



# ALL IN THE FAMILY



*Expect trouble as an inevitable part of life, and when it comes, hold your head high. Look it squarely in the eye, and say, "I will be bigger than you. You cannot defeat me."*

— Ann Landers

What do a Tiffany lamp, luxury car, and a birdbath all have in common? The answer is that all were seemingly at the center of disputes that probably destroyed families for years. Of course, lamps, cars, and birdbaths can always be purchased, so why do family members feel compelled to fight over things like these?

While we are not psychologists, we have witnessed this behavior over the years, and it is not getting any better. In fact, sadly, many of our colleagues believe that estate litigation is the fastest growing area in estate planning.

Many family members choose to litigate over who got what, often feeling cheated or betrayed. Almost always, these litigants want to be proved correct, so they fight over lamps, cars, birdbaths, and anything else that may bring vindication to their feelings.

These feelings, such as jealousy, may have originated at Thanksgiving feasts that turned ugly years ago. Mom and Dad may have selected one loved one over another to act as trustee. Maybe the chosen loved one lived closer to home or had a better head for business; maybe the other loved ones were just unsuited to act as trustee.

Psychologist David Lansky, Ph.D., calls this “destructive entitlement,” since some family members feel entitled to hurt other family members because of perceived abuses. These abuses may have occurred decades ago, over some long forgotten business or family matter. Nevertheless, this may lead to family conflicts over relatively minor events in the present. Reason often falls to emotion and litigation ensues. And once it's started, it is difficult to stop; opposing sides seek vindication at almost any cost. Profes-

sionals profit from these contests, so the cases often become battles of attrition, both financially and emotionally. Ultimately, one side may be formally declared the winner, but any victory is Pyrrhic as the relationships seldom recover.

More than one judge, in his chambers, has lamented about how sad the parents would be if they could see their loved ones giving more value to material things, such as lamps, cars, and birdbaths, than to their relationships with each other.

The Moral: Prepare to avoid such tragedies while you can, and give great consideration to whom you name—and do not name—as trustee.



- *Birdbath at home improvement store:* \$100
- *Legal retainer to start litigation:* \$5,000
- *Family acrimony for years to come:* Priceless