Commonwealth

An Estate Planning Blueprint for Financial Advisors

A plan for distributing wealth is just as important as a plan for accumulating it. As your client's financial advisor, you are in a unique position to identify gaps in the existing plan, as well as inconsistencies or conflicts between the written plan and your client's current desires.

This guide is designed to illustrate your integral role on the estate planning team. It also provides interview questions, alerts you to key issues, and points you to practical solutions for implementing your client's plan.

What Is Estate Planning?

To the financial advisor, the term *estate planning* generally conjures up thoughts of irrevocable trusts, life insurance, and lifetime gifts—all with the goal of efficiently transferring wealth to a surviving spouse, heir, or other beneficiaries. Many advisors mistakenly believe that estate planning should focus solely on estate tax liability at the client's death. Though minimizing taxes is a significant goal of estate planning, it may not be the ultimate aim. A successful estate plan also considers specific client wishes, even if they result in less tax-efficient planning.

With that in mind, here's a more accurate definition: estate planning is the process of creating a master plan for managing wealth during disability or after death. The client decides to whom, how, and when assets will be distributed—ideally, at the lowest possible cost.

Common issues addressed in the planning process include estate taxes, asset protection, and charitable giving. Other concerns are providing financial security for family and friends, planning for children of a previous marriage, equalizing inheritances, and retiring from a family business.

Defining the Advisor's Role

Whether you offer holistic financial planning services or you focus on investment management, you are an integral part of the estate planning team. Often, you are the only advisor on the team with insight into the client's true feelings and planning concerns. And you have the communication skills to crystallize complex concepts into a picture your client can understand. While the estate planning attorney is responsible for drafting the estate planning documents, implementing the estate plan may be left to the financial professional.

Along with carrying out the estate plan comes the duty of reviewing it and helping your client determine if they should see an attorney for updates as their situation changes. Your frequent client interactions make you uniquely qualified to recognize and react to changes in your client's life that can have an impact—positive or negative—on the plan.

Many financial professionals prefer to take a leadership role in the estate planning process—coordinating and setting the agenda with the client's attorney and CPA. Others will let the attorney take the lead but still want to ensure that the estate plan is implemented.

The Estate Planning Review Process

1 Review the existing plan.

Your first step is to gather your client's estate planning documents, account forms, beneficiary designations, recent tax returns, and statements of net worth. Next, draft a summary of your understanding of your client's current wealth distribution plan and compare it with your client's understanding of the plan. This will lead you to identify where the current plan conflicts with client wishes or where current titling and beneficiary designations conflict with the estate plan.

Common estate planning documents

As a financial advisor, you must rely on the technical expertise of the estate planning attorney to draft the documents that are the bedrock of the plan, but you must also have a general understanding of how these documents function. This familiarity will make you that much more effective in your advisory role.

Below, you will find a list of the most common estate planning documents and a description of the functions they serve. Upon delivery, most attorneys will provide a list of outstanding items that are to be completed by the client with the guidance of the financial advisor. Verify that your client completes each action item.

- **Will.** This written document allows the client to divide property as they choose, to give it to whom they wish (e.g., family, friend, or charity), and to set up trusts to protect beneficiaries. It also allows your client to name someone to handle their affairs after death. Writing a will does not avoid the probate process, but it does assure that your client's wealth will pass according to their wishes. Without a will, the property will be distributed to heirs under state laws of intestacy.

  Sometimes trusts are created in the will for the benefit of the surviving spouse, children, or grandchildren. When the creator of the will dies, the will serves as the trust document and directs the trustee in how to manage the trust assets. When reviewing the will, look for the following:

  - Does the trust have provisions to separate assets into a marital trust and bypass trust if a planning goal is to minimize federal and/or state estate taxes?
  - Does the will take into account the possibility of a child's future divorce, lawsuit, immaturity in handling financial matters, or disability? Does the will direct the trustee to hold assets in trust for the benefit of the children and their children? The trustee may have the discretion to determine to whom and when distributions should be made, thus protecting the beneficiaries until they are capable of handling wealth.
  - Can the executor sell estate assets to an irrevocable life insurance trust (if one is created) or borrow money from the trust to create liquidity to pay administrative expenses and estate taxes?

- **Power of attorney (POA).** A durable POA allows someone else—an *attorney-in-fact*—to handle your financial affairs, thus avoiding a court-ordered conservatorship. A springing POA becomes effective only if its creator becomes incapacitated. The creator of the POA, its *principal*, will often have two separate POA documents—one to provide the agent with the authority to manage property and a second document to grant authority to the agent to make health care decisions if the principal cannot do so.

