

Are You Missing Out on the Lucrative New Estate Planning Market?

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Over the past ten years or so, I've seen a big shift in the new client market. It used to be that a large percentage of the people coming to our office had no Living Trust or other estate plan. Today, the market has almost completely flipped, with many if not most people coming in with an existing trust or plan.

Why has this market shift occurred?

Like it or not, the truth I've witnessed (and you likely will soon, if you haven't already) is that entry level work for legitimate estate planning attorneys has increasingly moved to LegalZoom (and other internet options), do-it-yourself kits and low-priced paralegal or attorney "mills".

This shift offers a major opportunity!

Although many people do now have a Living Trust or other basic estate plan, I've found most of those plans have not been reviewed for years and many are substandard. Furthermore, these people with old plans are often "orphaned" - - they got the plan on the internet, did it themselves, or went to an attorney who has failed to do any follow-ups and cultivate client relationships. These people with existing plans require periodic checkups, updates and maintenance, but are not getting properly serviced.

The Challenge

While there are a number of ways to target market to those already with a trust (beyond the scope of this article), many will just show up as prospects from your general marketing efforts. The challenge isn't so much getting them in the door, it's actually reviewing their current documents and convincing them to invest in upgrading their existing plan, all in one, time-efficient meeting.

Like I preach (and practice) in all other areas of your practice, you need to have a *system* or clear, consistently used methodology when meeting with prospects who already have an estate plan - - so you successfully "close" them (get them to engage you).



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Few, Quick Tips

In the space allotted for this article, I can't possibly go into our entire trusted and proven "Review Trust Closing System" in great detail, but here are a few quick tips:

- **Get these prospects to attend your seminar first, before they come in for their initial consultation.** (If you don't do seminars, you can essentially present one as your first meeting and have them return for a second "document review" or closing meeting - - but this is far less time-efficient!) You can encourage prospects to attend your seminar before their appointment by offering attendees a special fee discount when they come in. By already going over the key features of your planning (stuff that is normal to you but not found in cheapie plans, like special asset protection-type trusts for beneficiaries), the prospect will already be "pre-sold" on an upgrade even before you review their existing documents.

- **Have prospects fill out a Questionnaire as a condition for their free initial consultation.** Explain why it will make their review meeting more time-efficient and avoid spilling over into a second meeting you'll have to charge them for. You should get basic family and asset information, but also ask probing questions that will indicate whether the prospects want to make changes to their plan (or will help convince the prospects it's time to make changes to their plans).
- **After going through the Questionnaire at the initial meeting, visualize the right plan for the prospect, even before reviewing his or her documents.** This way, you'll more easily and clearly spot where the existing plan should be upgraded.
- **Utilize a brief, internal "Trust Review Checklist".** This will permit you to review the prospect's existing documents quickly and thoroughly, while the prospect is sitting right in front of you. It's not only your malpractice protection, but as you go through it and identify issues for the prospective client, the process will build value -- and the fee you'll quote!
- **Utilize a fixed fee schedule.** Have certain charges for partial "fixes", like changing successor trustees and certain types of distribution charges (e.g. flexible A-B trusts, protective/spendthrift/special needs trusts, Medi-Caid planning provisions). Also, have a pre-set fee for a complete plan Amendment and Restatement ("A&R"). By comparatively pricing these right, you can show the prospect that it will cost more to throw a bunch of patches on an old tire than to buy a new one. (And, in fact, a full A&R is probably better for both you and the client!). Also use your fee schedule to emphasize the special value-added benefits of your planning "package" (like a Trust or "Owner's Manual" and "Trustee Manual") and your maintenance or free service package (your service package is a key selling point, because the lack of this is why the prospect is in front of you in the first place!)
- **Be ready with "scripted" responses for the toughest objections to moving forward.** By being prepared to handle these, you'll be more confident and will close more engagements.
- **Have a set follow-up process for no-sales.** Don't give up on people who don't immediately engage you. Proper continued marketing to them will often recoup and exceed the cost of your initial time spent.

Obviously, I could go into a lot more detail -- which is why I have a specific teleconference training on "How to Convert Prospects with Old Trusts into Clients". It comes complete with my Ques-

tionnaire and Review Checklist forms and directs a lot of attention to overcoming the most difficult closing objections.

ABOUT THE AUTHOR



Attorney Philip J. Kavesh is the principal of one of the largest estate planning firms in California -- Kavesh, Minor and Otis -- now in its 34th year of business. He is also the President of The Ultimate Estate Planner, Inc., which provides a variety of training, marketing and practice-building products and services for estate planning professionals.