

The **POWER** of ATTORNEY PROJECT

7 Questions Successful Families Ask

Welcome to the Power of Attorney Podcast which is part of our Conversations that Matter Podcasts. My name is Mary Bart, Chair of Caregiving Matters. This podcast is intended to provide general information only and is not intended to be a substitute for seeking personalized legal, financial or other advice. This podcast raises issues that our audience can further explore on their own in their own local communities with their own local experts. This project will help to be a call to action for families to solve their issues, find solutions to their problems, and have greater peace of mind.

Mary- Our guest today is Dr. Tom Deans. Welcome.

Dr. Deans- Mary, it's a great pleasure to be here.

Mary-Thank you, Tom. Tell us a little bit about yourself.

Dr. Deans- Well Mary, I'm a little bit different. I'm an author first, and in fact I'm as professional speaker. In fact, I don't do any consulting and I'm not a lawyer, I don't do any financial planning and I don't sell any insurance. As I said, I'm an author. I've written two Globe and Mail bestselling books. One is on the subject of transitioning family businesses and the second book is called Willing Wisdom, a book that is dealing with the transition of family values and family wealth and typically in that order if things go well. I came to the subject of wills in a very interesting way which we can get into shortly.

Mary- Well that's wonderful so let's get started. I'm sure people would love to hear what you have to say. You mentioned that both of your books are Globe and Mail best sellers. Congratulations first of all. Why did you write the one called Willing Wisdom?

Dr. Deans-Well Mary, It's interesting. Over the course of giving about 500 public lectures in 14 countries, based on my first book that was dealing with transitioning family businesses to the next generation, I learned that a lot of family businesses were actually selling. The founder, especially, was sitting on a significant amount of wealth and they were quite perplexed what to do with that wealth. So many business owners were solving one problem of transitioning the family business by selling it only to replace it with a far more complex and vexing problem and that is how to divide that cash on death. In fact, what I learned over the course of these public lectures is that many of the people in my audience didn't want to sell the business because moving the cash and having to confront how they would divide their estate felt really emotional and complex and a difficult question to ask and answer. Therefore, a lot of business owners just never get on with the transition planning and they of course do nothing and then they die and the business transitions to the kids who are disinterested or ill prepared for the

business. Things were going awry and a lot of family businesses were failing and the family businesses that were sold, the new owners were really struggling with how they were going to divide up their estate. That really led me to want to find out the answer. I interviewed several hundred lawyers; in preparation for my book *Willing Wisdom* and I will tell you it was just fascinating. As we get further into the podcast we are going to learn I took a pragmatic approach so I really wanted to offer readers a series of questions to start conversations about the division of wealth or dealing with powers of attorney and advanced health care directives. All of those issues are certainly part of those conversations. That's really what drove me to write the book.

Mary- That's really interesting. How did readers and people in your audience respond to your message?

Dr. Deans- I have to tell you that both of my books have a little bit of a controversial method with this idea that writing a will isn't just good enough. Roughly 12.5 million Canadians don't have wills so this is something Canadians are culturally struggling with. That is such a staggeringly large number and we know that when someone doesn't have a will their whole estate goes to a public trustee. Often peoples' giving intentions are not often the same intentions of the public trustee or the province that they live in. Families are going to be left with some real sadness and disappointment and confusion. They may question why a will was not prepared. The real controversial part of all of this is that it's not just good enough to write a will, I truly believe that a will and a power of attorney are documents that are actually improved in quality when they are collaborative documents and this is a big cultural shift. We've been led to believe that a will is something we do secretly, we meet with our lawyer in private, we craft our will and name our beneficiaries and then we keep that document secret. *Willing Wisdom* tackles that idea and suggests that in fact if we were to view the power of attorney and the will as a collaborative document that could be worked on collaboratively with family members or individuals of choice with no surprises and we then give our beneficiaries a copy. This is not to suggest that a will or power of attorney can't be changed as peoples' circumstances change. There's always room to change a will or power of attorney but better documents and better decisions are born out of conversations. *Willing wisdom* has a subtitle; *Seven Questions Successful Families Ask*. It's a light story. It's written like a fable so it's not an intimidating academic book that pushes people away from the subject because it's a difficult enough subject on its own. It's an entertaining story about three people who are a psychotherapist, an estate planning attorney and a professional speaker who meet in a lounge in Las Vegas who, over the course of dinner and drinks, talk about real world stuff. Real world issues of writing a will and at the end of the dinner they kind of have some confessions to make. The estate planning attorney admits that he hasn't updated his will, in a very long time over a decade, the psychotherapist admits she doesn't have a will at all and the fact that her father had left her an estate and how she struggled with the administration of it. The professional speaker, who is named William and is a disguised character who is myself, talks about the seven questions that his family have used over the course of many generations to talk about money and assets and secrets and to bring money to the forefront of family meetings so that there's no family secrets. Secrets seldom add to the family dynamic. I've yet to meet someone who says "our family has really thrived because of secrets we've kept". It's quite the opposite. The great successful families always find a way. They're difficult

