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**Planning for Blended Families: Part II - 3-Step Counseling Strategy for  
Blended Families**  
**(Edited by James W. Garrett, Esq.)**

It is vital for each member of the advisory team to understand the roles of the other members in meeting their client's needs. Therefore, in this issue of *The Wealth Counselor*, we will focus on how the attorneys at Carrell Blanton Ferris & Associates, PLC use the initial interview in a blended-family situation.

Blended-family clients often require advanced planning strategies and products, but are also likely to have relationship conflicts brewing that can complicate matters. Therefore, as the attorney, we have developed a counseling strategy that will obtain all the information needed to devise an effective estate plan. Some of what we do in these situations will sound familiar. Other things may not because they tie in to the uniquely confidential legal relationship that only exists between attorney and client or doctor and patient.

**Takeaways:**

- **As with all members of the team, we use an intake worksheet and meeting structure that elicits the information needed to design the client's plan.**
- **Blended-family clients are likely to be reluctant to share the key information we need to design their estate plan. They may even be reluctant to share key information about their goals with each other.**
- **The ability to establish a personal connection with the client is important for a successful interview process.**

**Step 1 - Before the Initial Planning Meeting:**

We send prospective clients an initial meeting confirmation letter and include an intake worksheet to complete and bring with them to their first meeting.

At the beginning of the first planning meeting, we review the intake worksheet with the clients and address any gaps or confusion. In so doing, we gain insight into the family's dynamics. In reviewing the intake form, we:



- identify the participants in order to run a conflicts check to ensure the ethics requirements are met and that our law firm can represent them.
- see the context of the relationships and spot potential issues.
- Since our intake worksheet is extensive, we are able to begin to:
  - understand the couple's individual and joint priorities and goals, and how they may differ;
  - review the couple's income, assets, and liabilities; and
  - obtain the names and contact information for the other professionals comprising the couple's financial-planning team.

**What you need to know:**

A well-designed pre-interview procedure maximizes time spent with prospective clients in the early part of the initial meeting and increase the probability of being engaged for estate planning.

**Step 2 - At the Initial Planning Meeting:**

As the initial planning meeting begins, even though prospective clients have not yet hired us, the attorney-client confidentiality privilege attaches to protect the confidentiality of their communications with us. That confidentiality is lost if anyone other than the attorney, our staff, and the prospective clients are present. Therefore, if a financial advisor or CPA goes to the meeting, he or she must expect us to explain the privilege to the prospective clients and ask them whether, knowing that it will waive the privilege, they want the advisor to be in the meeting. No one must take offense if asked to step out. (That is a good thing. It means the clients have bonded with us and are prepared to share secret information. Please know that our intention is NOT to hijack the clients, but only protect them and to meet our ethical standards.)

**What you need to know:**

The smart advisor who is going to be at the initial planning meeting will prepare their clients for that conversation and assure them that no offense will be taken if their clients need or want to have a protected conversation with us.

Except for the attorney-client confidentiality aspects, the initial planning meeting with us is very similar to the initial planning meeting with any advisor. In an effective initial planning meeting, we will:

**1. Establish rapport**

For any family, finances and guardianship are difficult topics to discuss. Add to this the complexities of a blended family's dynamics and you have a conversational black hole. We need to get people to talk about things they may have thought about, but never said out loud – especially to a stranger. Rapport is essential to obtaining the information we will need to create an effective plan for a blended family.

A blended-family couple comes to our office with different experiences and different priorities. We



recognize a common tension of blended-family clients: clients who express a desire to take care of their own children and their spouse, but are not as motivated to take care of stepchildren. Planning from two different emotional, financial, and spiritual perspectives is stressful for our clients. Our strategy is to acknowledge that the situation can be uncomfortable but that working through that discomfort is part of the process.

**“What brings you here today?”**

Our experience is that clients have three typical “first answers” to this question: “to avoid taxes,” “to avoid probate,” or “because my financial advisor/CPA talked me into it.” And although we know from experience that these “first answers” are not the *real* answers, they provide a comfortable starting point for the initial planning meeting. Our strategy is to talk about the first reasons they are in our office long enough to get them to tell us what really worries them.

