

VIRGINIA WILLS FOR HEROES PROGRAM INFORMATION SHEET

I. What Is The “Wills For Heroes” Program?

The Wills for Heroes program (WFH) was created in the wake of the September 11, 2001 terrorist attacks, when it was revealed that most of the first responders who perished in the line of duty lacked basic estate planning documents. In recognition of the services and sacrifices made by the first responders, Virginia’s WFH program provides free basic legal estate planning services to Virginia first responders. Jointly sponsored and run by the Virginia State Bar Young Lawyers Conference (VSB YLC) and the Virginia Bar Association Young Lawyers Division (VBA YLD), we work with interested local bar associations and young lawyers’ groups to implement the program in cities and counties across the Commonwealth.

Since its inception in Virginia in 2003, the program has served, among other jurisdictions, the Counties of Arlington, Roanoke, Botetourt, Cumberland, Albemarle, Loudoun, Chesterfield, Henrico, Hanover, Prince William and Fauquier along with the Cities of Roanoke, Salem, Williamsburg, Danville, Norfolk, Charlottesville, Richmond, Portsmouth, Fredericksburg, Lynchburg and Alexandria. During that time, the WFH program has provided over 2000 estate planning documents.

II. What Types Of Legal Estate Planning Services Are Provided To The First Responders?

The WFH program permits eligible first responders and their spouses to receive a basic will, advanced medical directive, and/or power of attorney. In order to receive these documents, eligible first responders and their spouses (if applicable) must first attend an educational session presented by an estate planning attorney explaining the importance of estate planning, the contents of a will, advanced medical directive, and durable power of attorney, as well as permissible estate planning options under the WFH program. After attending an educational session, first responders will receive a questionnaire, which they will need to complete prior to meeting with a volunteer attorney. The volunteer attorney will draft the estate planning documents using the HotDocs document assembly program. The first responder will sign and execute them once they are completed. At this point, the legal representation provided under the WFH program terminates.

These are the only legal services provided under the WFH program. If a first responder has any further questions about their estate planning documents and/or other legal needs, he or she may consult a personal attorney or use the Virginia State Bar referral service to find another attorney who may be able to assist their legal needs. All volunteer attorneys assisting with the WFH program are **strictly prohibited** from soliciting additional business at these sessions. If a first responder seeks out his or her volunteer attorney in the future to receive additional legal assistance, the volunteer attorney may provide such services, **only if** the volunteer attorney makes it clear to the first responder that such legal services are not being provided at part of the WFH program, but rather through the attorney’s personal representation.

III. Who Is Eligible To Receive Estate Planning Documents Under The WFH Program?

All “first responders,” and their spouses who are residents of Virginia (other than enlisted military members) are eligible to participate in the WFH program. The definition of “first responders” is limited to following groups of individuals:

- Sworn Law Enforcement Officers
- Firefighters
- Emergency Medical Technicians

In addition, we permit the jurisdictions to also include volunteer firefighters and volunteer emergency medical technicians in the WFH program, if the jurisdiction believes it has sufficient resources to support their inclusion.

Please note, however, that due to the limited options under the WFH program, the WFH program is not available for those first responders who:

- (i) have an estate over approximately \$11.4 million;
- (ii) own a business with someone other than their spouse; or
- (iii) have sophisticated probate matters that are beyond the scope of the WFH program.

If a first responder falls into one of these categories, he or she will be referred to another organization that may be able to help with estate planning needs. Also, non-emergency personnel working in the various departments (for example, administrative assistants, dispatchers, and auxiliary officers) are not within the scope of the WFH program and therefore may not participate.

IV. If I Am Interested In Bringing The WFH Program To My Locality, What Do I Need To Do, And How Will The WFH Program Be Implemented?

You will need to submit a completed application for approval (see attached). Upon receipt of the submitted application, the YLC and YLD chairs will schedule an initial consultation with the local committee to discuss any concerns with the application, including requesting any additional information that may be required to be submitted. The local committee is solely responsible for planning and implementing the program, under the guidance of the YLC and YLD chairs. Due to the amount of logistics involved in implementing the WFH program, the local committee must consist of a minimum of 3 people (more are recommended in larger jurisdictions), all of whom will be required to attend conference calls with the YLC and YLD chairs. We strongly recommend that the local committee split up the primary responsibility for the various tasks, and in some cases, subcommittees may be desired. For example, one member may be primarily responsible for soliciting trust and estate attorneys, another for soliciting volunteer attorneys to prepare the estate planning documents; and the third member for soliciting witnesses and notaries to formally execute the estate planning documents, with all three members responsible for splitting the remainder of the tasks amongst themselves. The local committee is responsible for undertaking the following tasks:

- Coordinating the scheduling of the education and document preparation sessions with the various departments, the attorney volunteers and with the YLC and YLD to ensure that educational sessions and document preparation sessions are held at convenient times and locations to permit all interested first responders a chance to attend;

