

Lawyer's Goal Is Keeping Families Together

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Les Kotzer, an estate attorney, wants to talk about families — not taxes — with his clients. “I want to see people leave a legacy where families are still talking” after the death of their parents, he said.

Kotzer and his partner, Barry Fish, have published “The Family Fight: Planning to Avoid It,” an easy-to-understand how-to book on writing wills, dealing with second marriages, guardianships, living wills, power of attorney and more.

Kotzer said, “What I am seeing in my work is a real explosion of family fighting. It makes me sad because I come from an extremely close family.”

Today baby boomers are inheriting from their Depression-era parents, he explained. “We’re the spending generation. What I see in my office would surprise people. Behind closed doors, I see parents who saved and have a lot of money and boomers who have mortgages and are spending beyond their means. They are depending on their parents’ inheritance. Barry and I focus on saving families.”

He told of the couple who got out of an expensive sports car; the man wearing a long, mink coat. “They looked rich. When I asked them what investments they had, he said he had lost a lot of it through the dot.coms. They had a big mortgage and a leased car. ‘Well, what do you own?’ I asked. It turns out they didn’t own much.

“When I asked what he does, his wife said, ‘Harry is a waiter; he’s waiting for his inheritance.’” Kotzer said he often hears clients say “I hate my brother” or “My sister’s a crook.” Or, “When my parents go, I’ll have lots of money.” “What I’m hearing,” he said, “is the dynamic for a fight. My partner and I believe there is a problem out there and we believe it will get worse before it gets better.”

The book “seems to have hit a nerve. It’s not the boring tax aspects. In plain language, we walk people through this difficult area,” he said.

Talking about splitting up assets after the death of parents is often a difficult subject to broach. “I hear ‘I can’t talk about this with my parents’ or ‘how do I broach this with my kids.’” The book gives families a way to start talking before they have to face the inevitable.

Kotzer said one little word can divide a family and keep siblings from talking for the rest of their lives. For example, “one word destroyed a family — antique. Mother’s will said ‘I leave my antiques to my daughter.’ There was a 1960s clock that her son wanted, but the daughter maintained that it was an antique and all the antiques were hers. The son said something from the 1960s wasn’t an antique.”

There is a lot of stuff that doesn’t go to court, Kotzer said. “Families won’t go to court over a clock or china cabinet, but they might stop talking to each other because of it.”

The authors’ goal is to get people talking. “Equality in a will doesn’t always mean being fair,” Kotzer said. “We tell parents never assume goodwill among your children and grandchildren or sons- and daughters-in-law.

“If you want to leave things to certain family members, do it yourself. Don’t leave it to chance. If you don’t have a will, the government will split your estate up for you.”