



The Art of CYA

What do you do when a client rejects your advice? This can be a very frustrating situation, especially if you know the client's action (or inaction) will result in dire consequences. If you cannot persuade the client otherwise, document the client's decision with a CYA letter. Make sure the client understands:

- The status of the client's case
- The advice given
- The action to be taken
- The potential consequences that can result from each course of action

If you advise "X" and the client chooses "Y," specifically document the client's decision in your CYA letter. Here is an example:

In accordance with your instructions, I prepared a Last Will and Testament which you signed on January 31, 2011. As you know from our discussions, I do not consider this to be an adequate estate plan for your needs. Your Will does not address the tax consequences arising from (include appropriate details) nor does it (describe any other issues the Will does not address).

I have recommended that you prepare (describe documents) in order to ensure a well-rounded estate plan that accomplishes (describe results or benefits that would apply if client allowed you to prepare all recommended documents). Preparing (describe documents) could potentially save your estate (estimated savings) in taxes. You have elected not to prepare (describe documents), and I am abiding by your wishes.

If you have a change of heart and decide that you wish to go forward with (describe documents), please let me know. As we have discussed, I estimate this additional work could be completed in approximately (estimate of hours) at a cost of \$(estimated cost). Unless I hear differently from you, this concludes my services and I will be closing my file on this matter. Thank you for allowing me to be of assistance to you.

Letters eliminate "He Said/She Said" disputes and protect you in the event of a claim. They take time to write, but are well worth the effort.

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Originally posted February 7, 2011 at

<http://oregonlawpracticemanagement.wordpress.com/2011/02/07/the-art-of-cya/>