

Practical Wisdom, Trusted Advice.

January 2024

(978) 653-4092
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The Worst Estate Planning Advice

Dispel Dangerous Estate Planning Myths This Opposite Day

When I heard Jan. 25 was Opposite Day, I knew I could take this opportunity to do things differently in our newsletter! Why not offer you the *worst* advice you would **never** hear me say? With legal matters, there's no shortage of bad advice and dangerous misconceptions, three of which I cover here. I want you to learn estate planning essentials to avoid blunders that can cost you and your family.

'If you're not rich, you don't need an estate plan.'

I see this often: the idea that only wealthy people need estate plans. This couldn't be further from the truth! If you pass without an estate plan, the state will provide one. The problem is that people often don't agree with this premade plan. Your unique wishes will not be followed, and whatever ideas you have about dispersing your assets will be forgotten.

Additionally, the probate process that follows these state-provided estate plans is awful. It can take months — or even years — and require your loved ones to jump through hoop after hoop. Not having an estate plan affects everybody, not just you. Unfortunately, many people believe this advice is valid, and the result is a mess their loved ones have to clean up.



'Don't bother planning for long-term care. The government will take care of you.'

Just because you have Medicare **doesn't** mean you shouldn't plan for long-term care. While the government has plans to help people, the requirements to receive this assistance are extremely limited, and many don't qualify. Because of this, you need to find a way to secure long-term care and pay for it. Having your own assets can make it especially challenging to qualify for many Medicaid programs.

Our team has helped many people learn how to pay for their future long-term care, protect their assets, and safeguard their life savings. It's what we do!

'A general practice attorney can do your will or trust!'

This one might be just as bad as not making a will in the first place. When it comes to estate planning, countless sophisticated intricacies, including trusts and long-term care planning, require an expert.

A general practice attorney can't fully grasp these legal matters, and as a result, we see a new person every week who needs their will or trust redone. While these attorneys mean well, any mistake they make can cost you what you treasure most. You might think your trust protects your home, but after we review it, we find it doesn't because the wording is incorrect.

We hate to give the bad news that we must start over since the previous attorneys wasted your time and money. But it happens all the time, and your will and trust must be done right for them to serve their purpose! A rule of thumb to follow is to only let

an estate planning attorney do your estate plan, a divorce attorney to do a divorce, and so on.



If you want to learn more about how estate planning can benefit you and your family, we're soon offering more seminars to share helpful legal advice that is *actually* true. Scan the QR code to sign up for our next seminar!

—Mike Monteforte Jr.

YOUR MOM'S WILL DOESN'T HAVE TO BE 'FAIR'

Over the years, I've had many conversations with clients about their parent's last will and testament, and I see the same mistake over and over again — believing that your parent's will is supposed to be "fair." By "fair," they usually mean an estate that a parent splits equally among all of the siblings.

The truth is that every single, living person, right up to the moment of their death and as long as they are legally competent, can dispose of their estate in whatever manner they choose.

Yes, there are exceptions, but they are ... well ... exceptional.

The fact that Mom started getting a bit forgetful toward the end of her life does **not** mean that she could not execute a valid will.

The fact that Dad always played favorites with your sister does not mean the probate and family court will strike his will on the grounds of undue influence.

The law requires the person objecting to the will to produce much more evidence than that to the court.

I know that doesn't sound "fair," but the law does not require your parents to be "fair" to you, in life or in death. *(You would not believe how many times I've said this to my kids.)*



Will contests are difficult to win. Whether you win or lose, you will pay your lawyer **a lot** of money to litigate your case.

Why am I telling you this? Because I consider it my obligation to be brutally honest with every client about what they should expect when they move forward with any case. And if I don't think you have a reasonable chance of prevailing, then I will tell you that. I will tell you to spend your money on something other than me.

You do **not** need a lawyer who is eager to collect a retainer from you and start billing you by the hour. You need honest, experienced advice, even when it is not exactly what you want to hear.

If you find that lawyer who seems a bit too eager (and they're out there), you can call me for a second perspective. The only thing you'll lose is about 30 minutes on the phone, and I promise the conversation will be worthwhile.

Bumbling Burglars Prove Crime Doesn't Pay

Committing a crime will never be a get-rich-quick scheme or a successful career path, but we've had plenty of would-be criminals who had to learn that lesson the hard way!

