual beliefs that affect their medical decisions. This is especially true at the end of life with regard to the use of life-sustaining treatments.

To make your values and beliefs more clear, consider the following:

- (a) What do you most value about your personal or mental well being? (*E.g.*, being outdoors, reading, having awareness.)
- (b) What are your fears regarding the end of life?

(c) Would you want to be sedated if necessary to control your pain, even if it makes you drowsy or puts you to sleep much of the time?

(d) Would you want to have a hospice team or other comfort care available?

(e) If you could plan it today, what would the last day or week of your life be like? (*I.e.*, Where would you be? Who would be with you? What would be your final words or last acts?)

(f) Are there people to whom you want to write a letter or for whom you want to prepare a taped message?

(g) How do you want to be remembered? (*I.e.*, if you wrote your own epitaph or obituary, what would it say?)

(h) Do you want a memorial service?

(i) Describe your spiritual/religious life.

(j) What gives life purpose and meaning?

(k) What is important for others to know about your spiritual/religious life?

(l) What do you need for comfort and support as you journey near death? (*E.g.*, to pray with a clergy member, to have others pray for you, to be read to from spiritual/religious texts, to be held.)

To Be Continued

Next month's newsletter will provide additional tools, including: after death decisions to think about now, conversation scripts, and a proxy IQ test.