

The One-Stop Shop: Beyond Estate Planning

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The One-Stop Shop: Beyond Estate Planning

An investigation of the special needs of the elderly looks to expand the current practice of conventional estate planning beyond the creation of trusts and wills into an innovative business providing holistic life plans and services to address all the needs of aging.

By Ann M. Devine

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Introduction

Ron and Sue are middle-aged, life-long residents of Milwaukee. In the Milwaukee metro area, the median household income is \$32,601. Both Ron and Sue work full-time, and they are considered middle-income. They have two children, one 11 years old and one 13. Ron and Sue own a home in Oak Creek, near Sue's mother, who is 75 years old. Ron and Sue are typical in that they are part of the "sandwich generation": baby boomers caught between the demands of caring for their children and caring for elderly parents. Sue's mother, Gertrude, suffers from severe arthritis and does not drive. Sue helps with the grocery shopping and other chores around her mother's home.

Last spring, Sue's father, Joe, died of a heart attack. Sue took care of the funeral arrangements and other "time of need" services, as Gertrude was totally distraught. Joe and Gertrude were German immigrants and were married for 52 years. They built their home 30 years ago.

The thought of living alone in their house was too much for Gertrude, emotionally and practically. Gertrude knew that she did not want to leave their home, but she was overwhelmed at the thought of managing it on her own. Joe, like most men of his generation, handled all of the household finances. Gertrude did not know their financial status or even which bank held their safe deposit box. The couple's lawyer, elderly himself, had died several years earlier, and Joe never found another one. Gertrude did not remember his name.

Sue spent the better part of her summer, including several days away from work trying to help her mom relocate. Besides Gertrude's legal and financial situation that needed attention, Sue looked for a realtor, held several garage sales for her mom, and visited dozens of retirement communities and apartments in the area. Additionally, Gertrude was having trouble with a Medicare bill from Joe's short hospital visit, and Sue was trying to find someone to help resolve that prob-

lem. Sue also saw her mom slipping further into depression and knew she needed to get her mom counseling. Sue said this was the hardest task of all; Sue did not know where to begin to find someone for her mom to see.

To make matters worse, Sue's brother and only sibling, did not want the family home sold. For the first time in their lives, Sue and her brother argued. They fought constantly over what was best for their mother, yet Sue was the primary caregiver. Sue's brother, recently a first-time father, did very little to help out. Meanwhile, Sue's own family was not getting the attention she thought they needed, and Sue was starting to feel depressed.

This scenario plays out quite often in the lives of baby boomers in the sandwich generation. "This is a generation driven by love and loyalty, but also by guilt and anger for having to care for the parents who once cared for them."¹ According to the Children of Aging Parents organization in Levittown, Pennsylvania, one in four households in America is involved in the daily care of an elderly parent, and 40 percent of the caregivers are baby boomers.²

This article discusses an innovative estate planning business that could have assisted Sue in all aspects of transitioning her mother from her home to residential care. The current practice of estate planning attorneys, who are generally referred to as elder law attorneys, is compared with an innovative approach to

estate planning—the concept of a “one-stop shop” provider for the elderly and their middle-aged children. This concept goes beyond the traditional role of the estate planner to address the needs of the client in various aspects of his or her life, such as plans for housing, personal property, Medicare needs, and other concerns as clients age. The concept also focuses on baby boomers as the secondary target market.

Current Estate Planning Marketing and Practice

Estate Planning and the Middle-Income Group

From a consumer's perspective, “estate planning” is a nebulous term. It connotes a need for a will and, if one meets the required net worth, a trust. Beyond that, one thinks of estate planning as a service for the old and for the rich. That is not far from the truth. Within the legal community, estate planning is recognized as an industry for the wealthy client, predominantly male, who up until the 21st century controlled all of the wealth.³ Yet, the majority of people who could benefit from estate planning are in the low- and moderate-income groups. According to an American Association of Retired Persons (AARP) comprehensive study of these latter income groups, 26 percent of people aged 65 and older do not have wills. Additionally, “77% of those sixty-five and older do not have a durable power of attorney for financial matters; 84% do not have a health care power of attorney; and 77% do not have a living will.”⁴ While

there are plenty of elder law lawyers to serve this segment of the population, 61 percent of the respondents to the AARP study did not even consider using legal services.⁵ The primary reason the segment did not seek legal services was the person was weighing “the importance of the problem against: the perceived legal costs of addressing it; the effort to find a good, qualified lawyer; the fear of dealing with lawyers; and the availability of someone less expensive who can resolve the matter.”⁶

The deduction one can make is that estate planning still is not a user-friendly concept to the middle-income elderly. Estate planning is not perceived as a necessary legal service or as a beneficial planning service by this segment of the market.