conversations but they have them. They have regular family meetings; they talk about money, and about how wealth will eventually transfer. It's really a book about preparing heirs.

Mary- That's very interesting. I often think of people who do have secrets within their wills and I know situations where one child for example is excluded from the will and they will have a very nasty surprise when their father actually dies because they think they are in and I know for a fact they are not. It's a very interesting and challenging topic.

Dr. Dean- Well Mary, it is interesting and I tackle that topic in *Willing Wisdom*. That is very common. Because there's no family meeting and that's the decision that has been made. When dad dies the antipathy towards dad and the one child will play out between the children. The gift then that the father leaves the children who are going to receive the money is not a gift, it's actually a liability. It's a broken family that's being left behind. On the other hand, if there's a family meeting that is held and the child that is being removed from the will is told that, and it's made clear that that is a decision made solely by the one who is doing the willing, then the likelihood that the children will not be on the receiving end of a lawsuit is vastly improved. It's not an impetuous decision, or that looks cavalier, it's more of a thoughtful and methodical decision. There may be some very good reasons other than "I just don't like that child" that that decision is being made but my point is for people who don't have family meetings who don't convey these messages it leads to children who wear the shame and the blame afterwards. It's basically a family left in ruins. I don't think that's what we intend our money to do. Money either brings families together or it divides them.

Mary- Well that's really interesting and it brings me to my next question. If you can give us a flavour of some of the questions you discuss in your book? What are some of the questions that can be used to enter into these important family conversations?

Dr. Deans- Well, of course time limitations won't allow me to go into all of them but let me give you a flavor. The very first question is a very simple question. A family meeting doesn't have to be held in an oak panelled boardroom with lawyers and accountants wearing suits and being sombre to talk about wills and powers of attorney. Some of the best family meetings take place on a back deck, around a bbq, up at the cottage; sometimes advisors are present particularly in the early days if the family doesn't have a culture of family meetings. They can be quite informal and it can go something like mom and dad saying something like "now that everyone's here we just want to take a couple of minutes to let all you kids know that we've just updated our will or we want to update our will and we want to get some of your thoughts and we don't want there to be any surprises. We'd like to have a conversation and we'd like to have some of these questions so that everyone knows and everyone hears the same message at the same time". There shouldn't be four or five different versions. Everyone is at the family meeting and everyone hears the same thing. One of the questions that may be considered right out of the gate might be mom and dad saying "okay...let's just go around the room and I'd like to ask you kids to pick one word that describes our family and then share a story that reminds you of why you selected that word". The reason I do this is because this question is important. It's a backward looking question and helps us look backwards and tap into a sense of gratitude. Where have we come from as a family? What do we have? Many people will pick words like trust or gratitude. When they tell a story it kind of

