LAW.COM

Expert Opinion **Trusts and Estates**

National Make a Will Month Pitch

The cost of implementing a proper estate plan is minimal compared to its benefits, and the process involves identifying decision-makers, considering guardians for minor children, listing assets, and working with a qualified attorney to draft and execute the necessary documents.

August 31, 2026 at 09:21 AM By **Rebecca Rosenberger Smolen** and **Amy Neifeld Shkedy**

Rebecca Rosenberger Smolen, left, and Amy Neifeld Shkedy, right, of Bala Law Group.

We just learned through a radio advertisement that August has become National Make a Will month. It's not clear how this originated but a Google search confirms this has been recognized across the country by a multitude of organizations. Since we are writing this in August, we thought it would be a good time to add our two cents to this public service effort.

In looking at other internet postings on this topic, it appears to be commonly recognized that between two-thirds and three-fourths of adults do not have a current will in place. When we consider the importance of having an up to date will in place, we are really focused on having a

comprehensive *estate plan* in place. That usually involves at least a will, general power of attorney, and health care power of attorney and advanced directives (a living will). In many instances it will also involve having a revocable trust as part of the plan.

For those of us who make a living preparing estate plans for clients, this is not meant to be an advertisement for legal work. Quite the opposite, we have observed that without having a proper estate plan in place, the cost to a client and his or her intended beneficiaries can be much greater if the project of putting a plan in place keeps getting kicked down the road. So, as a self-interested matter, estate attorneys can financially benefit when an estate plan is NOT finalized.

For an individual who becomes incapacitated without a general power of attorney and living will in place, that can mean a guardianship proceeding, which can be financially and emotionally costly for an individual and his or her family. For an individual who dies without a will in place, that can mean chaos for a family trying to pick up the pieces. This may involve a dispute over who is in charge as administrator and potentially navigating the terrain of assets that are governed by beneficiary designations and joint with survivorship titling which override the normal intestacy distribution scheme under state law. It can also mean a lost opportunity to provide direction over where assets pass at death, which an individual might have preferred to direct differently than a stale beneficiary designation that was forgotten about from decades earlier, or the pattern under the intestacy laws.

The cost of implementing a proper estate plan pales in comparison to the benefits of one. If you amortize the costs over the time period it covers, it is much less expensive than so many other accepted costs of living, like streaming services, cable TV, health insurance, car insurance, and so on. We have covered in other articles the risks of doing it yourself—it might work fine, but, it very well might not. We have found it astonishing how much misinformation is out there regarding estate planning, whether such information is found on the internet or is otherwise being provided by financial services professionals and banking personnel whose expertise lies in other areas.

The process of making (or updating) an estate plan is not terribly difficult and can bring great peace of mind. Here is an overview of the typical steps involved with tackling this project:

- Consider who should be in charge of handling your personal and financial affairs in the event of death or disability—and try to identify two back-ups for that person. You may want to select different people for financial vs. health care decisions.
- If you have minor children, consider who you would want to raise them as guardian if both you and the other parent would die before they reach the age of 18.
- Consider whether you are comfortable with your children (or other beneficiaries) receiving their inheritance outright, or would you want to implement a trust structure to protect the

inheritance for the future for their sake, as well as to potentially control where any unspent portion of the inheritance passes when they die.

- Consider whether you want to direct some of your assets outside your immediate family members (i.e., spouse and children, or if none, siblings) at death? Whether to friends, other family members, or to charity?
- Create a list of your assets and add up the values.
- Determine whether you have listed beneficiaries or joint owners for any of your assets and investigate the process for changing beneficiaries (this used to mean securing a beneficiary designation form, but, nowadays it often means making an update on an internet portal).
- Make an appointment with a qualified attorney who will go over all of these issues with you in a conversation that usually takes about an hour.
- Review a set of draft documents, communicate any needed changes to the attorney, and make a plan to sign the documents with appropriate witnesses and a notary.

Adding our voices to the choir supporting National Make a Will Month, we urge you and your clients to consider whether to create or update an estate plan over the next year, and if appropriate, take the steps necessary to tackle that project sooner rather than later.

Rebecca Rosenberger Smolen *and* **Amy Neifeld Shkedy** *are members and co-founders of Bala Law Group. They focus their practices on tax and estate planning.*

Page printed from: https://www.law.com/thelegalintelligencer/2026/08/31/national-make-a-will-month-pitch/print/

NOT FOR REPRINT

© 2026 ALM Global, LLC, All Rights Reserved. Request academic re-use from www.copyright.com. All other uses, submit a request to asset-and-logo-licensing@alm.com. For more information visit Asset & Logo Licensing.