



FAQ re: Facilitated Meetings

Who should participate in a facilitated meeting?

Any person with decision-making authority should participate. For example, the personal representative administering a parent's estate needs to participate in a discussion about valuing and distributing the assets. The persons appointed as co-attorneys-in-fact in a durable power of attorney must both participate. Parties with an interest in the decisions should also participate, such as the adult children of an incapacitated elderly parent, or the beneficiaries in a probate or trust administration dispute. It is also best to include professionals involved, such as a professional trustee or guardian developing a personal care plan, a lawyer representing an estate planning client whose adult children are in conflict, or an accountant advising an estate planning client about tax implications of his or her decisions. In addition, the participation of people who influence decision-makers should be considered, such as spouses or caretakers. Not all participants must participate in all meetings. The intake process includes an assessment of recommended and required participants.

How many facilitated meetings are needed?

The number of meetings and length of the meetings varies with every case, depending on the number of participants, the issues involved, the time sensitivity of the issues presented, and the participants' physical, mental and emotional well-being. Most often a series of several meetings, with each meeting lasting about three hours, is needed. It is usually not possible to identify the presenting issues, discuss the problems, and formulate solutions all

in one meeting. If participants are all local, the meetings can be scheduled weekly, with time between meetings to think about the issues and possible solutions. If one or more participants are out of the local area where the meeting is held, every effort should be made to schedule the meetings to accommodate participation by these parties. If there is time sensitivity to the decisions being made, such as in discharge planning, the series of meetings might need to be daily.

Where do the facilitated meetings take place?

The meetings take place at a comfortable, neutral location, such as an ailing parents' home or assisted living center, a church, synagogue or temple, the trustee or guardian's office, or the estate planning lawyer's office.

How is a facilitated meeting different from a mediation?

Mediations are sessions where attorneys and their clients meet with a mediator to negotiate and hopefully resolve a pending legal dispute. Facilitated meetings take place before a legal action is filed, in part as an effort to avoid a lawsuit, during litigation to help narrow or resolve legal and underlying emotional issues, or after litigation, in an effort to work out conflict that wasn't resolved by the resolution of the lawsuit.

How much do facilitated meetings cost?

Ms. Wareham's time is paid by the hour. There is no charge for the intake process and no administrative fee at this time. A fee estimate can be provided as part of the intake process. Payment must be made at each meeting unless other payment arrangements are made in advance of the meeting.