

**COMPANY TARGETS ELDERLY FOR LIVING TRUSTS
IN VIOLATION OF OHIO LAW**

On October 14, 2009, the Ohio Supreme Court issued a decision regarding the unauthorized practice of law involving American Family Prepaid Legal Corporation and Heritage Marketing Insurance Services, Inc. Between March 2003 and March 2005, American Family targeted older Ohioans by purchasing lists identifying customers over the age of 65. Initially, many individuals received information through the mail, while some received cold calls from telemarketers. Ultimately, usually in in-home sales presentations, American Family agents focused on convincing consumers that they needed living trusts, for which they charged \$1,995. During the relevant time frame, 3,202 living trust documents were purchased in Ohio at a fee of \$1,995 each.

The Ohio Supreme Court found that American Family used misleading mailers, including cites to purported studies done by the AARP, which, in fact, were not valid representations from the AARP. Furthermore, information was disseminated with respect to the probate/estate administration process, again which was false and/or misleading. The individuals who would come into the customers' homes were not attorneys. Nevertheless, they generally gave a detailed, and often incorrect, explanation of the probate process and legal advice with respect to living trusts. The individuals were well trained in how to "sell" living trusts.

The Court found American Family guilty of the unauthorized practice of law and imposed a civil penalty of \$6,387,990 against American Family Prepaid Legal Corporation, representing the totality of the fees that it received. Certain individuals were also cited by the Court.

In addition, the Court ordered American Family to disclose the names of all Ohio customers to the complaining party, the Columbus Bar Association. The intent behind the disclosure is to allow the Columbus Bar Association to communicate with each one of the Ohio clients, in writing, informing them of the unauthorized practice of law and suggesting that they may want to consult with an attorney of their own choice, at their own expense, to confirm that the documents they received were adequate and appropriate for them. (According to an October 22, 2009 news report, American Family has not yet complied with this disclosure requirement.)

This decision by the Ohio Supreme Court serves as an important reminder regarding the source of professional advice that we often receive. It is a good reminder that simply because someone is charging a lot of money, here \$1,995 by non-professionals, does not always equate to quality service. It is important to seek quality professional services when considering your estate planning. Unfortunately, there are individuals who target and prey on members of our society who are more vulnerable.

We appreciate your consideration of this law firm. If you would like further information regarding any of the items discussed in this Estate Planning Bulletin, or if we can assist you with any other aspect of your estate planning, please contact our office at 740-363-1313.

NOTICE

This bulletin provides general information and is not legal advice. Please contact us if you need legal advice.

"Caring Counseling and Sophisticated Solutions Since 1951"

Web page: www.mmpdlaw.com