



Lancaster, Brooks & Welch LLP
BARRISTERS AND SOLICITORS

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Lawyers as Attorneys
by Gary Black

A continuing Power of Attorney for Property designates a person(s) to make decisions for you in the event of your incapacity and is a must for everyone, and particularly for those in the business community. A sudden loss of capacity through an accident or illness could have devastating results for one's business. Just imagine if you were suddenly unavailable to make decisions and sign documents! Sometimes we are asked whether or not a lawyer or other professionals are good choices for one's Attorney. Certainly, lawyers and other professionals, such as accountants, are qualified and may be good choices.

Lawyers are trained to make thoughtful, conservative, unbiased, objective decisions – all important ingredients to proper management of your affairs. As part of their routine, they must retain important documents and maintain complete files and records. Lawyers know how to craft letters and are comfortable making tough decisions. They are licensed to safeguard clients' money. In fact, protecting clients' funds and making decisions relating to those funds is second nature. Unlike virtually every other Attorney (except a Trust Company Attorney), lawyers are licensed to maintain a Trust account to look after clients' funds and those accounts are regulated under the strictest of rules.

In order to provide a degree of succession, you might consider appointing your lawyer or one of his/her partners as your Attorney or alternate Attorney to manage your affairs in the event of your incapacity. It may be appropriate in certain instances to name a family member or friend to manage your personal family matters and specifically designate that the lawyer manage your business affairs. Remember, all Attorneys are entitled to be compensated for performing the services they are called upon to perform. As such, a lawyer appointed as an Attorney would be entitled to be compensated for Attorney-related services in addition to any legal services performed.

It may be opportune to make an appointment with your lawyer to review the status of your Power of Attorney for Property and give consideration as to whether your current choice of Attorney is the best person to assist in the management of some or all of your affairs in the event of your incapacity. At the same time we recommend that you discuss the advisability of signing a Power of Attorney for Personal Care appointing people to make decisions related to your health and safety when you are unable to do so.

Lancaster, Brooks & Welch LLP has provided Attorney service to its clients for well over 100 years, and would be happy to assist you further in these matters.

The foregoing is provided to you for information purposes only. We caution you to obtain legal advice specific to your situation in all circumstances.

Should you prefer to receive our Bulletins by email, contact Jennifer (jnye@lbwlawyers.com).

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