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JIM: Welcome to today’s program. I’m really excited to have back the Mayoras; they’ve written the book *Trial and Heirs*. They do a lot of speaking engagements and they’ve written this book focusing on the importance of estate planning. I also emphasize the ongoing planning part because a lot of times if people do take the time to do estate planning a lot of times they forget it and 25, 30 years goes by and they pass away and things are out of alignment with the way things currently are. It seems like with all the news programs focusing on celebrities and listening to their stories here they have access to the financial resources to have the best laid plans yet they’re making the same mistakes that everybody’s making and that’s just not staying current and staying on top of things. Today’s going to be really interesting. We’re going to talk about a couple different celebrities that have passed away recently and what good planning does and what sometimes lack of planning, some of the problems that can be had with that. Danielle and Andy, I want to welcome you back, thanks for joining us again today.

1:09

DANEILLE MAYORAS: Thanks for having us Jim, we’re excited to be here and share some of the fun stories which can also teach lessons from the celebrities.

1:16

ANDY MAYORAS: Yeah, we love sharing our celebrity stories because it’s fun but it also teaches important lessons because as you said, everybody can learn from these mistakes.

1:24

JIM: I read a long time ago and I really emphasize to everybody listening, doesn’t matter if you’re old or young, rich or poor, planning is important. It’s about taking control and having the people you care about and control things when you’re not able to for yourself. I’m a big believer in wills, trusts, powers of attorney, all those types of things. You want to work with your estate planning attorney, work with your financial advisor and your insurance representatives, work together as a team to make sure you’ve got a well, put together plan and you don’t leave any loose ends. I know a long time ago I read about Marilyn Monroe taking over 30 years; that was an interesting story in itself, but we’ve had a few celebrities pass away recently and you’ve done some research on what’s going on. First of all there’s one where there’s been a story about copyright infringement and that with Marvin Gaye who passed away a long time ago, and yet there are still issues happening. Tell us a little bit about the Marvin Gaye story.

2:16

DANEILLE MAYORAS: The big issues was Marvin Gaye passed away without a will so for all the listeners, that in and of itself is not good planning. You know your financial affairs or your legal affairs, you want to make sure that you have the proper planning in place so as you said you can control who your money goes to when you pass away. He failed to do that so that led to many issues but now we’re seeing everything reappear years later because of what’s going on with the Blurred Line song and Pharrell and Robin Thicke, so it’s been very interesting to watch and monitor.

2:47

ANDY MAYORAS: It’s really been interesting to see that issue pop up again because in this big lawsuit with Marvin Gaye’s heirs his children individually, who of course were his heirs under intestate law because he wasn’t married, so all of his assets passed onto his three kids and when he died there really wasn’t much to speak of in terms of assets. There was a pile of debt and of course royalties to his songs. When this Blurred Lines song came out and turned out to be such a big hit the three children sued and won a big verdict recently of over $7 million because the jury felt that the song was too close to one of Marvin Gaye’s hits and that the heirs deserved compensation; however, Marvin Gaye’s estate itself is controlled by an independent executor because it was so complicated with him dying without a will and having so much debt and the executor didn’t join in the lawsuit so that actually made the battle much harder for the heirs because they were limited to what claims they could present to the jury because the performance rights that Marvin Gaye’s estate controls were not part of this trial. For the heirs to still win a $7.2 million verdict for this even though their hands were tied because of Marvin Gaye’s poor estate planning and the fact that there was no will and his estate didn’t join in the lawsuit made the victory that much more stunning; and of course the Robin Thicke and Pharrell camp have promised to appeal. They’re going to use every legal remedy they have at their disposal to try to fight this verdict but the fact that the heirs won with a jury trial even after preliminary rulings went against them because of the estate not being involved and still won there’s a very good chance this verdict is going to stand up on appeal but it will certainly be interested to watch.

4:22

JIM: Both of you are estate planning attorneys so are you saying then had he had a will or some type of estate plan naming the kids this might be more of an iron clad issue or were there other issues surrounding it . . .

4:34

ANDY MAYORAS: Yes.

4:35

JIM: . . . that made this . . .

4:36

ANDY MAYORAS: That’s very well put. When he died without a will, and of course it left it up to the judge to decide who was going to be in control of his estate, who was going to be in control of his legacy. The judge appointed somebody independent; an independent bankruptcy attorney. The estate is still controlled by outsiders. The family is not in control of his estate. Now under federal law children of songwriters do receive rights to those songs automatically regardless of what’s done with the estate so that’s why they were still able to bring this cause of action. Had he done a will, had he picked the people he wanted to to manage his estate which could have been his children, could have been his children with other people, could have been anyone that he wanted to put in place then the children would not have had to turn to this independent bankruptcy attorney and hope that they help them with this lawsuit which they didn’t do. Had they done that; had Marvin Gaye picked somebody that was aligned more with the children’s interest then it would have made their case much easier and would have made the trial easier. They won despite of his poor estate planning, not because of it.

