

# Elder Law

The newsletter of the Illinois State Bar Association's Section on Elder Law

## Do Your Clients Know the Benefits of Leaving the Farm in Trust?

BY CURT FERGUSON

Family farms are my favorite planning niche. It is easy to share the clients' passion, since I grew up on a farm that was lost to the crises of the early 1980s. Keeping the farm in the family is a common client objective. Some parents want to place heavy-handed restrictions on sale of land, tying the hands of the beneficiaries. I caution against that. But more clients have a mindset of, after all the challenges we overcame to build this farm, let's do

whatever we can to limit the risks that the next generation might encounter.

What sort of risks? The top three "predators" tend to be lawsuits, divorces, and catastrophic health crises. A fourth, especially in today's political climate, is future estate taxes. To achieve such protections I have long been a proponent<sup>1</sup> of leaving assets to beneficiaries in protective trusts<sup>2</sup>. Such a trust is written into the terms

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## Information Overwhelm? How to Tailor Your 'Media Diet' to Stay Informed

BY DEBRA PICKETT

As the founder of a legal PR and media strategy firm, I spend most of my time counseling lawyers on how to handle being the *subject* of media stories — how to answer reporters' questions about high-profile clients and matters, how to ensure coverage of key issues is accurate, how to stay on

the right side of professional guidelines around trial publicity — but, in the wake of tumultuous events shaping last year and this one, many lawyers tell me they are now struggling with the other side of the equation: their lives as media consumers.

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of the parent's living trust, to take effect on the clients' death. So long as the client is living, it is easily amended (to take advantage of new opportunities under the Illinois Trust Code, add new innovations, or adjust to the latest tax law) so that when the trust actually takes effect at the client's death it will take advantage of the latest and best available drafting.

For the clients who want to restrict and control from the grave, perhaps the off-putting name "spendthrift" trust is appropriate. But for those who want to transfer protected assets and effective control to their successor, a "beneficiary-controlled asset protection" trust is a better moniker.

When leaving the farm to beneficiaries in trust, have you ever heard, "Beneficiaries don't want their inheritance in trust because the income taxes are higher"? Or, perhaps an objection of a farming heir is, "because we can't use the inherited land as collateral." These objections are not well founded. With proper counsel and well-drafted documents, we our clients can have their cake and eat it too.

Let's say client Alice has absolute faith in her farming son Ben and intends to leave him his inheritance outright and free of trust. She has no "control from the grave" desires at all. But she wants to provide any advantages that she can, such as the protections from predators. Thinking that Ben is hard-working and building an estate in his own right and that the country may be headed for reduced estate tax exemptions, she sees that what Ben inherits outright would increase his taxable estate and potentially cause more estate taxes at his death. How might we design her plan so at her death it will give Ben maximum flexible control plus the predator and future tax protections?

Trusteeship and Investment Authority: Under the Illinois Trust Code Ben (the beneficiary) can serve as a trustee. Give him sole authority over investment decisions and administrative functions. These could be virtually unlimited: buy, sell and trade, lease,

loan, and borrow, real and personal property, not limited by any Prudent Investor Rule.

Distributions: Ben as a trustee should not have sole authority over distributions. Require that he appoint an independent co-trustee to share equal authority over discretionary distributions of the income and assets of the trust. This distribution co-trustee could be replaced at will by Ben, but no distributions can be made except with the approval of an independent co-trustee. These discretionary distributions should be limited by ascertainable standards of health, education and maintenance.<sup>3</sup>

Future Disposition: Alice doesn't claim to have a crystal ball and trusts Ben to control the future of the farm. So, she gives him a power to appoint any assets that remain in trust at his death. A general power would be unlimited, but the assets would be included in his taxable estate. So, to keep the trust and all growth out of Ben's taxable estate, she gives him a very broad limited power to appoint on death to anyone except Ben's own estate, his creditors or creditors of his estate. She has created a generation-skipping trust.<sup>4</sup>

Once Ben sees how much control he will have of the inheritance in trust, a common question I get is, "In addition to what I inherit, can I add my own land or other assets to this protected trust?" The answer is "No"—Illinois does not give the predator protection to self-funded trusts with retained control and benefits—but the question shows that the benefits of the trust are clear. Ben then asks, "Can I grow the trust?" This points us back to proper estate planning.