One example is James Sorby, a Scottish man who decided he wanted to cash in on the rising price of copper. As he thought about how to get his hands on the metal prized for its ability to conduct electricity, he decided it would be a good idea to go right to the source, so he targeted a local power plant in Leeds, West Yorkshire, England.

As he started to carry out his mission, he forgot he was in a truly electric environment. He ignored the signs warning of the dangerous high-voltage lines in the plant. But as he collected coils of copper and prepared to make off with them, he was instantly jolted with an estimated 22,000 volts of electricity, and around 400 homes were left without

power. He miraculously managed to survive, though with severe burns and a damaged skull, and was given 12 months of community service.

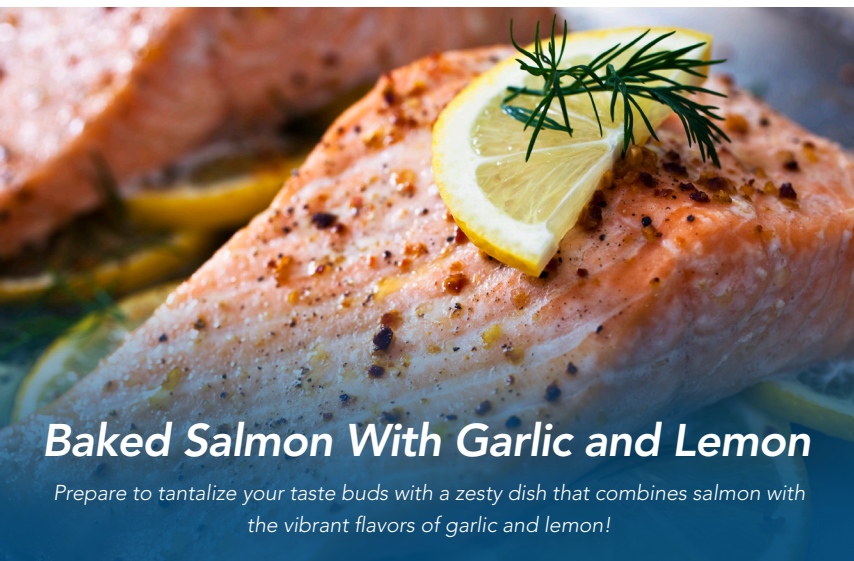
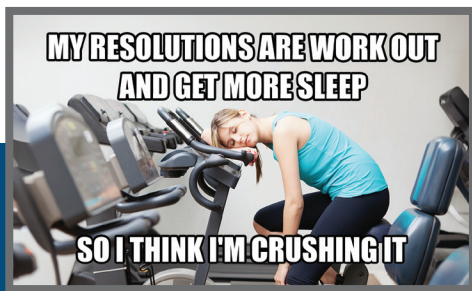
Another man, Nicholas Mark, entered a Pennsylvania pizzeria looking for work, but



he found something else instead. A tip jar containing over \$200 caught his eye, so after filling out the application, Mark left. A few hours later, he returned, snatched the tip jar, and ran out of the restaurant. However, his getaway was short-lived, as his completed application had provided his real name and address. Plus, he left behind a backpack that verified his identity, so he was eventually caught by police.

Finally, Alberto Saavedra Lopez demonstrated why you can't go back home to the scene of your crime. While living in Cottonwood, Arizona, he stole \$5,000 from the bank where he worked. For two years, he got away with it by moving to Phoenix. In time, however, he moved back to Cottonwood and applied for a new job — at the local police station. But, as he applied to become a dispatcher, officials did a background check, discovering he was an at-large suspect in the theft. So, when he showed up for his job interview, they greeted him with handcuffs.

TAKE A *BREAK*



Baked Salmon With Garlic and Lemon

Prepare to tantalize your taste buds with a zesty dish that combines salmon with the vibrant flavors of garlic and lemon!

Ingredients

- 2 lbs salmon fillets
- 4 cloves garlic, minced
- Juice of 2 lemons
- 2 tbsp olive oil
- 1 tsp dried oregano
- 1 tsp dried thyme
- Salt and pepper, to taste

Directions

1. Preheat oven to 375 F.
2. Line a baking dish with parchment paper. Place the salmon fillets on the baking dish.
3. In a small bowl, mix together the garlic, lemon juice, olive oil, oregano, thyme, salt, and pepper. Pour the mixture over the salmon.
4. Bake for 15-20 minutes or until the salmon is cooked through. Serve and enjoy!