Marketing and the Middle-Income Group

When a person from this income segment does seek out a lawyer, “people find their lawyer the same way they did in 1973: through friends, relatives, and business contacts, or by using a lawyer employed in the past or known from another context.”⁷ Thus, the development of marketing within the legal arena has not changed the way the client seeks out a lawyer. Most advertising in the area of elder law is through the Yellow Pages. The headings read “Wills, Trust, and Estate Law” or “Elder Law.” A few attorneys advertise under “Estate Planners,” and three firms in the metro Milwaukee market advertised “Estate Management.”

Among those who advertise under both of the terms, practice

may fall short of expectations for planning and management services. For example, I visited an attorney who lists under both the terms “estate planning” and “estate management.” The attorney was extremely professional and forthright in manner and charges reasonable fees. I took a friend of mine who is 64 years old and has been married for 43 years. Betty has never worked. Her husband has been a college professor for more than 35 years. She and her husband have a net worth well over \$625,000, and some of their property is not in a joint tenancy. The attorney appropriately persuaded her that she needed a trust account and that she should change the property to a joint tenancy. However, he offered no financial planning services. Nor did he present a comprehensive picture of what he could do for her if anything happened to her husband or vice versa.

After 45 minutes of presenting his services only to Betty, the attorney directed his attention to me. Because I was “only 43” as he stated, I did not need to worry about a trust, although my husband and I met the same financial qualifications as Betty. Additionally, I mentioned I had elderly parents living in the city who could use a trust, yet, he did not ask me anything about them.

Even though the lawyer had an opportunity to present additional services that would plan for me, my spouse, my parents’ future, and Betty’s family, he did not do so. Thus, the term “estate planning” did not seem to suit his business practice. Oddly enough, he did not seem interest-

ed in developing a long-term relationship with either of us. He told us he would do a complete set of documents for \$1,500, no exceptions to this service. If we were interested, we should call him. I got the impression that his one-person office is doing just fine and perhaps he is planning to retire within the next ten years.

Another attorney with an extensive practice in elder law is also a CPA. She has multiple locations in the metro Milwaukee area and advertises in the Yellow Pages and by direct mail coupons, an extremely successful marketing tool. This firm claims “14 years experience in helping elderly individuals and their families conserve their assets by minimizing taxes, avoiding probate, and accelerating eligibility for government benefits.” The attorney’s brochure also has the following words in bold: Wills, Living Trusts, Probate, Title XIX for Nursing Home Care, and Divestment. She announces a 10 percent discount on legal services rendered before (a date). Perhaps this ad is effective if one understands “divestment” or if one knows they need probate service, but I contend that most people do not understand their need for either of these services.

Both of these examples illustrate the usual practice of elder law firms with regard to middle-income elderly. Basically, estate planners believe that people understand the meaning of terms like “divestment” or “accelerating eligibility for government benefits” and that the client understands what services he or she needs. On the contrary, most

people do not even know what their needs are in the area of estate planning. I refer back to the AARP study that indicates another reason the respondents did not use lawyers is that they did not know they needed them.⁸ It is not until a person is in a crisis or transition that they seek out an elder law attorney only to find out then what needs they should have planned for. Yet, this passive approach to marketing remains widespread.

One area of proactive advertising done by individual estate planning lawyers of law firms is presentations. Presentations made through college continuing education programs or by invitation to the public are effective. The purpose of this approach is to educate the client in estate planning, while developing a client base. However, presentations are often limited to the attorney’s current clients or those who take the time to enroll in enrichment classes—both groups having some knowledge of their needs.

One firm in an outlying area, Firm X, has a Friday evening program on a local television station. Attorneys from Firm X answer questions from callers on any aspect of elder law. As an attorney at Firm X confirmed, this proves to be an effective means of advertising as the firm receives many new clients who were initially viewers of their program.

One such viewer was my father, whom I accompanied to see this attorney for the purposes of creating a trust. In fewer than five questions, the attorney correctly determined my father qualified for a trust and quoted

him a price. The attorney did not question my father further to assess any other needs he may have had. The attorney's price was about half what I was quoted by the estate planner described above for roughly comparable services.

