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TERRI SCHIAVO: IMPORTANCE OF LIVING WILLS EARLIER IN LIFE

Since the Terri Schiavo case in 2005, there has been a great deal of discussion generated about life vs. death issues, whether or not Congress should have interfered, who should have had the right to make decisions for her, and finally actions people can take to avoid finding themselves in her unfortunate position. “The greatest lesson that can be learned from Schiavo,” says local estate planning attorney, David Ennis, “is that advance preparation of *living wills, healthcare proxies, and durable powers of attorney* is essential for everyone over the age of 18.”

For most of us dying isn't something we wish to think about or discuss. In fact, we are more inclined to deny or ignore thoughts concerning our own immortality. This may account for why two-thirds of all adults between the ages of 35-49 currently do not have a *living will*. According to a 2004 National Consumer Survey, only 42 percent of those over the age of 64 have a living will. Another reason so many individuals may not have a *living will* could be their lack of understanding concerning what one is designed to do.

Advance directives (*living wills, powers of attorney, and health care proxies*) are those legal documents that express an individual's wishes regarding medical decisions. They are intended to provide direction to a designated person to speak on behalf of the individual who can not speak for himself. “It is vitally important, says Mr. Ennis, “to choose someone you trust to be your health care agent. This is because that person must make the decisions you want as opposed to making decisions based on their own personal preferences or biases.”

As in the Schiavo case, citing specific times when life-sustaining treatment is to be withheld or withdrawn is crucial. Unfortunately, as with most difficult issues in life, ignoring the possibility of death or incapacity does not prevent it from occurring. We would do well to ask ourselves the following question: If I were to become critically ill or involved in a major accident and had no decision-making abilities, would my spouse, children, or parents know my desires and wishes for medical treatment? Certainly, these are difficult decisions for family member to make under any circumstances, but especially so when no express wishes or desires have been legally documented in advance.