The Gruesome History of Surgery Without Anesthesia

The introduction of anesthesia in the mid-19th century revolutionized the field of surgery, allowing for more complex and precise procedures to be performed while minimizing the agony patients had to endure. However, the era of surgery before anesthesia meant patients had to suffer unimaginable pain. They had to endure procedures that would be considered inhumane today, and the mortality rate for surgeries was alarmingly high. Here are some of the challenges doctors and patients had to face.

Speed

In the absence of anesthesia, surgeons had to prioritize speed above all else. One of the most harrowing experiences was amputation. During wars and battles, soldiers often had limbs amputated without anesthesia. Surgeons had to operate swiftly, with little regard for the patient's pain. Many soldiers died from the shock and pain of the sudden amputation rather than any other wound they received.

Alcohol and Opiates to Dull Pain

While these substances provided some relief, they also carried their own risks, including addiction and overdosing. Patients would often have to be restrained during the procedure due to their erratic behavior under the influence of these substances.

Unclean Tools

Surgical procedures in the pre-anesthesia era were fraught with the risk of infection. Without modern sterile techniques, post-operative infections were common, and many patients did not survive surgery due to complications. In fact, before Louis Pasteur developed modern germ theory in the 1860s, doctors did not wash their hands before operating, unintentionally causing the deaths of many patients post-surgery due to secondary infections.

Surgeons Characterized as Dispassionate and Cruel

No doubt, performing an agonizing surgical procedure on a suffering patient was difficult for any doctor to endure. So, they had to detach themselves emotionally to get through it quickly and as safely as possible — sometimes in front of many onlookers in an operating theatre. Unfortunately, because of this, surgeons were thought of as coolly dispassionate or even brusque.

Because of modern anesthesia and other developments, doctors today are able to show compassion toward their patients, and it allows for a more careful and safe procedure for all involved.





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INSIDE THIS ISSUE

- 1** Debunk Bad Legal Advice That Could Cost You
- 2** The Law Doesn't Require Your Parents to Be 'Fair'
3 Not-So-Bright Burglars
- 3** Baked Salmon With Garlic and Lemon
Evolution of Anesthesia in Surgery
- 4** From Tragedy to Outrage: Ethan Couch's Sentencing and 'Affluenza'

WHEN PRIVILEGE KILLS

A Look Back at the Case of 'Affluenza' Teen Ethan Couch

It was a case that enraged the nation: A teenager named Ethan Couch combined alcohol, arrogance, reckless behavior, and manslaughter in what became known as the "affluenza" case.

On June 15, 2013, the 16-year-old and a group of friends stole beer from a store and had a party at his parents' house before going for a drive. As Couch was



careening down the road at 70 mph in a 40-mph zone, he barreled into the town of Burleson, Texas.

Speeding along the rural two-lane street, Couch plowed through an SUV that had stopped with car trouble on the side of the road, then slammed into another car that was stopped near the SUV. In the process, he killed four people and seriously injured two others.

Upon his arrest shortly after the terrible crash, Couch's blood alcohol level was reported as 0.24 — three times the legal limit for drunk driving in Texas.

Two years later, Couch stood trial for the devastation he had caused. He pleaded guilty to four counts of manslaughter, but his attorneys put forth what came to be known as the "affluenza" defense. A psychologist testified for the defense that Couch was a product of wealthy, privileged

parents who never set limits for him, so he didn't fully understand what it meant to have consequences for his actions.

Prosecutors had sought 20 years in prison, but Couch received no prison time. Judge Jean Hudson Boyd gave Couch 10 years of probation, along with an order to undergo long-term therapy. The decision by the juvenile court judge outraged the victims' families, drunk driving activists, and most of the country.

Over the past decade, Couch has cycled through bouts of disappearing and continuing alcohol abuse. In 2016, he fled with his mother to Mexico to avoid being arrested for a parole violation but was arrested soon after. The judge in that case sentenced Couch to two years in prison. After his release in 2018, he was again arrested in 2020 for allegedly violating his parole, but the charges were later dismissed. His probation is due to end in 2024.