When planning, some clients might say "OK, I will give my land to the kids in trusts, but the life insurance and money should go outright and free of trust." Why? Doing so ties the beneficiaries' hands! A smart beneficiary doesn't want it outright and free of trust, because once he gets it that way, it is his own and he cannot put it in the inherited trust. So as planning attorneys, we need to make sure we help each client fully fund their living trust so all possible assets will flow into

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the protective trusts for their beneficiaries. The more assets in Alice's trust, the more flexibility Ben will have.

After getting every possible dollar in at the beginning, are there ways to grow the trust? If income distributions are discretionary, undistributed funds could be re-invested within the trust. That is especially significant since it is designed for generation skipping. What does the born-and-bred farm inheritor want to do? The largest asset in his inherited trust is land and Ben's whole livelihood is geared toward acquiring more land. As trustee of his own trust, he can use any cash inheritance he received in the trust into more land. Ben will want to invest at least some of the trust income that way, too.

Here we run into the first objection: "But trusts pay higher income taxes if they don't distribute the income." Every myth has a kernel of truth.

Because of the compressed tax brackets on trusts the traditional approach has been to simply require all net income to be distributed from the trust. If the income is all distributed to the beneficiary, the trust takes a distributable net income deduction, pays no tax, issues a K-1 showing that the beneficiary got the income, and the beneficiary reports it as personal income in his tax bracket. If operated this way the trust creates no higher taxation than if the inheritance had come outright and free of trust.

A bit more finesse in trust management, whoever can actually reduce taxes. Ben should plan to take full advantage of the marginal brackets. Under the compressed brackets, the first \$100 is exempt from tax; the next \$2,650 is taxed by the feds in the 10 percent bracket, the next \$6,900 in the 24 percent bracket, the next \$3,500 at 35 percent, and everything after that at 37 percent plus Net Investment Income (Affordable Care Act) tax of 3.8 percent. In Illinois we also add 1.5 percent Personal Property Replacement Tax to whatever is taxed to the trust.

What bracket is Ben going to be in? Probably 12 percent, 22 percent or 24 percent federal brackets (plus 4.95 percent Illinois). With the 65-day-rule, he can determine in January and February exactly what his personal rate for the prior year will

be, then distribute by about March 5 from the trust any amount of income it takes to get the trust tax rate down to not more than his own. He should be able to leave at least \$2,750, maybe \$9,650 in the trust and pay a little less tax than if it were distributed. Not by much, but probably enough to pay for the tax preparation...which means having the benefits of the asset protection trust just became free.

Ben was hoping to buy more land in the trust. The \$2,750 or \$9,650, less taxes paid, isn't going to go far toward land purchases if he still has to distribute all income above those levels.

This is where recent innovations in drafting come into play. Design the trust so that income can be reinvested within the trust but taxed as though it was distributed to the beneficiary. Give Ben the power to "vest in himself" some portion of the trust income. This is authorized by Section 678(a) of the so-called Grantor Trust Rules, which says the following:

"A person other than the grantor shall be treated as the owner of any portion of a trust with respect to which...such person has a power exercisable solely by himself to vest the corpus or the income therefrom in himself[.]"<sup>25</sup>

