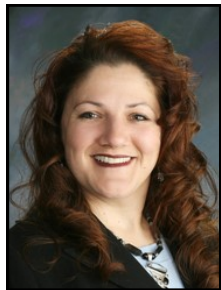


Ethical wills—bequeathing life’s lessons

Gina M. Barry, Esq.



To my daughter,
I leave my
passion for
knowledge . . .

To my son, I
leave my love of
laughter . . .

When the time comes for you to pass away, what legacy will you leave? Will it be purely monetary or will it include your values, wisdom, and life lessons? When you desire to leave more than material possessions, you need an ethical will.

A different kind of ‘will’

Many people already have a basic estate plan in place. They have executed a Last Will and Testament containing an orderly scheme for distribution of their assets upon their passing, as well as a Durable Power of Attorney and Health Care Proxy to protect them if incapacitated. While these documents are crucial to address the legal aspects of estate planning, they are ill-suited for passing on the intangible assets of values, wisdom, and lessons learned. There is richness to your life that cannot be measured in dollars, but that should be shared with future generations. In fact, some would argue that your emotional wealth - values, ideas, beliefs, and life experiences – is worth far more than your financial wealth ever could be.

Passing on the intrinsic

Ethical wills are the spiritual counterparts to “traditional” wills. Ethical wills distribute blessings, life lessons, dreams, and hopes. As such, the creation of an ethical will often involves serious consideration of values and morals, advice to loved ones, treasured memories, and important life events. Ethical wills often express themes, such as regrets and forgiveness, personal love, mentors and teachers, cultural beliefs, ancestry, or how the writer would like to be remembered by others. Indeed, loved ones continuously glean wisdom and advice from the life lessons bequeathed in an ethical will.

An old idea, revisited today

Although ethical wills have recently gained in popularity, the concept is not new. Medieval models have been found in Jewish, Christian, and Islamic cultures. In the days of illiteracy, Wills were read aloud so that all concerned could hear. Thus, it became common practice to attach one last communication to a captive audience. While “traditional” Wills are filed publicly in probate court, ethical wills become privately treasured family heirlooms.

There’s no set format

There is no required format for an ethical will. An ethical will can be a letter, a detailed account of a life journey, or even a set of instructions

regarding the family business. An ethical will may also be used to develop and impart a family mission statement or to provide blessings for future generations. An ethical will may incorporate multimedia messages, such as photos, drawings, music, or videos. Each ethical will is as unique as the individual that creates it, and personal preferences are the only constraints.

Or ‘final’ draft

Ethical wills are not written in stone and should be revised often to reflect turning points and transitions in the writer’s life. Significant events might include the birth of a child, marriage, accomplished life goals, or end of life planning. Some ethical wills are written at the end of an era – i.e. upon the sale of a long standing family business or upon the loss of an influential family member.

It can be a family affair

While some may choose to keep their ethical will private until they pass away, creating an ethical will need not be an individual endeavor. Many have renewed and strengthened their bonds with loved ones by sharing their ethical will. Further, many a family rift has been healed during the creation of an ethical will as the process serves to promote a family cohesiveness that can heal old

Ethical wills—bequeathing life’s lessons

Gina M. Barry, Esq.

wounds and last well beyond your lifetime.

Estate. Gina may be reached at (413) 781-0560 or GBarry@BaconWilson.com.

Getting started

While the creation of an ethical will can seem daunting, there are many resources available. Professionals who specialize in assisting individuals with establishing their ethical will can be located easily. A professional can also assist you with the production aspects of an oral or videotaped ethical will. Regardless of the medium chosen, the professional ethical will writer is most helpful with narrowing the concerns to be expressed. For those who wish to work alone, an internet search can provide a variety of free resources and examples.

As ethical wills have regained popularity, family histories are being preserved, and family philosophies are being passed down. Younger generations no longer lose the knowledge of their elders as they pass away. While heirs will certainly treasure the material items they receive, the most valuable treasure would most likely be your ethical will.

Gina M. Barry is a Partner with the law firm of Bacon Wilson, P.C. She is a member of the National Association of Elder Law Attorneys, the Estate Planning Council, and the Western Massachusetts Elder Care Professionals Association. She concentrates her practice in the areas of Estate and Asset Protection Planning, Probate Administration and Litigation, Guardianships, Conservatorships and Residential Real