5:42

JIM: That’s interesting. I know that was a big news item just not so long ago. Now let’s switch gears to a couple of celebrities who just passed away recently, both of them I think just about everybody in the audience knows, one would be Joan Rivers who was one that really liked to focus what other celebrities were doing and now she’s maybe a little bit in the news. Talk about her estate.

6:02

DANEILLE MAYORAS: One of the things that and I know on previous calls that we’ve had with you we always talk about all these celebrities who don’t do things right like we just talked about Marvin Gaye and he didn’t have a will and whether these individuals have lots of money and access to the best planners and everything else a lot of times they still make mistakes. What’s interesting about Joan Rivers is this is a great example of someone who appears to have done the proper planning. We all know that unfortunately she passed away and there was a termination of life support issue. If her daughter did not have the proper durable power of attorney and advanced directive Melissa Rivers wouldn’t have been able to remove her mother from life support without going through the court system and everything else. It’s just a testament to the good planning that Joan did, not only with her advanced directive but it also appears that she had a family trust that she updated multiple times. Allegedly there were 11 amendments to the original trust and three complete restatements. That’s a great example of someone who’s on top of their estate planning and who keeps it updated which a lot of people, as we’ve talked before, do the estate plan and then they don’t update it. It appears that Joan actually did everything right and because of that it was much easier on her family to carry out her wishes.

7:16

ANDY MAYORAS: It’s funny because Joan Rivers used to joke a lot about her age and about her mortality but she obviously took this very seriously because as Danielle said, she not only had her will, her trust, her end of life documents, she kept them updated. She had all the Is dotted, all the Ts crossed. We’ve not seen any problems or complications whatsoever with her estate. The only reason we know anything at all about it is because somebody leaked a few of the details to the media which typically doesn’t happen when you have a trust and it’s kept private. We really commend Joan Rivers; she did do everything right. That doesn’t mean there’s still smooth sailing for her estate because now her estate is actually going to court to sue over the cause of her death but that’s of course a tragedy that’s completely separate from estate planning. The tragedy that caused Joan Rivers to pass away was the alleged medical malpractice; is going to lead to a lawsuit and actually has led to a lawsuit between her estate but the good news is that unlike with Marvin Gaye’s estate because she did everything the right way her daughter Melissa is firmly in control of that and will do what she thinks needs to be done to protect her mother’s legacy and to get to the bottom of why that tragedy in the operating room happened.

8:22

JIM: It’s amazing; I just had a client in recently. We’ve talked about updates and one of the circumstances that they had she has a daughter that had some health issues and is now on title 19, which is basically a program available for people when they no longer have money to pay for things like long-term care. The way it works here in Wisconsin is if you inherit money or receive money and the State has been paying your way that money will go right to the State, it won’t even be used for the beneficiary; however, you can set up a special needs program or trust where it can supplement the government programs and not just have it be gone. I had notes in my file; they came in; I’ve been after them for a while to meet with an attorney and review the documents. It’s interesting; I’ve got notes from three prior meetings talking about the importance of doing this, put her in connection with an attorney and then nothing happened. She never followed through on it and the son-in-law came in because he was really concerned because it was really a process helping his wife become eligible for this extra help and he just didn’t want a wrench thrown into all that because it took him a while to get there and if all of a sudden money came in he didn’t want to have to go through the reapplication process when that money was gone. He was very concerned. The thing is it’s estate planning, you’ve got to stay on top of it. Life changes. Life also gets in the way but you want to dust those things off once in a while and just make sure because here the client thought she took care of it. She had enough time that elapsed, she remembers talking about it, she thought it was taken care of but actually it was just sitting out there. You want to make sure you stay on top of things.

We’re going to take a short break; when we come back let’s talk about another famous celebrity who passed away recently and that would be Robin Williams. Please stay tuned.

11:06

JIM: Welcome back as we continue to visit with estate planning attorneys, the husband and wife that have teamed up to write a book called *Trial and Heirs*. You guys actually go around and speak on this subject. Tell me a little bit about the type of groups that are booking you and how people can get ahold of you if they’d like to hear these stories for their group.

