



## The **Top 5** Reasons Why You Should Attend **TAPER Atlanta**

### IN THIS *issue*

- 01| TheTop 5 Reasons Why You Should Attend TAPER Atlanta
- 02| The Personal Care Plan
- 03| Member of the Month - David Miller
- 04| Tracking: Marketing Campaigns and Activites

877-299-0326

INFO@LAWYERSWITHPURPOSE.COM

555 FRENCH RD., STE. 202

NEW HARTFORD, NY 13413

**Wednesday, October 23, - Friday, October 25, 2019**

Register now at [retreat.lawyerswithpurpose.com](http://retreat.lawyerswithpurpose.com)

**5. You'll get 2020 Vision for your firm:** We've done our homework, and we know that hiring, efficiency, and increasing revenue are among the top concerns that attorneys have right now. So, we've designed this entire event around helping you overcome obstacles in these areas so you can get focused on how to grow...and keep growing...in 2020.

**4. You'll discover ways to increase your revenue:** We're covering both RMS and retail marketing to help bring clients into your firm, and we're discussing how to maximize your firm's value. And, after you've invested all the hard work of growing your firm and making it into the practice of your dreams, at some point, you just might aspire to sell it. *We're also going to talk about the ins and outs of business succession* — the technicalities you need to know, as well as the realities of what you can expect, first-hand, from an LWP member who has done it.

**3. It will help you hire right:** You know you can't do it all alone. *What and WHO* do you really need to *build the team* that's going to *build your firm with you*? We're going to talk about a powerful five-step hiring strategy, introduce LWP's new hiring process, discover the five behaviors of a cohesive team, and learn how to unlock an ownership culture where employees are not only engaged, but thrive.

**2. It will help you, and your practice, become more efficient:** We're going to talk money...and time...and how to get more of both! We'll show you how to utilize Actionstep, Brainstorming Sprints, the Money Plan, the Four-Month Focuser, the Implementation Focuser, and the Project Focuser so that you'll be able to gain an understanding of—and take responsibility for—your 2020 goals.

**1. Drinks & Karaoke!!** Need we say more? An evening of hors d'oeuvres, drinks, and karaoke with LWP! Thursday, October 24, 2019, 6PM-10PM at CNN Center's Skyview Terrace. Watch your email for all the exciting details. Cost: \$49/person.

Save THE Date  
for our next **TAPER**



**ATLANTA**  
**GA**  
**October 21-25, 2019**

AtlantaRetreat.  
LawyersWithPurpose.com



# The Personal Care Plan

| BRITTNEY SHEARIN, ESQ.



The purpose of the personal care plan document is to ensure a client may stipulate what level of care he or she wishes to receive, should he or she become mentally incapacitated, but retain his or her physical health. Think of it as the document that lays out the client's instructions if unable to make his or her wishes known. In the software, you have the option of titling this document "Personal Care Plan" or "Living Will", or you may customize the name to be anything that conveys the purpose of the document. I usually hesitate to use the term "Living Will" because I think that typically implies health care decision-making or end of life care. Although there are references to the disability panel, and to some end of life options, generally the personal care plan covers day-to-day care rather than health care.

The first part of the interview deals with grooming preferences. While these seem obvious, it is actually important to state you wish to have your oral hygiene conducted daily. I learned, to my surprise, nursing homes do not routinely brush residents' teeth. Often, the resident or a family member must specifically instruct the nursing home to do so.

In addition to grooming preferences, the interview asks about being taken outside, and on family visits. You can specify how often and under which conditions. The current options are "I am presentable", "I add to the event and am not a spectacle", and "I am not overly burdensome to family members." As with many of the options in the personal care plan, you can select "other" and type in whichever conditions the client wants. For the "How often do you want to be taken outside" question, I use the "other" option and state "daily, weather permitting." At least here in Upstate New York, it is important to specify "weather permitting."

The second page in the software asks about being taken to public places and out to eat. Again, it asks how often and under what conditions. Other requests from clients for where they wish to be taken include: the casino, cruises, concerts and cafes.

The third interview dialogue asks about reading preferences including books, newspapers and magazines. You can type in newspapers and magazines by name, and you can select book preferences by author, genre, or both. On the same page it asks about television preferences.

I always ask my client what their least favorite television show is, then I tell them to imagine being sat in front of that show every day in a nursing home simply because no one ever told the staff that you despise that show. You can select television preferences by type, channel, and of course, by typing in specifics in the "other" box. This is also where clients may list hobbies they wish to continue, if able. When entering the information, you need to finish the sentence "I would also like the opportunity to..." So instead of typing in "knitting and crossword puzzles", you should type "continue my hobby of knitting and completing crossword puzzles." That way it will generate as a complete sentence, and you will not have to modify the document afterward.

The fourth interview dialogue is probably my favorite, and the clients' favorite. It discusses favorite foods, disliked foods, and drink or other food instructions. We always have a good laugh over some of the foods clients refuse to eat. The most common disliked food is liver (although I doubt any nursing home is serving liver to its residents anyway). There is the option for beer, wine and liquor preferences where clients tend to have a field day. With dietary restrictions becoming more prevalent, there is also a section for specific instructions to say, for example, "I am lactose intolerant and wish not to be served dairy products."