The attorney for Firm X explained that he essentially relied on volume. Mass marketing, especially through broadcasting, effectively brings clients in the door. Whether they receive the most appropriate services may depend on how generic their needs are. Many attorneys market one basic product, one with few variations, to keep costs down.

The Practice of Estate Planning

Most of the academic literature on estate planning focuses on the transfer of wealth, malpractice, competency of the client, and confidentiality and conflict of interest issues among family members. These are the primary concerns of estate planning lawyers. I propose that the latter categories are prominent because the industry itself is passive in its marketing. In other words, if the estate planning lawyer is first approached when the competency of the client is in question, issues such as the best interest of the client versus the desires of the family members are going to surface. If actual planning were done by the client and the lawyer before the client's incompetence, the best interest of the client would be a matter of record.

An article on point discusses the bleak future of estate planners unless they adopt the role of

"personal counselor."⁹ Professor Pennell says, "the perception in many firms is that this is not intellectually demanding work, that it is not how 'real' lawyers want to spend their time, and that it involves mainly the production of documents that a 'trained monkey at a word processor' could mass produce."¹⁰ Another author points out that larger firms view estate planning departments as loss leaders or they exist just to benefit a current client. Smaller firms are pressured to reduce the costs of their services and rely on a large number of clients.¹¹

Several Milwaukee law firms confirmed that they do not treat estate planning as a viable business entity. They admit they do not know how to approach it as a business or even a well-developed product or how to effectively market it as a business.

Professor Pennell points out that changing demographics and tax laws have forced changes in the practice of estate planning, but practitioners don't know what to do about it. He says, "few are sufficiently business oriented to have prepared a business plan, to have determined where their business comes from and with what economies, and what untapped markets are available to them."¹² He predicts that estate planners will have to become "full service" providers, or from the client's perspective, a place for "one stop shopping."¹³ He believes that the client is looking for someone to handle all of his present and future needs. An estate planning lawyer can meet these expectations by identifying and engaging other professionals when needed.¹⁴

The analogy he uses is the general medical practitioner who brings in the specialist when needed. However, he believes that lawyers are far behind in using a referral system such as exists within the medical community.¹⁵

I agree with Professor Pennell's assessment of both the industry and his perception of the client's expectations. I contend that neither of these assessments of estate planning has changed within the last ten years. The client wants the lawyer to give him or her a full evaluation of what is needed and how the attorney is going to meet those needs. The client is not opposed to working with others referred by the attorney. In fact, the client would prefer a one-stop shop to looking for multiple needs satisfaction on his own. Ordower agrees,

[r]ather than resisting change, the industry should seize the opportunity provided by estate planning lawyers' nearly unique role among professional advisers. Unlike many other advisory contexts, in which clients look to the adviser solely to execute a decision the clients have made already, estate planning lawyers' clients genuinely look for guidance and frequently follow the advice provided.¹⁶

The One-Stop Shop

Business Objectives

The development of this innovative estate planning business is premised on the concept that elder law services for the middle-income elderly of the metro

Milwaukee area are inadequate to meet their needs. This is especially true when an elder person needs to transition from their home of many years to an alternative housing arrangement. Often, this becomes the responsibility of adult children, who may be ill prepared to handle the task. The estate planning industry as a whole does not target the middle-income, middle-aged caregiver, and his or her parent. Thus, the industry is missing an opportunity to serve an entire generation that will be the next elderly within 15 to 25 years.

The objective of this business concept is to change the current focus of estate planning from wealth transfer to providing a holistic life plan for the individual's future. The specific objectives of this "one-stop shop" firm are threefold. The primary goal is that the alternatives presented to the parent are the best fit with his or her needs and desires. To accomplish this, the families of an elder parent must be better prepared for their parents' future care. The second objective is to alleviate the stress and friction among the children having the responsibility of addressing the future needs of their parent or needing to transition the parent to a new environment. The third goal is to better educate the middle-income, middle-aged population to the estate planning process, resulting in a better plan for their own future and, ultimately, an easier transition for their own children to manage.