11:24

DANEILLE MAYORAS: Thanks Jim, we do a lot of events for financial advisors clients. A lot of people as we talked about early in the program they either think they’ve done the planning and they haven’t done it right or they procrastinate and don’t do the planning at all. One of the things we’re really proud of is to engage those audience members of the financial advisors and those clients and try and give them a reason to update their documents, to review them again, to make sure if they’re been procrastinating that they actually get wills and the trusts and the advanced directives and everything in place. What we do that’s a little different from the general estate planning presentation is we use all the celebrity stories, so it’s really fun, it’s really entertaining but at the end of the day the audience members and those clients are learning a lot along the way.

12:10

JIM: That’s awesome. If there’s a church group or a women’s organization or men’s organization or someone else that wanted to book you they don’t have to just go through a financial advisor, any organization you’d be willing to speak to, right?

12:22

DANEILLE MAYORAS: Absolutely. We also do a lot with charities, we’ve spoke for a lot of charities and worked with them and they use us to kickoff events or to talk to their donors at donor events. We’ve worked quite a bit with that and we’ve also worked with a variety of organizations. You don’t need to be a financial advisor to hire us; we’ve done it all. It’s just a really fun presentation that is a little different from the traditional estate planning presentation.

12:48

ANDY MAYORAS: It’s something that really everybody needs because two thirds of adult Americans don’t have wills according to some studies. There’s a big problem out there of people not wanting to do their estate planning just like the example you gave before the break; people procrastinate. Financial advisors can say, hey go see the attorney, do what you’re supposed to do and they still don’t do it. That’s why we love using celebrity stories because they really highlight the horrors of what can go wrong when you don’t do it and it’s a little more comfortable for people to talk about celebrities and think about celebrities and then transition from there to their own situation as opposed to just saying, hey go see the attorney when a lot of people are resistant to that unfortunately. It’s not easy to think about aging; it’s not easy to think about dying. That’s why when you can have some fun with it; again we talked about Joan Rivers. She was great at it. She used to joke about it all the time. It’s a way to get people talking about it and that’s our goal. We want people to do the right estate planning because when families fight because estate planning wasn’t done right it tears families apart. It’s expensive, it’s emotional, it’s draining. I do a lot of this in my law practice of litigation involving these types of situations and when poor planning is involved; our goal is to help families not end up in that situation.

13:54

JIM: That’s the key, is just facing it, having some communication along the way. I’ve been involved with hundreds if not thousands of families through the years. You look at some of the things that are tearing families apart just a little bit of effort to put these things down on paper early on could have prevented so much heartache and so many family breakups. Good planning makes a lot of sense and has good results. Let’s talk about another celebrity; he had some unique provisions in his estate plan. Let’s talk about Robin Williams who recently passed.

14:26

DANEILLE MAYORAS: An overview and then Andy I’ll let you take it from there, but this is someone else; it’s really nice because Andy and I are writing about these celebrities all the time and it’s rare that we’re having this conversation about two celebrities who actually did it right. Obviously Joan Rivers we’ve already talked about but Robin Williams appears to have done it right as well because after he passed away everyone was in shock. One of the questions was what’s going to happen to his estate. Did he have an estate and it came over time through public documents that were filed on real estate that he did have a couple different trusts in place to protect his family and it also came out publically that he had specific provision of what he wanted done because of a lawsuit that his widow filed.

15:09

ANDY MAYORAS: Yeah, it’s really a good example because the number one source of conflict that we see in families after somebody passes away is with second or third marriages. The spouse from the later marriage versus the children from a prior marriage and that’s exactly what we see here with Robin Williams’ estate. Even though he had well prepared and well-drawn out a will and trust that had been updated his widow was not happy with what she got so she still went to court to challenge things. Why we say over and over estate planning is the best way to help prevent these kind of fights from happening; there’s nothing iron clad, there are no guarantees. The American legal system is set up that anybody who’s got enough money to hire a lawyer can sue anybody for anything. The question is how quickly can you get through that lawsuit. Our expectation is because Robin Williams' documents were done well that we don’t think this lawsuit is going to survive for very long. We think ultimately his wishes will be followed and that the types of claims that his widow is bringing to try to get a greater share of his assets they’re not going to work. We think that the widow’s claims are going to lose.

16:15

JIM: Hey I’m going to ask you one other one because the last time you were on this was a recent celebrity death and I just was reading his last movie was just released and that’s Paul Walker. I know in the beginning there was a lot of speculation that he didn’t have things properly set up but things I’ve read since indicated that he did have some planning in place. For those of you that don’t know Paul Walker died in a car accident and from what I recall his financial advisor was with him, so kind of a unique story. Do you know what happened with him? Did he have a good estate plan in place?