A power to vest is really nothing more than a defined right to withdraw. It makes sense that if a person has unfettered personal control of certain income, the IRS would declare it taxable to him. Ben will be treated as the owner of those items of income, deductions, and credits against tax of the trust that are attributable to that portion of the trust that he can withdraw. Those items will be reported on Ben's own 1040, not on the trust's 1041, and will be taxed at Ben's tax rate. The trust income that he can withdraw will be deemed—in the same way that the income of a client's revocable living trust is deemed to be his own personal income—to belong to Ben. No distribution is required and no K-1 is issued for this portion of the income. According to the instructions for preparing a 1041,

"If only part of the trust is a grantor type trust, the portion of the income, deductions, etc., that is allocable to the non-grantor part of the trust is reported on Form 1041, under normal reporting rules. The amounts

that are allocable directly to the grantor are shown only on an attachment to the form. Don't use Schedule K-1 (Form 1041) as the attachment." (emphasis added)

In this instance, the beneficiary who has the right to withdraw is the "grantor" for purposes of that instruction. Even that is logical: the person with a right to withdraw and doesn't exercise it could be said to have granted the funds to the trust.<sup>6</sup> The right to withdraw can be written to reach all of the trust income but my preferred approach is to give Ben the right to withdraw only the trust income that would otherwise be taxed at the top bracket. This way, after the trust takes all its normal deductions and the net income is determined, the first \$13,150 will be reported in the 1041 and taxed on normal complex trust principles: to the trust if not distributed, to Ben if it is distributed. Then all income above that amount will be described on an attachment to the 1041 stating that it is being reported by Ben on his own 1040. Retaining that excess in the trust or distributing it to Ben has no impact, and any distribution of that excess income to him should not be reported on a K-1.

There are plenty of issues to deal with in drafting your §678 "power to vest" clause beyond this article<sup>7</sup> and they have been written elsewhere. But for Ben, the practical effect is brilliant. Say the trust has \$80,000 in net income. The first \$13,150 will be subject to complex trust treatment, and Ben is deemed to be the taxpayer for the remaining \$66,850. Ben will personally pay the tax on that \$66,850, plus any part of the first \$13,150 the trustees (Ben and his independent co-trustee) distribute to him. The Trustees distribute \$10,400 and take the distribution deduction off the \$13,150, leaving the trust to pay tax on only \$2,750 at the 10 percent federal rate. Overall result? The trust retains \$69,600 and pays \$436 state and federal tax on only \$2,750, for net increase of \$69,164. Outside the trust Ben uses the \$10,400 he received to pay the tax on \$77,250 at his personal rate.

What does Ben want to do with this accumulation of income? Invest in more land. This gets back to the issue of collateral. Since Ben can retain positive cash flow in the trust without incurring any higher taxes than if he had no trust involved, the trust

itself now is a viable borrower. He takes any cash inheritance that he received in the trust to make a down payment, then pledges the inherited land in the trust as additional collateral and borrows as much as he can comfortably service with net annual increase of \$69,164.

Which brings us to the most significant income tax saving opportunity provided by Ben's asset protection trust. What sort of income is this trust realizing, and how would it be different than if there were no trust? Ben is a farmer. Had he inherited the land outright, all money he would make farming his own land would be self-employment income subject to ordinary income tax and S.E. tax. But since Ben inherited his land in trust but farms as a sole proprietor, he must rent the land from the trust.

The rent paid will reduce his self-employment income. The trust receives it as rental income.

Let's say he inherited 400 acres, the reasonable rental value is \$225 per acre, and real estate taxes are \$25 per acre. His self-employment income that is subject to S.E. tax of 15.3 percent is reduced by \$80,000 (the real estate taxes would have been paid either way). Even if all of that rental income is distributed to Ben as beneficiary of the trust, the interaction of Ben as farmer with the trust as landlord saved him \$12,240 in S.E. tax. I have had beneficiaries see this and promptly increase the rate of rent they pay to their inherited trust!

Let's tie it back together with the buying of additional land. With the trust buying the land so it will remain protected from predators and will stay outside of his taxable estate, Ben has the \$69,164 that stayed in the trust to pay mortgage payments. Had no trust been established for him, he \$12,240 less after taxes to pour back into land purchases, and everything—the 400 acres and cash he inherited, and all the land he buys with income reinvested within the trust—will be exposed to predators and inside his taxable estate.

