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Do I Need a Lawyer to Make a Will?

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The thought of creating your **Last Will and Testament** can be daunting and uncomfortable, but it's an important task — formalizing your will can save your loved ones many headaches and much money in the long term. But then, there's the **cost of making a will** — a price tag that isn't cheap and is bound to make you even more uncomfortable when you speak with most attorneys.

If you have a sizable estate, it's best to seek legal counsel to help you execute your will. But other times, you can get away with creating a will yourself. Here, we outline wills themselves, what documents can reinforce your will, and when it's recommended to

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OFFICIAL LAST WILL & TESTAMENT

Last Will and Testament (Will)



California



Create Document

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What is a Will?

A [Last Will and Testament](#) is a legally binding document that details where and how your estate will be distributed or transferred after your death. When you write a will, you become a testator, and the people to which you award your assets are the beneficiaries of your estate.

It should be noted that when people hear the word “estate,” they normally think of the visual sense — a sprawling manor and many possessions. But an estate simply means any possessions or property owned by a person, especially at the time of passing — no matter how small or grand.

What Goes Into a Will?

The details in a will depend on the size and value of the estate. The four basic items that should be addressed in even the simplest wills are:

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organizations you wish to leave assets to. It is considered wise to include alternate beneficiaries in the instance any of your beneficiaries pass before you.^{1,2}

- **Executor Appointment:** You will specify an Executor of the estate, who ensures that your Last Will is executed as you instructed.
- **Guardianship Appointment:** If you have any dependents, you will appoint a Guardian of the Estate to care for your dependents and their assets. You can also designate someone to be responsible for your pets.
- **Debts:** You can designate how you wish any outstanding debts to be paid, as well as whether you cancel any debts owed to you by other parties.¹

Executing Your Will

You must sign your Last Will and Testament in order for it to be legally binding. Depending on state law, your signature must take place in the presence of two (2) witnesses that are not beneficiaries of the estate. Once your will is complete, copies should be delivered to the executor, any guardians, all beneficiaries and any relevant legal counsel. Also, you'll want to file your own copy in a safe place of your choosing.

Average Attorney Costs for Wills

Estate attorney costs can vary by location and size of the law firm, but they tend to fall between \$200-\$500 per hour or as flat rates of anywhere between **\$500 to \$10,000**. These fees are very dependent on the complexity and size of the estate in question.¹ It generally takes an estate attorney approximately 1-10 hours to create a will.³

Creating a Will Yourself vs. Hiring an Attorney

When your assets are modest and you only require a last will and testament, it's more than possible to manage without paying for legal services.¹ Most people can create their own will with the help of a computer software program or guidebook.⁶ Still, the process can be complex even with small estates, so it's best to take your time and take great care when drafting a will on your own.

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- multiple bank accounts; or
- provisions for minor dependents.³

If you have assets of several million dollars or more, or you plan on dividing your assets among many beneficiaries, it is strongly recommended to seek the services of an experienced estate attorney. There are things to watch for like the federal estate tax, and an attorney can assist with navigating that factor of the estate planning process.⁵

Whether you use a lawyer or not, you'll need to prepare the following information before you begin composing your will:

- All current bank account statements;
- contact information for the executor, guardian(s), and beneficiaries;
- a copy of your life insurance policy;
- a list of all assets and their respective monetary value (artwork, houses, jewelry, technology, vehicles, etc.); and
- a list of personal items you wish to be distributed to specific beneficiaries.³

Why Adults Need a Will

Take note: if you do not execute a will prior to your death, you risk all of your property and assets transferring to the state court system to manage instead of your desired executor. Simply put, a will is peace of mind for yourself and your loved ones that your estate will be settled as you desire upon your passing.

Other Estate Planning Documents to Create

Depending on the size and value of your estate as well as the nature of your health and wellness, it may benefit you to complete some of these additional estate planning documents in conjunction with your [Last Will and Testament](#):

- **Final Arrangements:** This document specifies your wishes in regards to organ and tissue donations and your burial/cremation arrangements. You can designate

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only used when you are unable to make medical decisions on your own. Topics addressed in a living will include hospitalization, nursing home care, organ donation, pain management, psychiatric treatment, resuscitation, surgical treatments, use of antibiotics, ventilation, and tube feeding.⁴

- **Power of Attorney:** There are two types of powers of attorney: durable and medical. [Durable powers](#) grant full responsibility for financial, business and legal decisions. [Medical powers](#) grant full responsibility for medical decisions.
- **Transfer/Pay-On-Death Designations:** Any financial accounts with a bank, credit union or other financial institution usually allow account holders to designate a beneficiary directly with the institution, regardless of the existence of a formal will.¹

Helpful Forms

- [Last Will and Testament](#)
- [Living Trust](#)
- [Living Will](#)
- [Power of Attorney](#)
- [Self-Proving Affidavit](#)

Video

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