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Myth Busters

The classic children's story **Matilda** by Roald Dahl is the basis of this installment of Myth Busters. While it was only two mere paragraphs at the end of the book, Matilda's storyline underscores the need to keep your will safe and secure.

The primary plot line of the book focuses on Matilda's dysfunctional family. Matilda forms a loving bond with her teacher, Miss Honey. Miss Honey was raised by her mean-spirited aunt, Agatha Trunchbull, after her parents died. Miss Honey suffers under the rule of her aunt, even into adulthood because Agatha Trunchbull is the principal of the school and takes possession of Miss Honey's childhood home.

Having formed a bond with Miss Honey that fills the void created by her distant and neglectful family, Matilda aims to help Miss Honey get her home back. Using her wit and magical powers, she scares off Ms. Trunchbull by making it appear as if the ghost of Miss Honey's father has returned to seek revenge for how his daughter was treated. Agatha runs out of the school, out of the home she had taken over, and out of town. Out of the blue, Miss Honey receives a letter from a local attorney with news that her father's will has suddenly and mysteriously appeared. The document leaves the family home and his savings to his daughter. In a matter of a few weeks the assets are in Miss Honey's name, and she has returned to her cherished family home. (cont. pg 2)



Same Service, Different Delivery - Practicing Law Amid Covid-19

The lifelong learning aspect of law is the dominant force that pulled me into the legal profession. With every new piece of legislation, administrative rule, and court ruling, the law is in a constant state of flux. March 2020 showed me that the evolution of a legal practice is not confined to the substantive area of law but also the delivery of legal services.

In early March, my practice made a swift and significant pivot in an effort to continue to serve clients while keeping them, my staff, and my family physically distant and safe. In a matter of days, all meetings to discuss and review documents moved to phone calls or video conferences. Ninety percent of my work is now completed from my home office, which had been set up years ago when my children were infants. This new system allows me to be available for meetings during normal business hours as well as evenings and weekends. My main challenge has been our one-year-old twin kittens. They love to break into my office to demand dinner, often when I am in the middle of a call. I've been documenting their antics on the office Facebook page and my Twitter account to add some levity to the real world issues we all face. (cont. pg 2)

Myth Busters, continued

Wills should never suddenly and mysteriously appear. Once you draft a will it should be stored with care and intention, accessible as soon as possible.

Historically people used safe deposit boxes for this purpose. However, the will is the document that says who can get into the safe deposit box, but the will is IN the safe deposit box. This can create delay in accessing the safe deposit box. I see many clients who keep their will at home in a fire and water-proof lock box or gun safe. My personal preference is to file the will for safekeeping at the courthouse in your county of residence.

My will is on file, in a sealed envelope, at the Dane County Courthouse. It has a case file number, and the one-time fee of \$10 provides greater safekeeping than I could at home. Being on file at the courthouse eliminates the need for it to be delivered upon death. If Miss Honey's father were my client, I would have encouraged him to file his will for safekeeping. Why take chances when you have taken the steps to create a plan and provide for your loved ones? Things can and do go wrong. Keep your will safe. It's unlikely a lost plan will be recovered by a young girl with magical powers.

Due to the current pandemic, the Probate Court is closed for safekeeping. If you are interested in keeping your will on file at the courthouse, please contact my office. We will maintain a list of clients who wish to do so, and reach out to you when the Probate Court reopens for safekeeping.

The End-Of-Life Talk - GO WISH!

We are human. We will die. We cannot be certain of when, but we are certain one day death will arrive. Knowing this fact, for many people it is very important to have "the talk" with loved ones about end-of-life wishes. Whether it is to convey their own desires or understand the wishes of a loved one.

Humans have emotions. Families have dynamics that are sensitive. The talk about end-of-life wishes is not always easy to bring up, let alone conclude. Recently I found a card game that may be a resource to those wishing to have this important conversation or to revisit the issues given the current pandemic. It is called Go Wish. The website offers a free online version, or you can purchase a deck of cards. The purpose remains the same -- to sort through the cards and organize wishes into very important, somewhat important, and not important. This can easily be done via a Zoom or other video conference that allows you to share screens, or bring the deck of cards with you when you and family are able to spend time at a cherished northern Wisconsin cabin. More information is available at www.gowish.org.

Same Service, continued

Under current Wisconsin law, my estate planning and probate documents must be signed in my presence. I have read criticism of this "archaic" requirement, however, there are four justifications for the formal requirements: 1) the act of writing formalizes the testator's (a fancy title for the person making the will) wishes; 2) the fanfare of witnessing underscores the importance of the process; 3) witnesses protect the testator from fraud and coercion; and 4) a standard format of writing a will removes the chance a court will have to sort through ambiguity and confusion to determine a testator's intentions. [Source: April 9, 2020, article **Covid-19 and Formal Wills** by D. Horton and R. K. Weisbord from **Stanford Law Review Online**, Vol. 73]

My current office suite has a peculiar conference room; it is L-shaped with two different entry doors. It was a bit of an oddity, but now it is the ideal space for clients coming in to sign paperwork. Clients use one door, my staff and I use the other. We have two different tables set up for clients and staff. Everyone is wearing a mask. Many clients bring their own pen -- or we have new ones that we hand out and let the clients keep. Nothing is re-used. The suite is cleaned between every meeting. Clients text or call upon arriving to make sure the meeting prior to them has exited the office. This prevents clients from sitting in our small waiting area. The office will continue to implement recommended changes to keep everyone as safe as possible while still allowing me to provide the essential service of legal counsel.



Online Speaking Engagements

If your organization is in need of a public speaker, I am available for online talks on Estate Planning 101 or Middle Class Philanthropy. Contact me for more information.