16:45

DANEILLE MAYORAS: It appears that he did. He had done the proper planning from what we can see and what we’ve written about. There was something that came up after he passed away because there was a question of who was going to control certain decisions. That was laid to rest pretty quickly, but that’s another example; this is really, I don’t know if we’ve ever done an interview where we’ve talked about so many celebrities who’ve actually appeared to have done it right, but he did do the proper planning which was commendable. One mistake he did make is he didn’t update his documents for years and years and years so when the first movie came out Fast and the Furious it appeared that he had done his estate planning but years later it was not updated before he passed away; that’s one mistake he did make because the question arises are his wishes still accurate; are those still the people he wanted controlling his estate. Are those still the people he wanted being his beneficiary. When you don’t update your documents for decades that’s a big question that comes up. We really recommend people update their documents every three to five years.

17:43

ANDY MAYORAS: Paul Walker was 28 years old when he did his estate plan and you do have to commend somebody for being so young and having the foresight to do estate planning even at that age but then he didn’t update it again between and the time he died at age 40. As Danielle said we certainly get nervous when we see people going that long without updating but luckily in this case we have not seen any complications; we have not seen any fighting so even though he did go so long between updating it did not appear to cost his heirs at least not yet. There still could be fighting down the road but as of now we’ve got to commend Paul Walker for having the foresight at age 28 to put in a really solid estate plan and so far it’s stood up.

18:21

JIM: I went through the process myself just a couple months ago and it was something I had put off for a while. I knew I wanted to update things and it’s probably been five years of knowing I wanted to update things; I finally got it done myself. It’s something that we’re all guilty of maybe not being on top of things as much as we should be but hopefully we’ve learned some lessons today that people will take it to heart. Talk to your advisory team. I think you get the best results when you work together with your entire team simply because everyone brings their own perspective to the table. They each have different knowledge and experience about your circumstances and working together with your team I think will get the best results.

Lastly, let’s just talk about how can people get some more information? I know you guys have kind of like a newsletter or email; I know the book is available on your advisor’s website so you can get the book, how do they get in touch with you if they want to have a speaking engagement or what other tools and resources do you have for people to help motivate them?

19:20

DANEILLE MAYORAS: The easiest place to learn more is at our website TrialandHeirs.com. On the website you’ll see on the home page there’s a sign-up for our monthly eLetter that we do where individuals can get all the latest celebrity news with lessons for themselves and their families so it really serves that dual purpose of educating and engaging and being entertaining. We also have some information on our speaking engagements on the website and in addition to that you can learn more about our book. We have DVDs that are available in case someone is more of a DVD person than a book person; we have a TV version of our book as well. That’s all available on our website.

20:00

ANDY MAYORAS: The other thing to check us out is we are currently serving as recurring experts on a TV series called Celebrity Legacies that airs on the Reelz channel; if you go to Reelz.com you can get information in terms of where it airs in your area but we’ve talked about all kinds of celebrities from Marilyn Monroe, Princess Diana, Whitney Houston; I think there are about 24 episodes in all and we were the legal estate experts for each episode so that was really a fun project and another great way to get the word out about talking about celebrities who don’t do their estate planning right and we actually write a column for Reelz.com sharing stories to go with these episodes and we also write for Forbes as well, so we certainly keep the latest stories coming out with lessons, both on our website at TrialandHeirs and also at Forbes. Feel free to look us up on any of those places as well.

20:51

JIM: Danielle and Andy I really appreciate you being back again. The next time we have you back we’ll have even more good stories because the more people hear about this the more people will be motivated to do the proper planning. One thing I’d also mention too is one of the reasons that we know all this or that Danielle and Andy have been able to get all this information; when you don’t have a plan it becomes a matter of public record. One of the advantages of planning is you can have things planned that the whole public doesn’t need to know about. You can keep your affairs private but it isn’t going to be private unless you do something about it. See your advisor soon and make sure you get this important planning complete.

Danielle and Andy, thanks again for joining us.

21:30

DANEILLE MAYORAS: Thanks so much for having us Jim, it was great and we look forward to talking with you again.

21:35

JIM: Awesome.

Thanks for joining us this week and tune in again next week as we explore another phase of the Real Wealth process and, remember, if anything you heard in today’s show you would like to get more information about, contact your Real Wealth advisor. Also, if you feel that any of this information would be helpful to a friend or family member, just click the Forward to a Friend button.