What if Ben decides farming just isn't for him? Remember, Alice could have placed restrictions on him, but chose not to. So as the trustee with sole authority over investments, he can convert it all to cash and reinvest in any way he wants. From that point

forward he still has the right to withdraw the income that exceeds \$13,150 per year, and he and his co-trustee can distribute the rest of the income and principal as needed for maintenance: to maintain a comfortable standard of living. If anything is left at his death, he has the power to direct where remaining assets will go.

So I ask you, did Alice do anything but favors for Ben by leaving his inheritance, land, cash, everything, in an irrevocable trust? ■

1. <http://www.isba.org/sections/trustsestates/newsletter/2018/04/beyondtaxesandprobateandrefin>.
2. And I am not alone. <https://www.isba.org/sections/trustsestates/newsletter/2020/03/creativeestateplanning-solvingcommon>.
3. The important considerations of standards and trusteeship for spendthrift trusts was raised in the February 2020 edition of ISBA Trusts & Estates newsletter. <https://www.isba.org/sections/trustsestates/newsletter/2020/02/assetprotectionconsiderationsinesta>.
4. I am surprised at how many attorneys assume that in a generation-skipping trust the children must be limited to distributions of income only, that the assets of the trust cannot be sold, and that a child's own children must be given the remainder on death of the child. We can do GST planning for our clients without depriving the children of any control over their inheritance except to limit their spending to ascertainable standards. Under this standard, the child can spend the money for anything they would ever admit out loud to their parents!
5. §678(a).
6. A release of a power to withdraw trust property is treated as a transfer of property. The whole point of giving this withdrawal power is to allow the money to stay in the trust without triggering trust income taxation, so we presume in the typical year the beneficiary will not withdraw what he could: he will release some or all of the power. When that occurs, has he made a transfer to the trust for gift tax purposes or for generation skipping purposes, or 'self-settled' the trust for spendthrift purposes? Under IRC §2514 and 2041, an annual lapse of a withdrawal power is treated as a release only to the extent it exceeds the greater of \$5,000 or 5 percent of the trust assets. Since we do not want the beneficiary to be treated as the transferor of funds to the trust, then draft the withdrawal right with a maximum limit not to exceed \$5,000 or 5 percent. In the example, the rent income is well under 5 percent of the value of the trust property.
7. <https://www.isba.org/sections/trustsestates/newsletter/2016/07/protectivetrustswithoutcompressedta>. See also <https://www.isba.org/sections/trustsestates/newsletter/2020/04/beautyandthebeastspendthrifttrustme>. The trust language used by the author was developed by a drafting task force of the National Network of Estate Planning Attorneys and is only available to Network members. The following articles by Edwin Morrow III and James Blase have trust language which is commended to readers who are drafting their own §678(a) clauses, and which the National Network drafters considered in drafting their proprietary language. See <https://www.thetaxadviser.com/newsletters/2019/apr/minimizing-federal-income-tax-trusts-tcja.html> and [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2436964](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2436964).

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The need to keep up with business news across multiple industries and regulatory developments at the federal and local level, feels overwhelming, and they worry about what they are missing.

They know they do not have the luxury of abandoning the effort to stay informed — there's too much at stake for their clients and the business of their firms. Instead, they need to adopt a few new habits and systems to manage the content they consume. Here are some approaches that I've seen work well:

### **Limit social media consumption.**

LinkedIn and other social media channels can be a good way to stay informed, but the endless scrolling these platforms are designed to encourage bombards you with content and leaves you feeling overwhelmed and underinformed. Carefully edit the list of accounts you follow to make sure everything you see is credible and relevant. And get a handle on your overall social media use by using the “screentime” feature on your devices. You've got better things to do!