Product Concept

The concept of this firm is to provide all the services required

for our client to assure her a healthy and content future so long as she is able. These include, but are not limited to, legal and financial advice, the sale of the client's home, the sale of the client's household property, assistance in the client's choice of a housing alternative, personal assistant services if the client stays in his or her home, assistance with Medicare arrangements, referral to counseling services, and even funeral arrangements. Services are to be delivered through established relationships with service providers, chosen based on strict criteria and a track record of outstanding performance in the field. In exchange for exclusive referrals from the firm, the vendors will provide their services at a substantial discount to clients. No referral fees are sought or accepted from our vendors, or fees exchanged. The firm's role is that of an agent in referring a client to a qualified service provider. In this respect, the firm acts no differently than a law firm that recommends a realtor, for example. The difference is the firm's broader involvement with the client. The example of Sue and her mother illustrates each of these services.

Legal Services

The one-stop shop would provide Gertrude with estate planning and other legal services, reviewing whatever documents Gertrude found in assessing her legal needs. If there are any probate transfers as a result of Joe's death, the firm handles them. Gertrude will also need a new will or trust and a holistic plan for her present and future finan-

cial needs. Sue may be appointed under a power of attorney to help Gertrude with her financial situation.

Selling the Home

Gertrude agrees that she needs to sell her home. The firm has an arm's-length agreement with the ABC Realty Company. In return for all referrals from our firm, ABC charges a discounted commission rate of 4 percent, as opposed to their normal rate of 6 percent. The realtor, is willing to do this because they do not have to expend funds to develop clients. Additionally, they will have a consistent referral base upon which they can rely. The firm's flat fee to the client would include reviewing the closing documents and attending the closing. The client may want additional assistance from the firm to handle all the aspects of selling the home, such as negotiating the price within an agreed range, making decisions regarding repairs, and removing asbestos or other hazards.

Estate/Household Sales

Typical of the current elderly population, Gertrude and Joe have not thrown out much in the past 52 years and have a lot of household property that Gertrude needs to sell. The firm has made an agreement with an estate and household sales organization similar to the one with the realtor. This service provider is experienced in conducting estate sales of personal property for a percentage of the total sales. Again, the service provider would give the client a reduced commission rate in exchange for referrals from the firm.

Client Relocation

Perhaps the hardest aspect of the transition facing the client is finding a suitable living arrangement. Even though Gertrude is willing to make that move, it is especially difficult for the client who has been in her own home for 30 years. The firm will be expert in the housing alternatives ranging from senior apartments to skilled nursing facilities, based on personal tours of alternative housing options. A detailed analysis of the amenities, services, and pricing of each housing alternative would be available. Quality of care reports provided by each of the facilities would also be available. As experts in the alternative housing market for the elderly, the firm would be able to make several recommendations to Gertrude based on her financial situation, her medical needs, the location she wants to live, and her other needs and desires.

These services cull the field of choices for ones that fulfill Gertrude's needs and financial situation. Thus, Sue will spend much less time, effort, and frustration in helping Gertrude to decide where to live. Often, the child caregiver's lack of time to thoroughly research the housing market results in a less than optimum choice of a living arrangement for the parent. Here, the client's decision is the result of a thorough understanding of the options available.

Personal Assistant Services

For clients that are able to remain in their homes, the firm can provide a referral to personal assistant services, underscor-

ing the need to encourage the autonomy and preserve the dignity of clients. For most clients, this means remaining in their homes as long as possible. A multitude of different services can help a client achieve that goal. From mowing the grass to home health care, the referral system can respond to the specific needs of our clients.

An excellent model for this firm is Marshall & Ilsley's Trust Company. M & I assigns personal representatives to each of their trust clients. When one of M & I's clients needs a service such as meals delivered, the client's personal representative at M & I finds the service provider. Unfortunately, this referral system is only available to M & I's clients and not the public at large.

Within the past five years, metro Milwaukee has seen the development of many small businesses that provide specialized services, such as grocery shopping, meal preparation, and snow shoveling, at a reasonable price. A one-stop firm analyzes the client's financial situation and medical needs with the objective of assisting the client to remain at home and use these services.

Medicare, Counseling, and Other Services

Several service providers are specialists in understanding Medicare. The firm would refer to those professionals any problems the client is experiencing in receiving Medicare payments. In Gertrude's situation, the firm would explain her problem to the Medicare professional and send copies of any paperwork

Gertrude possesses. Again, the firm acts as an agent in referring the client to this professional. Gertrude will be billed directly for the Medicare professional's services. Additionally, this professional also can handle Medicare issues remaining from Joe's final illness.