- Soliciting trust and estate attorneys to (a) present the education sessions to the first responders, (b) present the CLE to the volunteer attorneys, and (c) assist with any questions at the document preparation sessions;
- Coordinating the scheduling of CLE session(s) with the attorney volunteers and with the YLC and YLD chairs;
- Soliciting volunteer attorneys to prepare the estate planning documents;
- Soliciting witnesses and notaries to formally execute the estate planning documents at the document preparation sessions;
- Obtaining appropriate facilities for each of the first responder education sessions, document preparation sessions, and the attorney CLE;
- Overseeing the CLE session(s), including (a) setting up the computer and projector for the PowerPoint presentation and HotDocs demonstration; (b) printing and distributing the CLE materials; and (c) coordinating the scheduling of attorney volunteers with the appropriate document preparation session dates;
- Soliciting at least one tech person to be present for document preparation sessions to troubleshoot any computer issues that may arise;
- Coordinating first responder sign-ups for the applicable document preparation dates;
- Coordinating conflicts clearance checks with the volunteer attorneys;
- Setting up and breaking down each first responder education session, which includes: (a) signing in the first responders and their spouses (attendance is a mandatory prerequisite to participating in the program); (b) handing out the questionnaires; and (c) signing up the first responders to one of the available document preparation slots;
- Setting up and breaking down each document preparation session, which includes: (a) setting up the layout for the document preparation sessions, including the attorney work stations (which includes the setting up of all computers and printers provided to you by the YLC and YLD chairs); (b) checking in the various first responders, and shepherding them to the next available volunteer attorneys; (c) troubleshooting questions from the volunteer attorneys; and (d) breaking down the work stations at the conclusion of the session, and arranging for the shredding of any erroneous drafts of the estate planning documents for confidentiality purposes;
 - Providing supplies for each of the first responder education sessions, document preparation sessions, and the attorney CLE, including (a) copying the questionnaires for the first responder education sessions and CLE materials for the attorney CLE; (b) purchasing and providing supplies for the document preparation sessions, including the paper, folders, labels, and black ink cartridges for the printers (Ink can be obtained at a reasonable price from http://www.inkquik.com/canon_pixma_ip90.html); and other associated supplies.
- Providing light refreshments for the volunteer attorneys at the document preparation sessions.
- Providing lunch to the volunteer attorneys at the CLE (if the CLE is conducted during the lunch-hour, which is recommended)

This list is not exhaustive, as additional responsibilities may arise depending upon nuances of the jurisdiction, including the size and location of the jurisdiction. For example, in large jurisdictions where more than 1 CLE may be required, the local committee will be responsible for video recording the CLE.

The number of scheduled educational and document preparations sessions and CLEs will vary based on the size of the applicable jurisdiction, including the number of eligible first responders, but are generally in the range of 4–10 first responder education sessions, 1–2 attorney CLEs, and 2–4 document preparation sessions. The YLC and YLD chairs must approved the number and dates of all of these sessions before any final information can be conveyed to the various departments or the volunteer attorneys.

The YLC and YLD provide the PowerPoint presentations for both the first responder education sessions and attorney CLE. We also provide the questionnaire that will need to be distributed to the first responders, the CLE booklet that will need to be distributed to the volunteer attorneys, as well as various “cheat sheets” for the volunteer attorneys to be used at the document preparation sessions (although as noted above, the local committee is responsible for making sufficient copies of each for distribution). We also supply 10 printers and laptops with the HotDocs program needed to prepare the documents.

V. If I Am Not Able To Bring The WFH Program To My Locality, But I Am Interested In Volunteering My Services, May I Still Participate?

You should keep an eye out for local flyers advertising the WFH program in your locality. You may also want to contact a local bar association as well to see if they have obtained an application to bring the WFH program to your locality.

Please note that in order to serve as a volunteer attorney providing estate planning services to first responders under the WFH program, the volunteer attorneys **must** attend the YLC/YLD sponsored CLE, which provides an overview of basic estate planning, as well as training on the HotDocs system. This requirement applies **even if** you are a practicing trust and estates attorney. Due to the limited nature of the WFH program, all volunteer attorneys must not only understand the limited options provided under the WFH program and as explained further during the CLE, but they **must** agree to stay within these limitations. Volunteer attorneys who are not willing to stay within the parameters of the WFH program limitations may serve as a witness or notary (if applicable), but will **not** be allowed to provide estate planning documents to first responders under the WFH program.

The CLE, which is sponsored by the YLC and YLD, is free to those who volunteer their services at one of the document preparation sessions, with the CLE forms distributed at the conclusion of the day of the document preparation session.

VI. May I Advertise And Publicize The WFH Program?

Good publicity is paramount to ensuring the success of the WFH program, and we encourage accepted applicants to spread the word on the upcoming WFH program. However, all public statements and advertisements **must** be pre-approved by the YLC and YLD chairs. This includes, without limitation, any radio announcements, newspaper publications, internet links or other public disclosures. T-shirts, hats, key chains, or any other products made with or using the Wills for Heroes name is **strictly prohibited**. While local committees are permitted to design banners (subject to prior approval of the YLC and YLD chairs), all banners must be returned to the YLC and YLD chairs upon conclusion of local WFH program. And, if the CLE was video recorded, the recording must similarly be returned to the chairs.