**Assess your inbox.** How many newsletters and alerts do you receive each week? Which ones really matter? Whittle that selection down to no more than three morning news summaries hitting your email each day:

- One for national headlines, such as the New York Times, Washington Post or Wall Street Journal
- One for local stories. In Chicago, where my firm and most of my clients are based, the Crain's Morning 10 is an excellent curated list of headlines from multiple sources.
- One focused specifically on either legal news or the particular industry you serve. (ALM's “The Morning Minute” and Bloomberg Law's “Wake Up Call” are excellent examples of this. Law360 also has a feature that enables subscribers to create a custom newsletter for themselves pulling from their many different areas of coverage.)

Unsubscribe from all other alerts and newsletters. Your inbox will feel less

cluttered, and you will have the bandwidth to actually engage with this selection of content.

**Read and generate next steps.** Merely skimming these emails every day, however, still won't fully empower you to act on the intelligence they contain. You need to create space for the “so what?” analysis of that information, which might include questions like “What are the big takeaways and how do they square with what leaders already know about this issue?” or “Who needs to see this information, and how can I get it to them?” One way to “process” your content is to outsource the task to a clerk or trusted assistant who understands the questions that are top of mind for you and most relevant to the matters you handle. Indexing articles through the use of tags, one-sentence summaries, flagging for relevance by client, or whatever makes sense in your practice area helps ensure that you have the best, most current insights available when they are most important for your work.

**Think long term. Clients who trust your counsel rely on your ability to forecast the future we cannot yet see, and that stretches far beyond the breaking news landscape.**

**As we saw numerous times last year, government entities and the industries they impact can make a dramatic move one day, only to reverse that decision 24 hours later. Leaders underestimate the whiplash that comes from consuming too much of this kind of media, getting stuck in reactive mode instead of staying focused on long-term goals.** Make space to engage with longer, more substantive analysis from trusted sources offering not just news but valuable context, not just content but wisdom. ■

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*Debra Pickett is the publisher of [De Novo](#), a subscription-based publication for law firm leaders, and the founder of [Page 2 Communications](#).*



# Compassion Fatigue: How to Stay Healthy When Working in Unhealthy Settings

BY DR. DIANA UCHIYAMA

How can it be, that even after long periods of time have passed since I worked on a particular criminal case, that I can still remember autopsy and crime scene photos and the devastating and detailed testimony from certain trials? Compassion fatigue, also known as secondary trauma, takes place when we take on the suffering of the setting we work in and the people with whom we work. In other words, it is the cumulative physical, emotional, and psychological effect resulting from working in a helping capacity with people who are experiencing trauma, stress and suffering. In the legal world, certain settings can result in higher levels of compassion fatigue including criminal law, family law, juvenile law, immigration law, personal injury, medical malpractice, and guardianship work. In these settings, we often see, hear and witness unbelievable and oftentimes unspeakable suffering and trauma, that other people do not ever witness. As a result, it can have a huge negative impact on our mental health, physical health, and overall well-being.

Compassion fatigue is often considered an occupational workplace hazard of working in settings where empathy and compassion are necessary to do the work; yet, make us vulnerable to developing anxiety, depression, substance use problems, and ruminating thoughts related to the work we do. Additionally, our own personal history or temperament may increase compassion fatigue especially if we are highly empathic, highly anxious, pessimistic by nature, and have a personal history of trauma or abuse. The hope in writing this article is to make legal professionals aware that what we do, who we are, where we come from, and how we manage these complicated pieces that make us unique as human beings, are as important as the body of knowledge we have in our brain related to our practice field.

As a result of professional environments

where compassion and empathy are needed to engage in the work we do, lawyers and judges in these settings are much more susceptible to developing symptoms of compassion fatigue and Secondary or Vicarious Trauma. When I teach legal professionals and legal communities about compassion fatigue, I often say that it would be wise to place a danger or caution sign on areas of law that may result in deterioration in health and wellness functioning. Most lawyers are never taught, that certain areas of law, result in higher levels of compassion fatigue. They have no idea they are at risk and have never been taught they need to engage in preventative measures to minimize the negative impact their work has on their overall functioning.

