



Phillips|Garcia News

Strong heart. Strong mind.

March 2011

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E-Testimonial...

WOOHOO! That is great news! I wish you were here so I could hug you, I'm so excited! Thank you so much Andrew! My friends and family have already heard what a great guy and good lawyer you are, and believe me, your name will be spread far and wide. I can't thank you enough!

Lawyers often get a bum rap, and people need to know that there are lawyers that are not only excellent but "good men" too, men with moral fiber and character. You possess that Andrew. Have a peaceful and happy day!

L.A., 03.15.11

Behind the Scenes

By Carlin J. Phillips

We recently had a lot of fun being featured on FOX and MSNBC. Egos inflated at first, it wasn't long before we were humbled. Here's our list of do's and don'ts:

#1 DON'T brag to your family and friends when FOX invites you on their show and says "We'll send a car" to take you to Boston. You won't feel so special when they cancel the ride at the last minute and you've got to gas-up, hustle to Boston during rush-hour, pay \$40 to park, and break a sweat running to the studio in a suit, in the freezing cold.



#2 DO follow the camera guy's instructions. I did not. I was given a right-sided ear piece from which to receive questions, and as I couldn't see the interviewer, I was instructed to lock my eyes on the camera. Key word: Lock. Naturally, of course, I shifted my eyes during the entire interview, back and forth, from the camera to the right-sided sound of the incoming questions. The result? Not so natural. I looked more like a panicked bunny rabbit. Hey, no one's ever called me slick.

#3 DON'T expect special treatment at home. Just two days before Christmas, the first interview was shot in the evening and was reportedly real cute. Our kids, 6 and 9, waved at the T.V. and tried to talk to me. Like I said, cute. But by the next day, the fun was over. I was to appear *sometime* during FOX's *two-hour* morning show. First of all, a 2-hour news show to a kid is 2 hours of torture. Second, they had a date with Santa at the Dartmouth Mall, and I was causing a delay! When I finally did appear, 1 hour and 45 minutes into the show, for a whole 30 seconds, even I, cable TV news star, dear old dad, couldn't tear them away from Legos and Webkinz.

#4 DO plan to provide a little geography lesson. Interviews are shot at satellite studios placed in major cities throughout the country. The studios are essentially a closet decorated like an office or a library. MSNBC was trying to locate the nearest satellite studio. It took a while, but I finally convinced the New York city director that Providence is not Provincetown and that Providence is indeed a major city; that Providence is, in fact, the state capital.

#5 DON'T screw up, because you'll be excellent Facebook fodder. In one interview, I gave a sound-byte that began "What really sticks in my craw is..." Yes, I know, how old am I? In what they call "good clean fun," my wife and her friend blasted the interview all over Facebook with the headline "What sticks in your craw?" generating lots of LOLs (e-slang for Laugh Out Loud).

#6 DO leverage marketing opportunities. The "Today Show" interview was shot at our office, and our intern, a Roger Williams media major, interviewed and videotaped the videographer. Our friend Attorney Ben Glass of Great Legal Marketing thought the DVD was so cool, he produced a label for it and sent it out to lawyers all over the U.S. Thanks Ben! If you're a little curious, request this cool little DVD or just go to our website and fill out a contact form that says "Please send me the cool "Today Show" DVD." We'll send it to you right away.

Our Top-Rated Websites: www.PhillipsGarcia.com www.SouthCoastAccidentAttorney.com

www.SloppyBankPractices.com www.PlaceKidsFirst.com www.OneSmartBizOwner.com



Five Estate Plan Dos & Don'ts

By Andrew J. Garcia

Have an estate plan? Well if you don't, you're among good company. About 50%-60% of Americans don't even have a will! To get you started thinking, here are my **5 Estate Planning Dos and Don'ts**:

#1 Don't name your minor kids as beneficiaries of your insurance policy. If you die before your child is 18, a court must appoint someone to manage the money for them. I personally don't advise my clients naming any adult under the age of 25 as a beneficiary. Do you really want your legal 20-year-old to have instant access to all that's left?

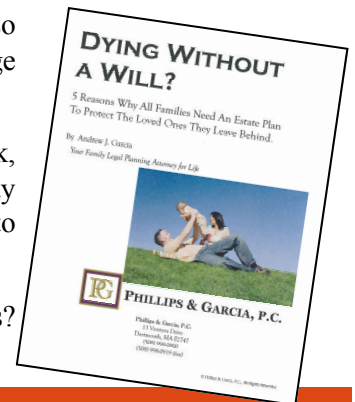
#2 Do have back-up Health Care Agents named. You may feel you only trust one person to make clutch decisions in a medical emergency, but if that person is unavailable (i.e., vacation or business), you need someone else who can make those tough choices.

#3 Don't add one of your adult kid's name to your bank account. Many elders do this for convenience, but they also assume that if they die, this child will "do the right thing" and split the money amongst their siblings. Putting your child's name on a bank account can make them an outright owner of the money, and as such, they are not legally required to share it with any one but their spouse (think divorce). Thus, it is possible that they may choose not to split the money with their siblings, and it is possible that they may be required to give half over to their spouse in a divorce.

#4 Do name guardians of your minor children. This one's a "no brainer" yet so important for this one reason: if you don't name guardians for your minors, a Probate Judge will, and he/she knows nothing about you, your family and your values.

#5 Don't put off creating a plan. Let's face it, between jobs, kids, family, homework, soccer, and recitals, life is busy and the days slip by fast. Every day is a gift, yet every day could be your last and bad things do happen to good people. I know it's not what you want to think about, but strokes, heart attacks, auto accidents, even criminal violence, happen.