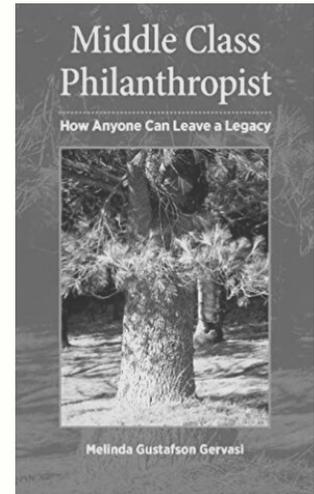


We have updated the office website.
We hope you like our new look.

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Middle Class Philanthropist: How Anyone Can Leave a Legacy

In 2013 I released a small book with the intention of sparking inspiration in the average person to leave a charitable gift upon his or her death. You can find the book online at Amazon or Barnes & Noble. Copies of the book are also available at my office for \$5 per copy (includes sales tax). Quantity discounts are available.



A CHARITABLE LIFE...

Pandemic or not, my quest to raise funds for the Madison College Foundation Scholarship honoring my parents forges ahead. The Gustafson Scholarship Fund supports women studying the trades at Madison College. More than ever students of Madison College face economic hurdles in both starting and maintaining their educational programs. The Gustafson Scholarship fund will make its first distribution this fall to a local woman studying the trades. That includes programming in:

Architectural Technology Civil Engineering Technology* Electrical Engineering Technology* Electronics* Mechanical Design Technology* Cabinetmaking & Millwork* Construction & Remodeling* Automated Manufacturing Systems Technology* Industrial Maintenance Technician* Industrial Mechanic * Industrial Mechanic - HVAC* Machine Tooling Technics* Metal Fabrication* Welding* Agricultural Equipment Technology* Auto Collision Repair & Refinishing Technician* Automotive Technician* Automotive Technology - Comprehensive* Diesel & Heavy Equipment Technician* Diesel Equipment Technology* Motorcycle, Marine & Outdoor Power Products Technician.*

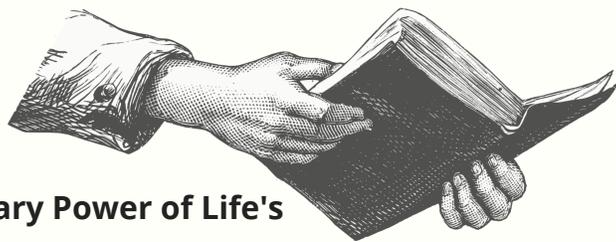
I remain committed to my goal of reaching the "endowed level" for the fund, which is \$20,000. Causes are plentiful and budgets are limited, however, if you are moved to make a donation to support the training of local women studying the trades, donation options are noted below. A gift of any amount is welcome. Perhaps a small gift of \$20.20 might be a nice way to put a positive spin on a challenging year.



Make checks payable to Madison College Foundation, with a notation of Gustafson Scholarship.
3591 Anderson St, Suite 203 A, Madison, WI 53704
Online donations can be made at supportmadisoncollege.org/gustafson.
Thank you for your consideration!



What I've Been Reading



Friendship: The Evolution, Biology, and Extraordinary Power of Life's Fundamental Bond by Lydia Denworth

But for the persistence of a close friend, the client would have died. That was the take-away from a client meeting I had a year or so ago. Like many people, the client was older, single and lived alone. Contrary to the client's normal ways, a visit to the Overture Center was canceled because the client was under the weather. The next morning the client called in sick to work. Upon hearing this news, the client's caring co-worker and friend knew something was amiss and showed up at the client's door. The client's friend knew medical attention was needed. The client was driven to the ER by the friend. At that point, the the client's memory fades to black. Afterwards, the ER doctor told the client "had you stayed home one hour longer, you would be dead." A sudden and severe illness nearly killed my client. A friendship saved a life. Recently I read **Friendship: The Evolution, Biology, and Extraordinary Power of Life's Fundamental Bond** by Lydia Denworth. Her book pulled this memory from the back of my mind to the forefront. As an estate planning and probate attorney I spend my days preparing client documents related to illness and death. I see the strain on faces when I ask who will be your health care agent? Who will be your backup? So many people have no obvious answer, and the stress is visible. Denworth's book is heavy on the hard science behind friendship, however, it is worth pushing through if you are more of a social policy student like myself. Sprinkled throughout the book are the personal stories that bring the science to life, at least for me. From birth to retirement age (and beyond), Denworth discusses how friendships are formed and the benefits they provide. My take-away from this book is that a power of attorney for health care is important. Forming the bonds to know who to name is critical. The more "isolated" an individual feels, the greater the risk of illness. Denworth states "those who answered that they had five or fewer interactions per month with close friends and family were considered isolated," meaning mortality risk was increased. My only criticism of the book is that it was a bit light on the how of friendship. She touches on the role of co-workers, faith-based organizations, community groups, and a group of friends and family. I would have enjoyed a bit more discussion, and suggestions, on how to build the critical face-to-face time into our busy and now physically distant lives. I can say her book influenced me. Before Covid-19, when I read this book my daughter asked for a sleepover on Friday night with two friends. My first thought was "no, we have a busy weekend, yada yada yada." Thinking about Denworth's discussion of her children's friends, I went against my instinct and not only said "sure," but also invited a friend of my son's to stay over as well. So our house was filled with five children's voices that Friday night. And when they had trouble settling down and not talking, I reminded myself that they were forging critical friendship bonds, a lifelong need.

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Navigator Making Sense of Illness, Death and Taxes Through
the Eyes of Attorney and Author, Melinda Gustafson Gervasi
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