In order to avoid compassion fatigue, it is critical to understand what the signs and symptoms are. The list of symptoms can include but are not limited to the following:

- Chronic physical exhaustion
- Chronic emotional exhaustion
- Irritability
- Pessimism and cynicism
- Difficulty Sleeping
- Ruminations
- Intrusive thoughts
- Health Problems including headaches
- Weight loss or weight gain
- Low job satisfaction
- Inability to feel pleasure
- Disinterest in friendships and relationships
- Isolation
- Difficulty concentrating
- Feelings of hopelessness and powerlessness
- Excessive use of alcohol, drugs, food, shopping, gambling, or other numbing behaviors
- Poor self-care
- Loss of pleasure in the work you do

- Increased negativity both at work and at home
- Feelings of anger toward others including clients and colleagues
- Feeling less effective and competent in your work setting
- Demands of work environment difficult to manage and intrude on your personal time
- Denial about the impact the work is having on your wellbeing

Now that we know the signs and symptoms, how do we prevent compassion fatigue from happening to us as individuals and collectively as a group of legal professionals? We must recognize that if we want to have a higher quality of life, we must be able to recognize the impact our work is having on us, both positively and negatively. Oftentimes we are avoidant of recognizing that we have become unhealthy and blame external factors for our unhappiness. I encourage everyone to take inventory of your health and wellbeing on a continual basis, since certain cases or types of cases may trigger us more significantly. The antidote to compassion fatigue is first and foremost awareness of the impact it has on us, followed closely by believing that self-care is as important to longevity and competency in the legal work we do.

Some strategies to implement in managing your legal career and work include some of the following tips:

- Make self-care part of your daily routine, also known as “Put your oxygen mask on first, before helping others around you to do the same.”
- Be kind and forgiving to yourself and practice self-compassion daily
- Find a mentor or colleague to whom you can turn to express how you are feeling and the impact the work is having on you
- Create a community of like-minded

legal professionals and friends, as connection minimizes anxiety, depression, and feelings of hopelessness

- Continue to educate yourself about the impact compassion fatigue may negatively have on your work and personal life
- Acceptance related to the work we do and the ongoing suffering we may see or experience, with the recognition that there are positive benefits to our work as well, including celebrating the small victories to increase our positive feelings
- Be reality based about what you are capable of, and if you cannot manage your health and wellbeing, it may be necessary to change your work environment
- Create some sense of meaning and purpose to the work you do, and recognize that some levels of suffering are universal and over which you have no control, no matter how hard you work
- Develop a healthier lifestyle, including good nutrition and diet, restful and healthy amounts of sleep, some healthy level of exercise

and movement in your day, and having hobbies and areas of interest outside of work.

The good news is compassion fatigue is treatable and manageable in the short and long term. It requires a level of personal vigilance and commitment to ourselves that often requires examining our own beliefs related to self-care and separation of ourselves from our identity at work. We often do not recognize that as individuals, as a profession, and as a society, we place more emphasis on billable hours, high caseloads, and a work-horse mentality, than making our own health, self-care, and wellness a priority. This must change if we want to have a long, prosperous legal career combined with a long, prosperous and healthy personal lifestyle.

I challenge all legal professionals, to take time to think about the past year, and how you managed your personal and work lives. Were you successful in maintaining a healthy lifestyle, while managing the stressors of the ever-changing work environment? Or did you struggle like a good majority of individuals this past year. This can be a beacon, a guidepost, a roadmap, of what needs to improve in your life as you move into the future. It creates evidence of a trail of hits, misses,

or a combination of both and helps to ascertain what areas of your life you need to improve upon, to lead a healthier and more sustainable life.