  The following is a list of important powers typically included in these documents:

  - An estate planning and gift clause
  - The ability to make a revocable trust irrevocable
  - The ability to apply for government benefits, such as social security
  - The ability to exercise stock options, if applicable

  - The ability to change beneficiaries of insurance or retirement plans
  - The ability to facilitate long-term care planning, such as a reverse mortgage, borrowing, renting the home, changing legal domicile, and so forth
  - A disclaimer clause for unwanted inheritances that will only increase the estate

  If the principal owns real estate out of state, be sure the documents are applicable in those states.

- **POA for health care and/or living will.** A POA for health care or health care proxy is sometimes confused with a living will. A health care POA designates who can act as a patient advocate and who can make medical decisions on the patient's behalf. A living will articulates a person's wishes about artificial life support. In some states, the role of a living will is filled through the use of an advanced health care directive. *It is important that these documents be given to the client's primary doctor or hospital ahead of time.*
- **Revocable living trust.** Revocable trusts are generally incorporated into an estate plan for a variety of reasons, but some of the principal reasons may be to avoid probate upon the grantor's death, manage property if the grantor becomes incapacitated, distribute property to multiple beneficiaries, or protect an inheritance from a beneficiary's creditors. While alive, the grantor retains all rights to the trust and its assets, but a successor trustee can step in without disruption.

  Income earned in a revocable trust is always taxed to the grantor during their lifetime. The trust's tax identification number is usually the same as the grantor's. At the grantor's death, the trustee applies for a tax identification number unique to the trust. When reviewing the revocable trust, be aware of the following:

  - Is the trustee instructed to divide assets between a surviving spouse and a family (bypass) trust? If so, the bypass trust can be funded up to the federal estate tax credit, if necessary, and the balance goes to the marital trust. In addition, when allocating assets, the bypass trust may also take into account the state estate tax credit amount. Many states have implemented state estate tax exemptions much lower than the current federal exemption. A client may still need the trust division of assets for state estate tax planning, even if there is not a federal need.
  - Does the trust have provisions relating to the disclaimer of assets by the surviving spouse? This planning technique gives the surviving spouse the flexibility to evaluate tax planning needs after the death of the first spouse. With the recent changes in tax law, including portability among spouses, disclaimer provisions can be useful in this regard.
  - Most marital and family trusts pay all net income to the surviving spouse. If a trust is named beneficiary of an IRA or other qualified plan, are you aware that all assets may need to be distributed by the end of the 10th year under the new SECURE Act, passed in December 2019? The SECURE Act eliminates the lifetime "stretch" option for anyone other than eligible beneficiaries (e.g., surviving spouse, minor child).
  - Does boilerplate language, such as "pay all net income to my spouse while living," make sense? Under state law trust accounting rules, capital gains may not be considered income to the trust and therefore are not distributed to the income beneficiary. As an alternative, the trust can be written to pay a percentage of the trust assets to the surviving spouse each year. This removes the stress of investing to create current income, which could lead to minimal growth for future beneficiaries. Instead, state law may allow the trust to be invested to produce a total return.
  - Is the spouse's access to the principal in the marital trust limited? If so, the marital trust may be a qualified terminable interest property (QTIP) trust, which will ensure that it qualifies for the marital deduction but that the distribution of the principal at the spouse's death is controlled by the grantor. In general, these trusts are used in second marriages to ensure that the children of the first marriage are not disinherited. The assets in the marital trust are part of the surviving spouse's taxable estate, even though they cannot control who ultimately receives the trust principal.
  - The family trust is intended to be the surviving spouse's safety net; however, ultimately, the principal goes to the children. This allows the family trust assets, which are protected from additional estate taxes, to

possibly increase in value. There is a trade-off between minimizing estate taxes and increasing income taxes. If income remains in the trust, it is subject to the compressed marginal income tax brackets of trusts; thus, income taxes may reduce the trust principal.

  - Who is the successor trustee? If the successor is a bank, the family may lose your guidance as its investment advisor. Are there provisions that allow the beneficiaries to remove the successor trustee and select a new trustee if concerns arise in the future? If not, another solution would be to name a trust protector who has the power to remove or replace a trustee.
  - Does the trust address a change of jurisdiction, if necessary? With trust laws evolving, there may come a time when a change in jurisdiction will provide more flexibility for the trustee or more protection for the beneficiaries.

