

**Tips for Wills drafters**  
**By Ceris Field of Field's Attorneys**

It amazes me how many people, clients and professional drafters alike, think putting together a person's Will is a simple and relatively easy task. Whilst the drafter's aim is to produce a document that is understandable by the client and by the executor, there is nothing simple about drafting a Will.

The biggest and most all-encompassing tip I can give is KNOW YOUR CLIENT. A person's wealth and accomplishments are the accumulation of a lifetime of achievements. It takes time to get to know your client, his background, personality, achievements, family and social dynamics, preferences, wishes and intentions. You need time, a good ear and you need to ask the right questions. Every Will should be tailor-made for each client. After drafting it, you need to check that you have interpreted and recorded your client's instructions correctly and you need to ask yourself the question – if the testator were to die tomorrow, could I administer his estate based on the Will I have just drafted for him ?

As for DO and DON'T tips : There are so many of both! Common sense will dictate the DO's. A sound knowledge of law and an updated knowledge of case law will avoid the DON'Ts.

By way of example : The testator wants to bequeath his house to his son. Common sense dictates that you must first establish that he owns the house. When you discover that the house is registered in the name of a close corporation, a knowledge of law is needed to be able to advise him that in order to achieve his intention, he needs to bequeath his membership interest in the close corporation to his son. This is a very simple example, but imagine the consequences if the drafter did not have a sound knowledge of law and a good dose of common sense. The executor would be unable to transfer the house to the son and it would be very difficult, if not impossible, to give effect to the testator's intention.