If you feel you cannot manage your difficulties alone, please turn to someone who can help you. LAP can assist you in creating a healthier version of you and can provide guidance and support through a consultation and evaluation. We have support groups to help create a community of legal professionals, and clinicians to help you navigate personal struggles. Please reach out to us and know that all services at LAP are free, confidential and with immunity.■

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# Better Self-Editing Through Technology

BY DANIEL KAY

My typical week is a chaotic, mad dash to get as much done as possible. When presented with a task that I know will require concentration, it will usually get pushed to the evenings or weekends. Everyone has a preferred routine for more intensive work. I like to sit at the kitchen table, dim the lights, queue up my favorite playlist on Spotify, and settle in for a few hours of focused work.

Alone time like this is good and bad. On the positive side, you can eliminate distractions no answering the phone or worrying about getting ready for a meeting. The downside is you are, well, alone. No one is around to review and edit what you have written.

## Self-Editing Yourself

What is the best way to take a first draft and refine and polish it yourself? While the easiest option would be to reread your document, this is not always the most effective method. Self-editing a document is challenging. When typing or writing, it is hard to recognize your own errors. A new set of eyes is always beneficial, which is why review programs are so useful, as they act as a new set of eyes.

Programs such as Microsoft Word, which is the near-universal standard for word processing, pairs with several editing add-ins. There is no single do-everything program for editing text; to get the best

results, it is advisable to use several programs. Some Word add-ins described below have limited functionality and yet may improve your writing when used as part of a workflow. As with all self-editing, you decide whether to accept or reject a program's suggestions. These programs merely flag suspect text and let you make the call on whether to accept a suggested change.

A few years ago, I discovered a program called WordRake, an add-in to Microsoft Word. Once downloaded and installed, WordRake presents itself on the menu bar at the top of the ribbon. It's not cheap (\$130 for a one-year subscription), but it is unmatched for what it does.

WordRake uses an algorithm to target legalese and verbose phrasing. I have long been an advocate for plain English; WordRake is the only program that specifically targets inflated language common to legal pleadings. Its interface is intuitive and straightforward; because the application will suggest a rewrite to your sentence, it will present you with a simple accept/reject button. I accept 60 to 70 percent of the program's recommendations. A three-page document will take around 10 minutes to scrub through WordRake, all with no learning curve.

Another self-editing task is to check your grammar. Microsoft Word already has a spelling-and-grammar checker native to the program, and it is easily located on the Home tab at the right-hand side of the ribbon. Even though it is very beneficial and efficient, I prefer Grammarly, another Word add-in for this task.

You can use Grammarly in one of two ways: as an online grammar checker where you copy and paste your text into the online interface or as an add-in to Microsoft Word. The web-based version of Grammarly is decent at catching errors, but I have had issues with the cursor jumping around inexplicably while editing text.

The Grammarly add-in is more stable. I run Grammarly after I have made almost

all my general edits. You open the program, and Grammarly's suggestions sit over to the right-hand side of your screen for you to accept or reject.

Grammarly does an excellent job of flagging the most common errors and is smart enough to suggest a rewrite most of the time. It is very reliable on comma placement, picking up on passive voice, and other common grammatical issues.

As with WordRake, there is a certain percentage of recommendations I will reject with Grammarly; for example, sometimes I want to use passive voice. Correct or not, the program's purpose has been served if it makes me a more thoughtful writer.

### Voice Assistance

I also recommend having the computer read the text back to you aloud. This is beneficial since your ears pick up errors your eyes overlook. It is a strange experience, but when the text is read to you, missing words and awkward phrasings jump right off the page. Most of the time, I will use this step near the end of my workflow. I am amazed when I catch glaring errors after they went undetected by Grammarly.

