

CASE 1 -- MARY McCULLOCH – POWERS OF ATTORNEY

Mary, a vivacious professional woman in her early forties and in apparently excellent health, was at work when an aneurysm, a dilated blood vessel in her brain, burst unexpectedly. Mary was completely mentally and physically incapacitated for over six months, and then began a slow recovery. At the date of this writing, she remains confined to a wheelchair.

Mary had never taken the time to draft a power of attorney, to give someone else the authority to manage her assets and medical care in the event of her incapacity. She considered herself too young to need such measures, especially since she was in excellent health.

Because of her lack of planning, her sister Alice was put to great trouble to provide for Mary's needs during her period of disability. Alice was unable to terminate the lease on Mary's apartment, in which Mary could not live, since she had no authority to act for Mary. Alice was hindered by bank personnel from utilizing Mary's funds to pay for Mary's care. And because Mary had never made an advance medical care directive, Alice was not able adequately to make medical care decisions.

The only remedy for Mary's situation would have been to ask the Court to name Alice or someone else as Mary's guardian, an expensive, time-consuming, and humiliating public process. In Mary's case, the naming of a guardian likely would have been contested by self-motivated individuals who sought to use Mary's incapacity to better their own position.

As it was, Alice, who was advised by this Firm, could only "muddle through" at great personal cost, and only at the expense of great personal anxiety and frustration.