



Advanced Logic

S Y S T E M S

Before It's Too Late: Protect your loved ones and your rights

At 34:1 odds (34 states have passed Defense of Marriage Acts, only Vermont recognizes same-sex civil unions), are you willing to take a chance on letting your state handle your affairs after death?

"Estimates say that 85 percent of the general population do not have valid wills. I anticipate that the figure for gays and lesbians is higher," says attorney W. Kendall Brown, an expert in estate planning, tax and business law. Kendall has developed GayWill.com, an interactive web site that helps gay and lesbian couples and singles create customized, legal, estate planning documents, under their state law. Keith Brown is Kendall's brother and is active in the Boulder, Colorado, gay community.

"Community property law clearly applies only to opposite-sex relationships," Washington State Court of Appeals Judge C.J. Bridgewater wrote in a recent opinion denying a gay man property rights after his partner of 30 years died without leaving a will. "We find no precedent for applying the marital concepts, either rights or protections, to same-sex relationships," Bridgewater wrote, adding that extending the law to apply to gays "is for the Legislature to decide, not the courts,"

The Washington man was left with nothing from his partner's estate, not even the home they had shared. "That's typical of what would happen in most states," Keith Brown, who is involved in the Boulder, Colorado, gay community, said. "With the exception of Vermont, states just don't recognize gay relationships. Without a will, there's no protection."

Whether partnered or single, gays and lesbians can benefit from creating a will and other estate planning documents. While it's hard not to procrastinate when you're young and healthy, planning now can keep you, your partner, friends or family from being caught off guard and put in a difficult situation when your wishes are unclear.

"We created www.GayWill.com to allow gays and lesbians to ensure their wishes will be carried out," Kendall Brown explains. "The legal documents you create on the site allow you to decide exactly how your estate is passed on and who will make decisions if you can't."

"Unfortunately, some gays and lesbians have broken with their families," Keith Brown said. "Since in the absence of a will, states look to children, parents and siblings first, an uncomfortable, or even ugly, situation could develop."

The site uses software developed by Kendall Brown's company, Advanced Logic Systems, Inc., to guide the user through a series of decision steps in the creation of each customized, state-specific document. For a small fee, users can create the four basic documents necessary for estate planning:

1. **Will** — determines who receives your property upon your death, who acts as guardian for your children, and who is executor of your estate, overseeing the distribution of your assets. Your will also names a trustee of your assets if all assets are not to be distributed to your beneficiaries immediately.
2. **Living Will** — specifies your wishes, usually pertaining to life-sustaining procedures, if you are terminally ill or unable to communicate your desires personally. Though called different things in different states, a living will also typically indicates your organ donation wishes.
3. **Health Care Power of Attorney** — determines who can make medical decisions on your behalf. Without it, these decisions default to your physician and a gay partner may even be denied access to your hospital room.
4. **Financial Power of Attorney** — determines who makes decisions with respect to your financial affairs if you're incapacitated physically or mentally. Without it, the courts will appoint a conservator.

“Even if you can find a gay-friendly attorney, www.GayWill.com is easier, more convenient, less expensive and more private,” Keith Brown said. “It’s your life and it’s your choice. I can’t imagine trusting the state to interpret my wishes.”