Microsoft Word has text-to-voice functionality built into the program. You can find it under the View menu > Immersive Reader > Read Aloud. The free Microsoft

Word version has a Stephen Hawking or "War Games" vibe, which can be distracting. But for occasional use, these voices are adequate. Because I use the read-aloud feature quite a bit, I took the plunge and bought a separate add-in program to Microsoft Word called TextAloud from NextUp. I bought it a few years back for around \$70 (a one-time cost) and then paid another \$50 for a customizable voice, called "Amy," a British female voice that reminds me of Dame Judy Dench and is so much more pleasant to listen to than Mr. Hawking.

### Searching for Problems

I will use Word's "Find" function (ctrl+f on a PC; command+f on a Mac) to target problem words I can cut most of the time. As an example, try searching for the word "that" and words ending with "ly." Chances are, you can cut most of these instances and make your sentence tighter. These are much easier to find thanks to a simple key stroke.

Whenever and whatever you write, remember: "Perfect is the enemy of good." If you have a high drafting volume in your practice as I do, confidence and efficiency are essential to success. Your final drafts may not be perfect, but by using the programs and approaches above, you can be confident that your work is better than "good enough." ■

## Updates & Resources

### Emergency Broadband Benefit

The Federal Communication Commission has announced that eligible households may start applying for the new Emergency Broadband Benefit Program on May 12, 2021. This program offers a monthly discount off (up to \$50 a month for broadband service, plus a one-time discount of up to \$100 on a computer or tablet) the cost of broadband service from an approved provider.

Eligible households include: (1) those who participate in an existing low-income or pandemic relief program offered by a broadband provider; (2) Lifeline subscribers, including those that are on Medicaid or

receive SNAP benefits; (3) households with children participating in programs for free and reduced-price lunch or school breakfast; (4) Pell grant recipients; and (5) those who have lost jobs and seen their income reduced in the last year.

There are three ways to apply for this benefit:

1. Contact a participating broadband provider directly to learn about its application process. To find a participating broadband provider, visit: <https://www.fcc.gov/emergency-broadband-benefit-providers>.
2. Apply online at <https://www.getemergencybroadband.org/>.

3. Call 833-511-0311 for a mail-in application, complete and return it along with proof of eligibility to: Emergency Broadband Support Center, P.O. Box 7081, London, KY 40742.

**Note:** Individuals who use videophones and are fluent in American Sign Language (ASL) may call the FCC's ASL Consumer Support Line at (844) 432-2275 (videophone).

### MCLE Reporting

Before the end of the current reporting period (July 1, 2019 – June 30, 2021),



attorneys (with N-Z last names) must complete 30 credit hours, including at least 6 hours of professional responsibility credit. The professional responsibility credit must also include 1 hour of diversity/inclusion credit and 1 hour of mental health/substance abuse credit. For additional information, visit:

- <https://www.mcleboard.org/files/AttorneyMCLERequirement.aspx>
- [http://www.illinoiscourts.gov/supremecourt/rules/art\\_vii/artVII.htm#794](http://www.illinoiscourts.gov/supremecourt/rules/art_vii/artVII.htm#794) ■

## Mark Your Calendars...

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June

**Alzheimer's and Brain Awareness Month**

**LGBT Pride Month**

**Men's Health Month**

**National Safety Month**

**6:** National Cancer Survivor's Day

**8:** National Best Friends Day

**14:** Flag Day

**15:** World Elder Abuse Awareness Day

**19:** Juneteenth

Note: Senate Bill 1965 will include this day as a new State Holiday in Illinois.

**20:** Summer Begins [Father's Day ■

## Call for Articles

Interested in submitting an article for the newsletter? Everything you need to know about the publication process is posted at <https://www.isba.org/publications/sectionnewsletters>. Please submit your draft **and** signed a release form to us via email **by June 4, 2021**:

- Karen Kloppe - [Karen.Kloppe@Illinois.gov](mailto:Karen.Kloppe@Illinois.gov)

Let us know if there are any topics you would like to see covered in the future. ■