embeds the family lore. We've lost our oral tradition and this question is trying to reinvent and re-establish our old traditions for storytelling. When you use this question and you go around the room and ask people to tell a story it's amazing what people will tell recall from the past. It's such a great way, a gentle way of easing yourself into the process of talking about money and family and aging and dying in a way that's kind of fun. So that's a start. I'm going to skip to question number 3 only because we don't have a lot of time to go through all of them. This question is one of those questions where it's the classic question that is often not asked. People often miss the forest for the trees. This question is asked of beneficiaries, typically children, or friends who are increasingly being set as beneficiaries, when there are no kids in the family...or even charities are asked this question. What would you do with an inheritance, how would it advance you, your life and your community? It's a very simple question. There are many people who have apprehension about leaving people significant amounts of wealth because they think it may blunt their enthusiasm or take away their drive as hard working individuals. I have to tell you one of the reasons why I suggest family meetings is that history tells us that in big old dynastic family's kids are well prepared to receive significant amounts of wealth; far more wealth than they can actually consume. These families don't wait until their children turn 18they tell their children at a very early age what they're going to inherit, how the money was earned, what the responsibility is with inherited wealth, the respect, trust and responsibility that goes with it. Inherited wealth is taught through typically formal family meetings and informally as well. So again, when somebody is asked this question- what would you do with an inheritance?, it's fascinating to hear peoples' answers beyond the obvious ones like retiring or paying personal debt, or I would invest in a business. It's really interesting. I've sat in on these family meetings; dozens and dozens of these and it's amazing how other people respond to other peoples' stories and the ideas that other family members pick up from the others. Some consume and some invest. These questions unlock a lot of teaching in a family and teaching families about what wealth can do and quite frankly the limitations surrounding wealth. That's a little bit of a flavor.

Mary- That's really interesting and thank you for sharing that and one more final question for you Tom, do you have any final thoughts on how to see their wills as an optimistic document?

Dr. Deans- Well I do, Mary. I believe that aging and the way we are dying and wills and power of attorney have changed enormously. First of all, we are living far longer than we ever have. Dying has even changed in that increasingly there is medical intervention that brings us back to the brink and then we linger for a day, a month, maybe even years and possibly decades. My grandmother was very ill for ten years and required direct family intervention in the provision and oversight of her care. I think people are overall underestimating or not giving enough thought to how we are going to spend that last chapter of our lives. Most of us are going to have to rely on family for care and so what kind of family are going to step up...the family who have talked about this, anticipated this, discussed what this looks like, planned for the financial aspect of this care, and what kind of family relationships is this care going to be built on? Or those who do not have wills or the care and giving intentions have been kept secret? So you see how wills and powers of attorney are connected in the most subtle way? Money and care are connected and when family members don't have wills or don't tell family members how they're going to leave their estate and to rely on those exact same people for care, you can see how that last

chapter can be very frightful, scary and fear driven so that's partly what Willing Wisdom is trying to do. Drive away that fear through family conversations, stripping away the secrecy around money so that we can get to those questions of how care will be provided and how it will be funded.

Mary- That's wonderful. Thank you so much for sharing your wisdom with us today. Could you give your contact information and also how people can go and purchase your books?

Dr. Deans- I'd be happy to, Mary. Certainly the fastest way to get a hold of me is through my website which is www.willingwisdom.com and all my contact information is there. I'm not a consultant but I'm always happy to answer questions and if you're an event planner I do large conventions and speeches and I book over a hundred a year and of course you can purchase the book directly off the website as well. There are discounts for advisors who are listening, bulk discounts for copies, if you're buying in bulk for your clients. It's been my pleasure. Thank you Mary.

Chris - Mary, who are our initial project supporters?

Mary – We wish to acknowledge that this project is funded in part by the government of Canada's New Horizons for Seniors Program. Our other initial supporters include Care Connect, The Care Guide, The Healing Cycle Foundation and Scotiatrust. Caregiving Matters is an internet based registered Canadian Charity dedicated to educating and supporting family caregivers. 90% of our work is done online and by leveraging technologies. 10% is done by producing local educational events. We leverage technologies in everything that we do ensuring greater reach and sustainability. I trust that we have given some of the highlights of our exciting new initiative. If you are interested in speaking with me about the project, please let me know. We look forward to your questions and your ideas.

Chris - Mary, if listeners have questions, what is the best way for them to contact us?

Mary Bart- You can contact me directly Mary Bart, Chair of Caregiving Matters at 905-939-2931. My email is mary@caregivingmatters.ca and our website is www.caregivingmatters.ca