

Elder Law Workshop: Advising the Elderly Client
Professor Dayton
William Mitchell College of Law
Fall 2009

Drafting Assignment #1
Client Engagement Letter

In mid-August 2009, Laura Conway called your law firm to set up an appointment for her mother, Clara Conway. Laura indicated in the phone call that her mother wished to make changes in her will. Your firm had drafted the will for Clara in 2004, shortly after her husband died. The appointment was scheduled for August 26, 2009.

Both Laura and Clara came to the appointment on August 26. The original will divided Clara's estate, which was substantial and included a home worth \$750,000, equally between Laura Conway and Eric Conway, Laura's younger brother. You recalled from your prior meeting that Eric has been estranged from his family for several years. When you told Laura that you needed to speak privately with Clara about this matter, Clara said that she wanted Laura "there in the room with me" because she did not understand "legal talk" very well. At the meeting, Clara said that she wanted the will changed to leave the home to Laura, with the remainder of the estate (mostly bonds and mutual funds) divided equally between Laura and Eric.

For purposes of this hypothetical, you should assume that there is no evidence that Clara lacks testamentary capacity to make a will. You should also assume that there is no obvious evidence that Laura has exerted any "undue influence" on her mother to make changes in the will for the benefit of Laura.

Draft a client engagement letter indicating that your firm will be representing Clara in connection with modifying her will per the discussion that took place on Jan. 19. Include anything in the letter that you believe is necessary to define the scope of the representation and avoid potential ethical problems for your firm down the road