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Charles Dickens Was Right!

Jarndyce v. Jarndyce. Fans of Charles Dickens understand well this legal case. The Jarndyce will contest lawsuit continued for years in the background of Dickens' novel *Bleak House*. It was only after the Jarndyce estate was drained of all of its money in order to pay the lawyers did it come to an end. Every character associated with the Jarndyce case suffered an ill fate.

As usual, Dickens accurately portrayed another societal ill through Jarndyce. Litigation is costly and sometimes only the lawyers win. Legal challenges to wills or trusts are not simply costly, they also forever alter family dynamics and eviscerate even the hope for family harmony. Proper estate planning anticipates legal challenges to wills or trusts in order to preserve assets and better ensure that your wishes are honored.

But who might challenge your will or trust and why? A family member, friend, or complete outsider could initiate such a lawsuit because they feel wronged by the amount or absence of inheritance; they believe the will or trust does not reflect your wishes; or the will or trust fails to meet necessary legal standards.

Proper estate planning would incorporate a Contest Clause. If anyone challenges the document, the Contest Clause directs that the challenging party is to receive nothing from the estate even if the lawsuit succeeds. Other tools exist for the estate planner to protect your wishes. Detailed Statements of Intent can explain the "why" behind a gift or absence of inheritance. Expressly disinheriting some or leaving a nominal amount could signal true feelings. Such measures may assist those left behind as well as a judge who is called upon to interpret your intent.

Avoid the fate of Jarndyce v. Jarndyce and avoid will contests. Contact Michael Geiger at Geiger Law & Mediation for assistance with these matters and all your estate planning needs.

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