Likewise, several psychologists and counselors specialize in the needs of the elderly. The firm would set up a referral service with these providers identical to that of the Medicare professional.

In providing clients with these referrals, the firm addresses all of the needs of aging and transition, not just narrowly defined legal and financial needs. In this way, the one-stop firm meets the objective, to be a full-service provider to clients. In establishing this wide referral system, the firm also benefits from referrals from service providers. Their clients are often in need of a lawyer.

Target Market

Our firm's primary target market is the middle-income elderly. This will overlap with the secondary target market of middle-aged, middle-income adults. There is overlap because the secondary market is the usual caregiver and advisor to the primary market in the parent-child relationship.

A business is dependent on the size and viability of the market that it serves. An examination of the demographics of the metro Milwaukee area shows that this is an ideal consumer market for the one-stop shop law firm serving the middle-income group. In fact, metro

Milwaukee is a mecca for market researchers of consumer products because it represents Middle America. The following statistics are from the 1990 census and other government sources. The reference to national average is based on a comparison of 318 similar metropolitan areas in the United States. This is a typical marketing scheme for demographic analysis and is included as an example for any analysis.

Metro Milwaukee (MM) consists of Milwaukee County and Waukesha County. The total population for metro Milwaukee is 1.4 million. Metro Milwaukee ranks in the top third of 318 metropolitan areas in the United States for retaining long-time residents, exceeding the national average by 32 percent. This means that not only the aged parents have stayed in the Milwaukee area, but their children are most likely to have stayed as well. The size and age of a median household seems to bear this out. The median household size of MM is 2.8 residents, while the median age of a householder is 43.7 years old.

The number of households headed by an individual aged 65 or older is 86,177. This is 38 percent higher than the national average, which indicates a greater population of elderly in MM than in most metropolitan areas. The actual number of individuals aged 65 and older is 178,515. The breakdown by sex is as follows:

Male population 65-74	44,093
Female population 65-74	57,142
Male population 75+	25,005
Female population 75+	52,275

Individuals aged 65 and older make up 12.8 percent of the MM population. This is another indication that the elderly in MM is higher than the national average, which on the high end is 12 percent. The nursing home population in MM is 13,500 or 7.5 percent of MM's elderly population. This is 64 percent higher than the national average. The concern one may deduce from this statistic is that a higher percentage of MM's elderly may be placed in nursing homes when alternative housing arrangements may be better for the individual. Perhaps these were not available at the time the person was placed in the nursing home or it was the result of hasty decision making on the part of the family.

The median household income for MM is \$32,601. MM has distinctive lower-, middle-, and higher-income groups. Although the lower income group is 60 percent below the national average, the middle- and higher-income groups are each 50 percent higher than the national average. This represents a higher than average disposable income for the middle-income group. The household income ranges of those aged 65 and older follow this same skewed pattern:

Income \$0-15K	11,007
15K-25K	16,960
25K-35K	11,021
35K-50K	8,545
50K-75K	5,272
75K-100K	1,503
\$100K+	1,495

The number of elderly households below \$15,000 per year is

dramatically lower than the national average. However, the middle-income and higher-income groups are slightly higher than the national average. This income demographic indicates a strong ability for the individual to pay for services.

Overall, the demographics of the primary target market indicate a viable size and an income to afford services.

Location

The firm would best be located in downtown Milwaukee. The middle-income elderly of metro Milwaukee live throughout the city and surrounding areas. The most central location for the client and the client's family would be downtown. This location is accessible via bus lines in the cases where the client may not be able to drive. A centralized downtown location is also optimal in developing relationships with the professionals who are service providers because they too may be located throughout various parts of metro Milwaukee.

Pricing

The two alternative approaches in pricing services include a "menu" of services with individual pricing or a flat fee for a "bundling" of services. Qualitative research indicates that if a person is given a menu or list of all the services needed and their corresponding prices, the client eliminates the items one by one due to cost. The end result would be a limited list of services, fulfilling so few of the client's needs, that our character Sue would end up doing all of the tasks that she did at the

beginning of this column. Consequently, the firm chooses the second approach to pricing. After assessing the client's needs and unique problems, the firm would recommend a package of services that would be billed at a flat fee. However, every client has unique needs that require the specialized talents of a lawyer to select and custom bundle the services the client needed. Rather than a standard, limited package the client's needed would determine the bundle of services to address those needs at a flat rate.