The last question on that page is for religious preferences. This question used to be mandatory before moving on to the next interview page, but our most recent software update has resolved that. It is an optional question, where you may choose from the listed religious preferences or type in your own. If you select a religious preference, it will ask if the client wishes to attend services if offered. If you select "no religious preference" there is no reference to religion in the document at all (rather than saying I do not have a religious preference). The last option is to include burial instructions. This question is wide-open and gives you the chance to type in whatever the client wants, whether it is burial, cremation, traditional funeral, or party at their favorite bar.

Although the personal care plan is a lengthy part of the interview, it is something that gives clients peace of mind. Often, clients think this information would be contained in their Will, until I explain no one looks at their Will until they're dead! It is a great value-add for your firm and something that may set you apart from other local estate planning attorneys.



# Lawyers With Purpose would like to recognize David Miller as

## AUGUST 2019 Member of the Month



Located in Houston, Texas, and serving the Houston metro area as well as nearby Sugar Land and The Woodlands, McCulloch & Miller, PLLC has been a member of LWP since May 2012. The firm is known for its advocacy for the aging. It integrates traditional estate, tax, and planning services with a broader, holistic approach to help client families identify, access, and pay for quality long-term care services for their aging loved ones. Doing so ensures that families may enjoy a higher quality of life while protecting those they love. The firm currently has a staff of four full-time and one part-time employees and credits LWP with helping it achieve a greater level of efficiency that enables it to reach more clients.

**LWP sat down with firm partner David Miller to discuss his firm's mission as well as the successes he and partner Tom McCulloch are experiencing and the impact they're making in their market.**

### What brought you to estate planning and elder law?

My path actually started in finance. After majoring in Economics in college, I was hired first by JP Morgan Chase and served as trustee on some of the products, and then I worked for Citigroup. I worked in this capacity until the end of 2007. Unfortunately, I could see the writing on the wall right before the crash and decided to make a career change. At the time, I was already going to law school part-time, so I transitioned to full-time. After that, I got called by a firm that did securities litigation, and I worked in that capacity. A typical case of mine would be representing elder retirees who had been taken advantage of by unscrupulous or negligent brokers.

Now that I work in estate planning and elder law, I love the ability to help clients. They're stressed out because they don't know how they'll afford the care. The look of relief that comes across their faces when you have a plan makes the practice worthwhile.

### How did you form your partnership with Tom McCulloch?

Tom has been an attorney and CPA for about 30 years. He had a diversified practice, but he was getting more and more into estate planning. His wife is also a geriatric care manager, so he saw a need for elder law in addition to estate planning. As Tom was practicing elder law, he would come across clients who were trying to plan, and he'd refer them to me. I'd have clients for whom we'd done recovery, and I could send them to Tom. We had synergy and joined together a couple of years ago. I remember one case in which we had a client who was working with Tom, who thought there was something wrong with his brokerage account. I reviewed it, and upon finding fraudulent activity, I then worked with that client in a case against his broker, and then referred the client back to Tom. Together, we've been able to help and protect a number of seniors this way. We take a look at client accounts to check for any fraudulent actions, and we also take great care in scrutinizing our partners, too, for similar reasons. There are potential partners with whom we will not work.

### How did you both come across LWP?

Tom actually began the LWP membership before I joined the firm. Once he became aware of LWP, he joined and found that the systematic methodology helped to grow the practice.

### What successes have you had by using LWP's systems and processes?

For us, we experienced a streamlined process that increased our efficiency, which, in turn, helped grow revenue. But, it's more than just having a systemized practice; it allows us to have more time in the day. That time could be used for doing the legal work or having more time at home.

### What kinds of trends are you seeing in the Houston area?

In the last year, Medicaid qualification has been up and down, but it's been heavy lately; there is a big need for it. We've also had folks call us and ask very specific questions about certain concepts. We had to educate them about the difference between a Power of Attorney and an Executor.

There is a lot of misinformation out there, too. One person called wanting to know about Medicaid home care benefits and asking what the options were; that same person told us that another lawyer wanted to charge \$10K for the application with no guarantee that it would be approved.

LWP brings this education aspect to the table. No one knows about Medicaid as an option until they do, and then it's a no-brainer. Financial planners love to be educated. I recently had a great conversation with financial planner who had asked if I could reach out to him. He was completely clueless regarding the options available and was thrilled that there could be money saved. I also had a client who had \$400K and will go through the Medicaid qualification process, but that client's financial planner never said it was an option.

### Have you attended TAPER, and if so, what was one of your greatest TAPER learnings?

I have been to one TAPER. We sent our whole staff last year. I was still getting up-to-speed on the LWP process at the time. At that point, some of our staff had been before, but I was just getting into it and learning it.