- **Beneficiary designations.** Nonprobate assets—such as jointly owned property, life insurance, annuities, and retirement plans—are not governed by the terms of the will or the revocable trust. It is important to coordinate the beneficiary designations of these assets with the estate plan. As with all estate documents, beneficiary designations should be discussed with the client's attorney to be sure that they coordinate with the overall estate plan.

2 Interview the client.

Once you have created a summary of the estate documents, the next step is to meet with the client to evaluate whether the estate plan is in line with their wishes. The following sample questions can serve as an effective guide for this meeting. They address issues that go beyond what is covered in the written documents.

When you gather information during this interview, refrain from making any observations. At the close of the meeting, ask your client if you can contact their attorney and accountant to address questions you may have about the estate plan.

General questions

1. Based on your financial plan, there is a good possibility that you will leave behind substantial assets. How do you want your wealth to benefit your children, grandchildren, or community? What concerns do you have?
2. Has your wealth increased more than 25 percent since you last reviewed your estate plan?
3. When was the last time you reviewed whether your estate documents are coordinated with how your assets are owned and whom you named as beneficiary?
4. How would you like your trusts to work? What do you want your trusts to do for you and your family? Will your spouse need income from the trusts after your death?
5. Do you have a special asset—such as a business or a home—that your family should retain? How will that be done?
6. Have you earmarked an asset for a particular person or charity?
7. Are you currently making gifts to (or performing volunteer services for) a church, a school, or a charitable organization? Do you plan to continue to make these gifts during your life or provide for gifts to be made upon your death? What kinds of pledges have you made to make a gift in the future?
8. Tell me about your choice of trustee, executor, and/or successor trustee. Why did you choose them?
9. Are you currently making gifts to family members? If not, what prevents you from doing so? If you are currently making gifts, do you want them to continue if you become incapacitated?
10. Are you currently helping family members to reach their goals (e.g., buy a home, start a business, or take sabbaticals)? Have you made loans to them? If so, should the loans be forgiven at your death?

11. Are you concerned about the negative effects of wealth on future generations? Have you considered incentives to encourage hard work, entrepreneurship, philanthropy, and church and social work?
12. Tell me about your life insurance policies. Why did you purchase them? What would you like the death benefits to do for your family? If you had to change anything, what would it be?
13. Do you spend part of the year in another state? Have you taken steps to ensure that your POA document will be effective in that state as well as your primary state of residence?
14. Has your health changed since you last reviewed your estate plan?
15. Is creditor protection an issue for you?

Family issues

1. Who depends on your income and support?
2. Have you named a guardian for your minor children? If so, is this guardian the best person to manage your children's inheritance, or should a separate guardian be named?
3. Do you have children from a previous marriage?
4. What do you want for your spouse after your death? Do you foresee any conflict between your spouse and your children?
5. Do you have a family member with special needs whom you want to consider in your estate plan? Do you know the repercussions of passing an inheritance directly to this person?
6. Do you have a family member who will need more financial resources than the others?
7. Does each of your children have equal resources to provide for your grandchildren? Do you plan to help with the education of your grandchildren?
8. Do you have a family member who is inexperienced with money or immature in handling financial matters?
9. Do you have family members who are independently wealthy? Will an inheritance increase their likelihood of incurring estate taxes?
10. Do you have in-law issues that concern you (e.g., issues regarding a son- or a daughter-in-law)? Statistics tell us that 56 percent of people get divorced. Do you think it is possible that your children may have to share their inheritance with former spouses?

Business issues

1. When will you step down as head of your business? Do you have a target retirement date?
2. Do you have a formal buy-sell agreement? Is it funded?
3. How much of the ownership will you relinquish at retirement?
4. Are there children who are active in the business? What are the plans for the children who are not working in the business?
5. How will you tap into the business to pay out retirement income? What if your successors bankrupt the business?
6. What assets will the estate liquidate to pay estate taxes?

Tax issues

1. How will the estate taxes and other costs be paid? From what assets?
2. Does your family understand how IRAs are taxed when inherited and what options are available for deferring those taxes? Under the SECURE Act, anyone who does not qualify as an eligible designated beneficiary (e.g., a surviving spouse, a minor child) has to deplete the inherited account by the end of the 10th year. Has your family accounted for the tax impact of those distributions, which may be taken as a onetime hit or spread over a period of years?