Qualitative research also indicates that an individual would be willing to pay up to \$5,000 to help transition their parent to a nursing home or a similar care facility and to help sell the home. The response from many in this middle-income group is that the fee is worth their time in seeking out all of the services to help their parent. Several individuals indicated that the fee would alone compensate for their locating, visiting, and finding a suitable care facility. With the number of facilities available to them, this could be a long and tedious process.

We queried the middle-aged adult caregiver because preliminary research has indicated that they are actually the ones who will pay our fees. In most estate planning law offices, this is quite typical. According to the Professional Code of Ethics (SCR 20:1.8(f)), as long as the client consents, it is not a violation of the ethics rules if an attorney accepts fees paid by someone other than the client. As a rule, firms send an engagement letter to the client (X) stat-

ing that although Y is paying the firm's fee, X is the firm's client.

Promotional Strategy

The primary goal of the promotional strategy is to reposition the estate planning law firm to a more holistic life-planning firm for the elderly. The messages will focus more on health, housing, and harmony rather than the negative image of end of the life that estate planning conjures up.

The message should clearly indicate the intention to reach not just the elderly, but the children or primary caregiver of the elder person. Promotion for the firm will emphasize that they are a *full-service* provider and a *one-stop shop* for all future care needs. Materials must be user-friendly and plainly written. The goals of the promotional materials will be twofold: (1) to encourage children to bring their parents to the firm and (2) to encourage parents to see us as a service they could use before the "time of need" occurs, that is, before they lose a spouse or need to be relocated to a new environment.

The firm recognizes that the majority of people in this income group rely on referrals as the primary way of identifying an attorney. Referrals will come from

- Satisfied clients
- Attorney networking within the metro Milwaukee area through public speaking
- Relationships with service provider professionals
- Relationships with other attorneys through the local bar association

- Relationships with professionals in the health care field
- Direct mail marketing

Conclusion

The primary objective of this business plan is to reposition estate planning to the middle-income groups from a passive service to a proactive planning tool. The firm is a one-stop shop that targets the substantial market of middle-income elderly and their children in metro Milwaukee. The initial focus of the business will be to assist caregiver adult children who need to help their parents develop a holistic plan for their futures. The business will target the middle-income group. Whether the parent plans to stay at home or move to alternative housing, the children are ill prepared to handle this on their own. The one-stop firm sees that the parent will have access to the best solution that addresses their needs.

The long-term goals of this business are to educate the baby boom generation to advance planning for old age. If the children and parents make decisions while the parents are still healthy, crisis decisions will not have to be made on the parents' behalf. Once educated, the baby boom generation will see that their children have an easier time when helping them to make the transition.

Endnotes

1. Rigo Saborio, *Baby Boomers Divide Time Between Children, Parents*, BALTIMORE SUN TIMES, Nov. 1, 1998, at XXX.

2. *Id.*
3. Henry M. Ordower, *Trusting Our Partners: An Essay on Resetting the Estate Planning Defaults for an Adult World*, 31 REAL PROP., PROB. AND TR. J. 313, 355 (Summer 1996).
4. Wayne Moore & Monica Kolasa, *AARP's Legal Services Network: Expanded Legal Services to the Middle Class*, 32 WAKE FOREST L. REV. 503, 507 (Summer 1997).
5. *See id.*, at 509.
6. *Id.* at 507.
7. *Id.* at 512.
8. *See id.*
9. Jeffrey N. Pennell, *Introduction: Whither Estate Planning*, 24 IDAHO L. REV. 339, 347 (1988).
10. *Id.* at 340. (The article points out that nonlawyers are performing some of the most important and challenging work in estate planning, leaving the mundane work for the lawyers—his point being that estate planners need to broaden their services or be left with the repetitive and unchallenging work.)
11. Melissa Hutcheson Brown, *Estate Planning Malpractice: A Guide for the Alabama Practitioner*, 45 ALA. L. REV. 611, 613 (Winter 1994).
12. Pennell, *supra* note 9, at 346.
13. *See id.* at 349 (Quoting Eubank, *The Future for Estate Lawyers*, 10 REAL PROP., PROB. AND TR. J. 223 (1975)).
14. *Id.* at 347.
15. *Id.*
16. Ordower, *supra* note 3, at 313.