If we successfully move the conversation to the client’s real goals and the real impediments to achieving them, the “skeletons come out of the closet.” If the prospective clients have difficulty expressing what their goals are, sometimes they can more easily express what they *don’t* want rather than what they do want. (“I don’t want his children to get anything from our estate.” “I don’t want my daughter to ever live in the house if my stepson is still around after I pass away.” “I’m not sure I want to be responsible for my partner’s special-needs child if my partner dies first.”)

What if we just can’t get the prospective clients to share the information he or she needs? It happens sometimes. It’s not our job to force information from clients, but rather to create a space that is safe for them to discuss difficult topics. Knowing when to dig deeper and when to stop is key to our counseling strategy. We have found that some prospective clients who decide they are not ready to work with us at that time because of the issues they are required to face do come back to us later on.

**What you need to know:**

Designing an appropriate plan for clients requires details from their personal relationships they may be uncomfortable divulging to anyone, including us as their attorney.

**2. Be an active listener with both eyes and ears**

We endeavor to be effective communicators and use an active-listening technique: synthesize, evaluate, and summarize information the prospective clients share with us. We often repeat back our understanding. If our summary is not correct or if the information leads us to additional questions, we drill down further. We then repeat the process until prospective clients agree with our summary and we have all the information we need to proceed to plan design. We believe that listening to – not just hearing – prospective clients is the key to helping clients in blended families.

We are most effective when we watch how prospective clients respond to our questions and comments (i.e., non-verbal clues) and how they respond to each other. The initial planning meeting may reveal imbalances of age, health, power, or wealth; all imbalances between a blended-family couple warrant our full attention. Any imbalances – and the couple’s desire to manage them – will play a key role in



the planning strategy.

### **The power of the pen or stylus**

The complexity of blended-family situations and dynamics often requires more than empathetic or attentive words. Taking notes and using diagrams engages the clients' other learning modes. Consider these three reasons for our use of white boards as aids in the initial planning meeting:

- Some people are visual learners. You can explain things five times and reach some modicum of understanding. Or you can draw and write as you go and reach consensus much sooner.
- As we work to build rapport, giving prospective clients something to look at besides ourselves "gives them some privacy" during the meeting. We use white boards to educate and counsel prospective clients by diagramming their estate plan and this technique is as an essential counseling strategy tactic we endeavor to use at every meeting.
- At the end of the meeting, we will have produced a series of white board notes that serve as meeting notes that detail and summarize the estate planning elements and our discussions. Our white boards are equipped with scanners allowing us to print whatever is written or drawn on the board. We print out these notes and give a copy to clients for their records.

### **What you need to know:**

If clients you refer to us are engaged in the meeting, we will have a higher likelihood of achieving the information-gathering objectives efficiently and effectively, and your clients will have a better understanding of the planning process.

We will also make sure to have the clients schedule their next appointment on their way out to keep the process in motion.

### **Step 3 - After the Planning Meeting:**

The end of the meeting is not the end of the job – only the beginning!. Completing that post-meeting paperwork is a key to success and we have instituted the following system to make sure our clients' estate plans are prepared in a timely manner:

- Our attorneys review and finalize their notes by completing an internal form that directs our staff to do a number of next steps, e.g., open a file, run a conflicts check, prepare the engagement letter, etc.
- White board diagrams and notes are scanned into the client's computer file and a paper copy is placed in the client's physical file.
- We send a letter to the now retained client confirming our engagement as counsel, including the next appointment, the scope of the estate plan, and the fixed fee we have agreed to charge.



**What you need to know:**

Diagrams and thorough notes help with complex family structures and relationships when the plan-design process begins.

**Actions to Consider:**

- **Review your own intake interview worksheet** to ensure you're getting the information you need to run an effective initial meeting. If you don't have an intake interview worksheet, consider adding this step to your client-counseling process.
- **Be an empathetic and active listener.** Learn all you can from your interactions with your clients and be alert for clues that indicate further exploration of an issue is necessary.
- **Add visual aids** or enhance your use of visual aids for a more engaging meeting and for a head start on your post-meeting notes

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