Informing family members

1. How prepared is your family to receive your wealth after your death?
2. Have you explained your estate plan to your family? If not, why not?
3. Have you given your executor and trustees separate letters of instruction to provide guidance for managing your wealth?
4. Have you made provisions for the distribution of your personal property? Are you aware that most family conflicts revolve around personal property?
5. Have you discussed what should happen if you cannot care for yourself or for your financial affairs?
6. How important is it to you that the investment management of your assets continues after your death or disability?
7. Should your attorney-in-fact, trustee, or executor meet with your investment management team?

3 Implement the plan.

Armed with answers to the questions in step 2, you have a handle on your client's feelings and desires, as well as special family dynamics. You are in a better position to point out conflicts in the current plan.

Ask your client to prioritize the most important objectives. Next, draw up a list of issues to clarify with the client's attorney and tax advisors and create a plan of action that includes scheduling a meeting with these other professionals.

Your client should appoint one person to be responsible for coordinating the process and for communicating this to everyone on the estate planning team. In many cases, your client will want to attend the first and last planning meeting and expect the professionals to work out the details.

At the outset, establish a target date for implementing the plan. The following points summarize the areas in the process where your role as a financial advisor is most vital:

- **Diagramming a family tree.** At the start, it is helpful to provide the team with a diagram of all members of the family.
- **Stating net worth.** Typically, the financial advisor provides the other team members with a statement showing how much the client will be worth at death, rather than during life. The statement will break down the value of each asset and how it is owned. It will also reveal the beneficiaries for nonprobate assets, such as IRAs.
- **Estimating estate taxes.** Consider both state and federal estate and income taxes. Given the Tax Cuts and Jobs Act of 2017, which dramatically increased the estate tax exemption, state estate taxes may be a larger consideration. The federal estate tax exemption amount is set to expire in 2025, however, bringing the amount back to $5 million (indexed for inflation) per individual from the current $11.7 million in 2021. Although guidance suggests plans won't be penalized for taking advantage of the larger exemption, it's important to keep these numbers in mind. Remember also that non-U.S. citizens have limited marital deductions for gifts and for transfers at death.

- **Titling assets.** This may be obvious, but you cannot discount how important proper title is when creating an effective estate plan. No matter how masterfully the attorney drafts estate planning documents, they will be useless if the assets are not titled to reflect the plan. Although a trust is a powerful estate planning tool, it is ineffective if the newly drafted trust does not own and control any of the assets.
- **Naming beneficiaries.** There are several situations where your clients will be responsible for naming beneficiaries—to a retirement account, a transfer-on-death account, an annuity contract, or a life insurance policy. *It is imperative to the success of the estate plan that the beneficiary designations are in harmony with the intentions of the plan*. Contractual beneficiary designations, such as those mentioned above, supersede the intentions found in a will or a trust. Note that many financial institutions will not honor a power of attorney with regard to a change of beneficiary.
- **Purchasing life insurance.** If life insurance is to be considered as a tool for the estate plan, you must establish the client's underwriting class as soon as possible. Submit a trial application in which the owner and beneficiary are listed as *trust to be established*. The insurance company will underwrite the client's health but will hold off on issuing the policy until the trust is put into place. Once the trust documents have been established, the final application can be submitted.
- **Gifting.** To reduce the size of the taxable estate, it may be wise for the client to begin making gifts during their lifetime. Gifting may also provide a method for removing assets that have a likelihood of future appreciation (i.e., those that would otherwise continue to increase the estate). You can facilitate the gifting program by identifying assets with the potential to appreciate. (Remind your client to take into account both income and estate taxes when deciding to give away assets with a low basis.)

  As a financial professional, you are in a better position to understand that some assets are better than others when it comes to gifting. For example, heirs of older clients may benefit more through the receipt of cash versus capital assets, which would receive a step-up in basis at the owner's death. Younger clients may find greater benefit in removing assets from the estate that have the most potential for future appreciation. Your awareness of your client's assets and tax basis will help them clarify and achieve their goals.
- **Review the business succession plan.** If your client owns a business, an annual review of their buy-sell agreement offers a jumping-off point for discussion of both estate and retirement planning. Furthermore, because of the ever-changing value of the business, an annual review of the documents is probably necessary. The viability of the succession plan depends on a realistic base price; however, few business owners are aware that the terms of the agreement may require annual updates. In addition, other events—such as a partner's departure—could trigger a call for a major revamp.
- **Family businesses have special succession issues.** More than 90 percent of businesses owned in the U.S., including 35 percent of *Fortune* 500 companies, are family-owned and managed. Only 30 percent of family-owned businesses survive past the first generation. If your client expects to pass on the business to their children, your client must either create a succession plan today or provide for the shrinkage of family wealth when the business is liquidated. Now is the time to resolve such problems as how to equalize the estate, how to groom inexperienced family members, and how to deal with nonfamily partners. Either establish a formal buy-sell agreement or create a wealth replacement trust.

