

Gustafson Gervasi Law Office, LLC

Fall 2016 Newsletter

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Wisconsin's New Digital Property Law!

Losing a loved one is never easy. Completing an estate plan does allow you to make the process easier by forcing yourself to organize your papers, assets, and wishes. Yet, until recently loved ones routinely hit obstacles when addressing the digital assets of a seriously ill or deceased loved one even when empowered by traditional powers of attorneys and wills. From unknown passwords to Terms of Service Agreements (TOSA) that did not acknowledge a fiduciary, it was common for problems to mount for loved ones handling the estate: unable to access emails, finding locked on-line storage of photos, and an inability to deactivate social media accounts (Facebook, LinkedIn, Twitter).

March 30, 2016, Wisconsin's Governor, Scott Walker, signed the Wisconsin Digital Property Act allowing users of digital technology to "opt-in", which aims to allow digital users to minimize obstacles in the path to managing digital assets in the event of illness or death. After the new law there are three tools one can use to "opt-in" and empower those they appoint to take care of affairs: one, create or update a Power of Attorney for Finance to grant your agent the power to manage content of digital property; two, review the TOSAs you have with technology companies you use to see if you can appoint a successor (for example, Google allows you to name an "heir" for your Google accounts); and third, you can create a Tangible Personal Property distribution letter that now includes the distribution of your digital property assets. As the leaves begin to show hints of yellow and red, pause and reflect on your digital life -- *who needs access to your accounts and what should happen if you become too ill to act or your earthly presence comes to an end?*

Tackling Heart Disease One Step at a Time

What better way to spend my upcoming birthday than starting the day with a walk -- and raising funds to support education and research for heart disease, the number one killer of American women. Once again I will be participating in the Southern Wisconsin

American Heart Association walk. Any donations you might be able to offer are welcomed. **Send checks payable to AHA** to my office (address noted below) before September 24th!

What I've Been Reading...

Being Mortal: Medicine and What Matters in the End

By Atul Gawande

My decision to read [Being Mortal: Medicine and What Matters in the End](#) by [Atul Gawande](#) was driven by recommendations from both friends and clients. For the past few weeks my reading had been at a sluggish pace, unable to be swept away by a compelling narrative. That reading drought ended with *Being Mortal*, a nonfiction look at the end-of-life questions we should all be contemplating no matter our age or stage in life. As Gawande writes, "we only die once -- let's get it right." Gawande writes from the perspective of a physician, educator, and son helping his aging relatives on their final journey. Stories from his life and his patients' lives blend expertly with anthropological views on dying, modern statistics, and an examination of what independence means to Americans.

Gwande's book illustrates how important the role of physician can be in making the most of one's final days, and sadly that physician is not common place. Only one element was missing from this book in my opinion; it would have benefited from a nice neat list of questions a patient could pose to his or her doctor when faced with a possible terminal illness, allowing the patient to find a doctor with a more contemporary view of overall quality of life issues, rather than a very narrow focus of fighting a disease that will ultimately end one's life. Gawande did offer questions the reader might use to help with deciding which medical expert to work with: "*what do you fear the most?*", "*what are your goals?*", and "*what matters to you?*" Answers to these questions are vital to navigating the plethora of options laid out by physicians. From caretaker to medical professionals to loved ones to patient, anyone would benefit from reading *Being Mortal*.

Speaking Events

An updated list of my upcoming speaking engagements can be found on the web site, www.gustafsonlegal.com. Please let me know if your favorite nonprofit, workplace, or faith community would be interested in a presentation.

As always, I am eager to share the story behind my creation of *Middle Class Philanthropist: How Anyone Can Leave a Legacy*, a small book with a big purpose -- to encourage everyone to consider philanthropic giving in an estate plan. This fall I will be taking my presentation on the road to Green County, Wisconsin. Copies of the book are available through my office, \$10/each -- includes sales tax and shipping.

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