VI. To Whom Should I Submit The Application? If I Have Any Questions, Whom Should I Contact?

The application should be submitted, in writing, to Amanda Rudolph, John Morgan and Samantha Sedivy, the VSB YLC co-chairs of the Wills For Heroes Program, and to Tyler Rosá, the VBA YLD chair. Amanda's e-mail is arudolph@rpb-law.com, John's is jmorgan@reesbroome.com, Samantha's is ssedivy@reedsmith.com, and Tyler's is trosa@williamsmullen.com. Every effort will be made to bring the WFH program to your area as soon as possible after the application has been approved, but please understand that the WFH program operates on a first-come first-served basis, and the WFH program may already be scheduled to take place in other jurisdictions.

If you have any questions at any time, please feel free to contact any of us.

Thank you for your interest in Wills for Heroes!

VIRGINIA WILLS FOR HEROES APPLICATION FORM

Please provide responses to the information below in a separate document. The application must contain the following minimum information:

- A. The names of at least 3 contact people who will serve as the local committee and will be responsible for working with our Wills for Heroes committee to coordinate the implementation of the WFH program. Please include telephone numbers and e-mail addresses for each of the individuals listed.
- B. The names of any other local volunteers who will make up your “on the ground” committee, including the identity of your technical specialist who will help troubleshoot any computer issues. Depending upon the size of the jurisdiction, this may vary from 3 to 10 additional volunteers.
- C. The names of at least 3 trusts and estates attorneys who are familiar with the WFH program, and will help deliver the CLE to the volunteer attorneys and the first responder education sessions to first responders. These attorneys must attend a conference call with the chairs discussing the scope of the WFH program, and commit to staying within the limitations of the WFH program before they will be permitted to present at the first responder education sessions or attorney CLE. These attorneys must also attend most of the document preparation sessions (unless you have arranged for another T&E attorney who has attended the CLE to attend in their place) in order to answer any questions that may arise. Again, depending upon the size of the jurisdiction, this number may vary from 3 to 10 T&E specialists.
- D. The name of each of your main contact(s) at each of the various departments (i.e. police, fire and sheriff’s departments). For larger jurisdictions, this may involve multiple contacts (i.e., one for fire, and one for rescue). Please provide telephone numbers and e-mail addresses for each of the contacts. In addition to coordinating the dates and locations of the various first responder education sessions and document preparation sessions, these individuals will also serve as the primary contacts for any follow-up questions that may arise out of the first responder education sessions.
- E. Commitments from each of the departments that they will publicize the first responder education sessions, including expressly noting that attendance by the first responders (and their spouses, if applicable) at the first responder education session is a mandatory requirement for receiving the document preparation services. Also provide how the department plans on announcing the program, such as at roll call, by posting flyers, or in some other fashion (i.e., email).
- F. The number of eligible “first responders” in each of the local departments.
- G. The locations for facilities that can be used for the first responder education sessions, including how many people the facility will hold comfortably. The chosen facilities must be large enough to accommodate at least 50 people comfortably, and must be equipped to handle PowerPoint presentations. The facilities must also be centrally and conveniently located to allow all the first responders to attend the first responder education session. Depending upon the size of the jurisdiction, multiple facilities may

need to be selected. The departments may be able to suggest some facilities as well, such as a training academy.

- H. The days of the week and suggested times the departments recommend holding the first responder educational sessions and document drafting sessions so that the greatest number of responders will have the opportunity to attend. The sessions should be staggered in such a way as to permit the various shifts each an opportunity to attend a first responder education session. Document preparation sessions are generally held on weekends, although evening sessions may be possible depending upon the availability of volunteer attorneys and first responder interest. Please note that the first document preparation session should be scheduled no earlier than two weeks after the last education session for the first responders has been held.
- I. The locations for facilities that can be used for the document preparation sessions, including how many people it comfortably holds. The chosen facilities should be large enough to set up 12 attorney work stations, 2-3 notary stations, a tech table, as well as additional room to give each of the tables privacy and access to multiple working electrical outlets. The facilities must be centrally and conveniently located, and depending upon the size of the jurisdiction, multiple facilities may need to be selected.
- J. The location where the CLEs will be held. The chosen facilities should be large enough to accommodate at least 30 people comfortably, and must be equipped to handle PowerPoint presentations. The facilities should also be centrally and conveniently located to allow all attorney to attend the CLE (lunchtime CLEs tend to be quite popular). The CLE will need to be held at least two weeks prior to the first document preparation session. If more than 1 CLE will be held, the second CLE should be held after the completion of the first responder education session so that the exact number of volunteer attorneys needed will be noted.
- K. The identity of a safe location where the laptops and printers will be stored under lock and key before and after the various document preparation sessions. The laptops and printers will be picked up by the YLC and YLD chairs at the end of the last document preparation session.
- L. A description of how will you fund the various expenses associated with implementing the WFH program. If you have a funding commitment from any organization, then please identify the organization, as well and provide a description of the commitment.