



WHEEL OF FORTUNE: THE MODERN PRACTICE

By **Avi Z. Kestenbaum**

Practicing in the Age of Instant Gratification

Estate planners and clients both need to have reasonable expectations


Living and working in today's age of instant gratification impacts us all in our personal lives and our professional worlds. Recognizing this reality, I'll focus on navigating our practices in this demanding time, rather than on estate or tax law developments.

While I've never practiced in an age before instant gratification was the societal norm, today seems to be a very challenging period to work in the estate-planning profession, and every year feels more demanding than the previous one. Many of our clients expect instantaneous responses to their questions, immediate solutions to their concerns and have unrealistic expectations that the estate-planning process will consistently be smooth and the end results will be excellent. As estate planners, we certainly strive to do our very best and, likely, chose this field because we like to help others—even, at times, to the detriment of our own personal lives and families. Experienced colleagues tell me that their practices weren't so hectic and fast paced 35 years ago, before they used faxes and computers, never mind smartphones that allow us to draft documents, answer emails and attend video conferences, no matter where we may be. In addition to technology, we're living in the age of entitlement and a "me"-centric society, which may also add to the increase in estate disputes. And, we're dealing with a more demanding clientele. With information a click away and do-it-yourself a growing trend, many clients feel their Internet research makes them more knowledgeable than we are and that they can prepare their own estate-planning documents (and our work product

should be less expensive), which doesn't help matters (if only they Googled "a little bit of knowledge is a dangerous thing," they might understand the repercussions of what they're saying and doing).

Reasonable Expectations

So, what can we do? For starters, we need to recognize this phenomenon and try to set realistic expectations for our clients (and perhaps, partners and associates) from the beginning regarding the process, timing, potential complications, fees and likely results, even though this task isn't always simple because we enjoy and often feel personally and morally compelled to give people as much hope as possible. Perhaps more importantly, we need to set realistic expectations for ourselves and not take on more work and responsibilities than we can handle. This is a demanding field in a demanding age. Not only do we spend time counseling clients, but also we have to create very technical documents with tremendous liability and potential future aggravation at stake. Additionally, most estate-planning professionals have a volume practice, in which they're juggling hundreds of clients and matters simultaneously. Getting assistance from associates and others at our firms is fine, but the buck stops with us. We're dealing with many solemn and important topics, including death, trying to prevent family disputes, carrying out the sacred wishes of our clients and saving them and their descendants substantial tax dollars.

I don't have the answers, but from time to time, it's good to question our practices regarding how everyone (that is, clients, partners and associates) can work together to make this an enjoyable field. How fortunate we are that our chosen practice area of estate planning is inherently good and can be personally and professionally very rewarding if we work hard and properly manage our clients' and own desires for instant gratifications. 

Avi Z. Kestenbaum is a partner at Meltzer, Lippe, Goldstein and Breitstone, with offices on Long Island, N.Y. and in New York City. Avi is also an adjunct professor at Hofstra University School of Law in Hempstead, N.Y.