The topics mentioned here represent just a few of the areas where your expertise will add value to the estate planning process. The relationships you have fostered with your clients and their families may also put you in a position to assist in the selection of fiduciaries, such as trustees, guardians, and executors. Your knowledge of a client's business may put you in the best position to recommend how a business succession plan, along with a buy-sell agreement, should be developed.

Once you've taken the steps necessary for successfully implementing the estate plan, what's next?

4 Hold a family meeting.

There is no better way to ensure that the estate plan plays out as intended and that family conflicts are reduced than by asking a client to outline their intentions to the family.

- **Sponsor a family meeting**. The meeting will highlight you as an advisor and may be the first opportunity for you to meet the heirs. Invite other client advisors, such as the family attorney.
- **Be prepared to explain simple estate planning concepts**, the income and estate tax consequences of inheriting property, and some of the tax benefits available to beneficiaries. Let the family know that you maintain a file with a summary of the estate plan, the location of the client's assets and documents (such as the title of the house), the current beneficiaries for the assets, and the names and telephone numbers of the client's other advisors.

5 Review and update the plan.

Your role does not end once the plan has been implemented. An estate plan is ever-changing and requires periodic reviews and updates. If there is a triggering event in the client's life (e.g., a remarriage, the birth of a child, a divorce, a disability, or a change in domicile), you must identify the event and recognize the need to update the plan.

The effectiveness of many estate plans can be diminished due to a small oversight. For example, forgetting to update beneficiary designations after a triggering event can have a devastating effect on how the assets are eventually distributed. The client may inadvertently disinherit an heir or provide an unintentional benefit to a previous spouse. By continually reviewing the estate plan, you can add value to your client relationships and possibly save clients from making mistakes that will be reflected in their legacies.

Common Estate Planning Missteps

- **I love you wills.** Simplified provisions that leave everything to the surviving spouse may not address planning to minimize taxes or other planning goals. Would a trust be better suited for a potentially more complex plan?
- **Joint ownership of property by a married couple.** Property owned jointly by a married couple bypasses the terms of the will or revocable trust. If those documents have estate tax planning or other planning objectives, be aware that the assets may not be available to accomplish those goals.
- **Joint ownership of property with children.** For the sake of convenience, adults often add children to bank accounts or real estate deeds without considering the consequences at death. Depending on the type of joint ownership, the child would take partial or total ownership of the assets upon the parents' death. This could circumvent any goals to transfer assets to multiple family members.
- **Overlooking life insurance for clients with estate tax planning needs.**
  - If owned by the insured, the full death benefit is included in the taxable estate. Consider transferring the policy to an irrevocable life insurance trust. If properly structured, the policy will be removed from the estate three years after the transfer.
  - If the owner, the insured, and the beneficiary are three different parties, the owner will be deemed to have gifted the full death benefit to the beneficiary at the death of the insured.
  - If the beneficiary of the policy is an employee's spouse, the death benefits may be taxed as compensation unless the employee recognizes income tax on the premiums during their life.

  While you are discussing how life insurance should be owned, consider a thorough review of existing policies. Life insurance is used to replace income for the family or provide liquidity to pay estate taxes.

Is there enough, too much, or the right type? Life insurance products have changed considerably in the past couple of decades, and a change in type may be beneficial to the estate plan.