No choice is a choice, so will you choose to leave your kids with a legacy or a legal mess? Make this the year that you leave the other half of Americans behind and get an estate plan.



Request your free copy at www.PlaceKidsFirst.com

FAQs — "Frequently Asked Questions"

"Do you guys do personal injury cases?"

Yes of course. The lawyers at our firm have handled hundreds of personal injury cases over the years, and we've had some real big settlements. Here is the catch about our PI practice: We are not a personal injury mill where a client is just another number. We take select cases and prepare them properly. Next month we'll talk about a few of those cases in a "dog gone good" (wink) newsletter we're writing.

If you have a question, please email info@phillipsgarcia.com. By submitting it, you authorize us to publish your question in any of our newsletters or on any of our websites.

Thank You For Your Referrals!

One of the greatest compliments that we receive is the referral of new business from our clients and friends.

We'd like to thank the following people:

Marc Deschaies, Esq. | Heidi Vasconcellos
Mark Mello | Tracy Sylvia
Eric Jaikes, Esq.

We Are Accepting the Following New Types of Cases:

Serious Auto & Truck Accidents
Dog Attacks | Bicycle Accidents
Wrongful Bank Seizures | Consumer Class Actions
Family Legal Planning | New Business Formation

The New Homestead Law, 3/16/11

By Andrew J. Garcia

A Declaration of Homestead protects a person's primary residence from attachment and levy by creditors.

The old homestead law required Massachusetts homeowners to file a written declaration at the Registry of Deeds. However, effective March 16, 2011, Mass. homeowners are automatically protected from creditors up to \$125,000, *no written declaration required*.

"This is only good for the person who doesn't do anything," says Andrew Garcia. You see, Mass. Homeowners are actually entitled to \$500,000 of protection, but to get that, you still have to file a traditional Declaration of Homestead. In short, by doing nothing, Mass. homeowners get \$125,000 of protection but are essentially waiving their right to \$500,000. Phillips Garcia Law says, **ignore the new law, go the "old fashioned" route, and file a written declaration.**

You'll get up to \$500,000 in protection, and the paperwork can be drafted and filed for less than \$125.

One true positive about the new law is that it allows trustees to file a Homestead, transferring the \$500,000 of protection to beneficiaries. By the old law, trustees couldn't make the declaration so most estate plans transferred the home to a trust with clients retaining a life estate in the property. The new law makes estate planning much more clear and efficient.

If you have a homestead filed under the old law, it is still effective. Feel free to contact us, however, if you have questions about it or if you would like to file one.



FIRST HOMESTEAD TAKEN IN THE UNITED STATES.
THE CLAIM WAS FILED BY D. FREEMAN, JAN. 1, 1853, FIVE MINUTES AFTER TWELVE O'CLOCK, A.M.

Did You Know?

Has your child just turned 18? Or is he or she about to? If so, remember that they are now legal adults, and you no longer can make medical decisions for them. To learn how to protect your young adult, get a free copy of the Graduate Protection Plan at www.PlaceKidsFirst.com.

Client Spotlight — I've Got Rhythm Dance Center

331-J State Road, North Dartmouth, MA | 508.999.2944 | www.igrdc.com

Sharon Fernandes established the I've Got Rhythm Dance Center in September 1992 out of a passion for dance. She started dancing when she was 8, almost 40 years ago, and hasn't stopped. Nearly 20 years later, Sharon reflects, "There have been many highlights, but one that is consistent year after year is the excitement and pride the students show when they perform on stage. There is nothing like seeing the glow of confidence in a child's eyes

when they are performing, and knowing that you have helped them get it."

Phillips | Garcia Law helped Sharon form her corporation. For Sharon, **incorporating was an important step towards protecting her family as it helped keep her personal assets and liabilities separate from the business.**

What has been your biggest challenge? "In the beginning, it was learning to manage my time. Now I put myself on the schedule, just like the other employees. I don't take work home or home to work. I keep it separate as much as possible."

Do you have any promotions? Classes run September -June, just like school. In the summer, we offer a short 3-week program, registration for which starts in May. Registration for September classes begins in August, and new students enjoy a discounted rate for the first 3 months.

For Sharon's full interview, go to the Client Spotlight at our site www.OneSmartBizOwner.com



Sharon Fernandes, Director
I've Got Rhythm Dance Center



YOUR LOOK INSIDE...



Behind the Scenes



5 Estate Plan Do's & Don'ts



Client Spotlight
I've Got Rhythm
Dance Center



The New Homestead Law

Firm Update

Regarding recent unlawful foreclosure cases, attorneys Carlin Phillips and Andrew Garcia have appeared live on MSNBC "Today," MSNBC "Countdown with Keith Olbermann," FOX "Fox & Friends," and FOX "Happening Now." Video available at www.phillipsgarcia.com.



Our Communication Policy

Our attorneys do not take unscheduled phone calls. With office calls, cell calls, texts and e-mails, we would never get any work done on your case if we reacted to every incoming message. We realize this may seem unusual, but this actually allows us to better focus on our cases, resulting in higher quality legal services. This policy also helps us to resolve cases more quickly. Rather than play "phone tag," please schedule an appointment for a phone call or an in-person meeting with us by calling (508) 998-0800.

This publication is intended to educate the general public about personal injury, wrongful foreclosure, family legal planning, small business law and other issues. For informational purposes only, it is not intended to be legal advice. Prior to acting on any information contained here, you should seek competent legal counsel. This information may be freely copied and distributed as long as the newsletter is copied in its entirety.