### What are your favorite LWP tools?

I like the estate plan audit and clarifier. I wondered initially why I would show it to a client, but once I figured out how to use it, it's very helpful, especially when we're talking with someone who doesn't have a good concept of what a will is and just knows they need something.

Read the complete article on [blog.lawyerswithpurpose.com](http://blog.lawyerswithpurpose.com)

**Congratulations to you on your continued success!**

When it comes to marketing your practice, one of the key things you should be doing is tracking, of course! At LWP, we highly encourage you to track everything so you are better informed, particularly about the sources of your clients and the methods of attracting them that deserve more of your focus. We also believe in a 3-tiered marketing approach (wholesale, retail, and community), and each of those approaches should be tracked to determine effectiveness and return on investment.

We first need to distinguish that the workshops are not a marketing tool! Workshops are the first and most important step in the process. This is the educational part of the process in which prospects are invited into your world so you can help them understand what they don't know. Better educated prospects lead to clients who better understand the importance of planning.

The workshop is also a numbers game. The workshop gives prospects the opportunity to hear about concepts of which they may not have been aware. Also, during the workshop, prospects are able to clear the fog on what their plan may or may not be doing for them, and they can determine if your process is a good fit for them. It's a much better use of the attorney's time to conduct workshops in which they can educate 30 prospects at one time instead of meeting with 30 people individually. The workshops also allows for the vision meeting to be more personal to the client's individual situation.

Now that we've established not only the importance of the workshop as part of the Estate Planning Process, but that is not a marketing tool, we can take a quick peek into the world of RMS (Relationship Management System). RMS IS a marketing tool, but it is NOT part of the Marketing Campaigns and Activities. With the exception of paying for lunch now and again, RMS should be relatively free of cost. Plus, we have a whole workflow and tracking system dedicated to this process, so we can determine how often we are working with referred prospects and clients. As there is no financial output, there is no Return On Investment (ROI) we need to track besides time spent...and we have 2 focusers for that! (Hint: Referral Focuser and Relationship Meeting Focuser.)

This leads us to retail marketing, the kind of marketing for which you are writing a check, and therefore, absolutely need to track your ROI.

If you have ever run the Initial Contact Focuser, you will see there are 2 columns dedicated to retail marketing: Marketing Medium (MKTG MEDIUM) and Marketing Type (MKTG TYPE). If these columns are appearing blank, it's because you aren't creating any marketing campaigns and activities to track your retail marketing! Fortunately, Actionstep has you covered!

There are 5 primary marketing mediums we see members using regularly:

1. Print (Newspapers & Magazines)
2. Broadcast (Radio & TV)

3. Social Media (Facebook, Twitter, LinkedIn)
4. Web (Website, Google Ads, Blogs)
5. Direct Mail (Mass produced letters and post-cards)

Each paid marketing campaign that you do will generally fall into one of the categories mentioned above. Marketing campaigns may cover a long-term contract or commitment. For example: If you purchase ad space in a newspaper, the contract you sign might be for a quarter, 6 months, or 1 year commitment to lock in a discounted price. Likewise, you may decide social media is the way to go, you and are going to run 12 different Facebook ads throughout the year.

When you create a marketing campaign matter in Actionstep, you'll be prompted to input the budgeted expense as well as the projected income. (If I've committed to a 6 month print contract and each monthly ad I run will cost me \$250, my budgeted expense is  $\$250 \times 6 = \$1500$ . I hope to be retained for at least 1 asset protection plan each month at \$5000 per plan, so my projected income is  $\$5000 \times 6 = \$30,000$ .)

Unless you intend to run the exact same ad each month for those 6 months, you could definitely stop there, but what is the fun in that? Each campaign can then be broken down into activities. The activities are the scripts you create, individual ads being run, different postcards being mailed, etc. You will create an activity matter within the campaign matter to track not only that activity's ROI, but it will also link to the overall campaign's ROI. (During month 1 of my 6 month commitment, I'm going to run an ad titled 'Fred the Farmhand: Remarriage Protection.' When prompted for the budgeted expense and estimated income, I'll input the amounts we know from our contract above. (This ad will cost me \$250 (expense) to run for the month, and I hope to be retained for at least 1 asset protect plan at \$5000 (income).)

Now, when prospects contact your office, and your dutiful client services coordinator inquires as to how they heard about you, and the response is, "I saw your ad in the paper the other day," the CSC can verify and clarify what paper and what ad, specifically, so they can update that information in the prospect's estate planning matter. Heck! The prospect may even say, "Oh, my financial advisor referred your office to me, but I've been hearing your radio ads the last few weeks and I saw your most recent newspaper ad!" Now you have a much more accurate accounting of how they came to you, and Actionstep will do the hard work by dividing out the ROI for both retail marketing pieces mentioned once that client retains you! Even if this specific client doesn't retain you for an asset protection plan, but maybe another client does – it will show you exactly how much ROI you had on this one campaign and specific activity.

Marketing campaigns and activities are a wonderful tool found within Actionstep to better support you in determining what your ROI is and how to put retail marketing to better use!