- **Illiquid assets.** Forced sales of illiquid assets and family property to pay creditors, expenses, and taxes are common after death. Life insurance can provide the liquidity the family needs to retain the family property or business.
- **Creating a trust with no provision for a change of trustee.** Many trusts were written without a provision for changing the trustee. If the original trustee was a bank and that bank no longer exists, there may be a conflict between the interests of the successor bank and the needs of the beneficiaries. Your client may want to consider a trust company that does not manage money and that allows the family to use its independent financial advisor.
- **Lack of flexibility.** It is difficult to predict what will happen to the family dynamics decades after the client's death. By giving the trustee the discretion to increase or hold back distributions, the client's wealth and beneficiaries can be protected. Consider advising the client to name a trust protector who can step in and make necessary changes to the trustee or even to the trust's provisions.
- **Failure to start a gifting program.** No matter how wealthy, very few people feel secure enough to give away enough assets during their life to reduce taxes at their death. There are gifting concepts that will provide control, income, and tax benefits now while reducing the taxable estate later.
- **Treating the children *equally*.** Many estates are split equally among the children. But a good estate plan should take into account the individual needs of each heir. Splitting assets equally among all children may not be as fair as parents intend. One child may be more active in the family business; another may have disabilities or special needs; and another may be substantially wealthier than their siblings. Consider using life insurance to equalize inheritances.
- **Not taking community property into account.** Property acquired while living in community property states is treated differently in estate planning. The ability to transfer assets on death will be affected by the classification of that property. Ask the client if they have ever lived in Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, or Wisconsin.
- **Not coordinating the estate plan.** The most common estate plan mistake is failing to coordinate the estate plan—trusts are left unfunded, assets are paid out to the wrong person, or estate documents can't be located. Take time to review the estate plan before it has to be put into play.

Federal and State Estate Tax Overview

Although the minimization of gift and estate tax liability on transfers of wealth is not the sole objective in estate planning, it is an important aspect that may drive decisions clients make with regard to their overall estate plan. Fully appreciating the impact of a tax-efficient estate plan requires that you have a general knowledge of the gift and estate tax rates and of the credits and exclusion amounts that provide the taxpayer with relief from these taxes. For 2021, the federal estate tax exemption is $11.7 million. Many states have implemented their own estate tax with lower exemption amounts. So, although the client may not have federal tax planning concerns, he or she may need to plan for state estate taxes.

Gift Tax Annual Exclusion Amount (2021)
Annual exclusion amount: $15,000*
**Indexed for inflation*

In 2021, a taxpayer can give $15,000 annually to as many recipients as he or she wishes. For gifts greater than $15,000, the taxpayer can currently give up to an additional $11.7 million during life, tax free. This means that a married couple can double their tax-free gifts to $23.4 million. This lifetime exemption is not a separate exemption from the $11.7 million estate tax exemption. Consumption of any portion of the $11.7 million estate tax exemption reduces the amount available to transfer at death.

Unauthorized Practice of Law

As an integral member of the estate planning team, advisors may be unsure about where their responsibilities end and where the attorney's responsibilities begin. How do financial advisors provide value to clients without engaging in the unauthorized practice of law?

Just as financial advisors are expertly trained and heavily regulated in their field, attorneys are regulated in theirs. The practice of law requires a commitment to specialized training in the knowledge, application, and interpretation of legal issues. Coordination with the attorney throughout the estate planning process is critical to ensure that your role as a financial advisor resides in design, implementation, and product selection.

A state bar association may pursue unlicensed individuals for engaging in the unauthorized practice of law. In order to avoid overstepping their role, financial advisors should perform only services that are acceptable as covered under their errors and omissions insurance.

Recognizing what constitutes the unauthorized practice of law is ultimately determined on a case-by-case basis. But you should review the following examples of services that a financial advisor is permitted to provide, as well as those that may be questioned by a state bar as the unauthorized practice of law.

Acceptable estate planning services

- Gathering client data regarding personal and financial matters to identify problems and solutions
- Explaining estate planning concepts, such as the types of trusts and why they are used; the choice of a fiduciary, such as custodian or trustee; beneficiary designations; or securities registrations
- Implementation of the estate plan, including changes in asset title, changes of beneficiary designation, and product selection (such as insurance)

Services that could be construed as the unauthorized practice of law

- Interpreting the law as applied to your client's *specific* legal rights, duties, and liabilities
- Preparing estate planning or other legal documents *no matter how simple they may be* (This includes, but is not limited to, wills, powers of attorney, and revocable trusts.)

Each member of the estate planning team offers a specialized skill set that contributes to creating the most effective plan for each client. Working closely with other team members ensures that each aspect of the plan is addressed by the appropriate qualified professional. Being familiar with legal concepts and techniques can bolster your position as a team member, but, in the end, the final recommendations regarding matters of law must be made by the attorney.

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Waltham
29 Sawyer Road
Waltham, MA 02453-3483
Toll-Free: 866.462.3638
Phone: 781.736.0700

San Diego
110 West A Street, Suite 1800
San Diego, CA 92101-3706
Toll-Free: 866.462.3638
Phone: 619.471.9700

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