



# What Are You Waiting For? *Write a Will!*

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**After the tragic attacks on September 11, 2001 we know that at least two dozen lesbians and gay men were killed.** They left behind partners who, in the midst of their intense sorrow, had to battle with “in-laws” and the government. They faced the loss of their homes, of retirement funds and of prized mementoes and most were excluded partially or entirely from financial safety nets. Even with wills and other legal planning, most surviving partners had to struggle for recognition from the government. But for many, there was no will. And for most, their loving, committed relationships meant nothing to the law and to the institutions that should have been there to help.

**Do you have a will in place?** Even in those states with marriage equality or civil union, domestic partnership or reciprocal beneficiary laws that provides inheritance rights, it’s still not guaranteed that you and your loved ones will be fully protected in case of an emergency. That’s why it’s important to establish a will because, without one, the law will not know your wishes and may disregard your chosen family.

**A major lesson of September 11 was how vulnerable the families of LGBT families are *without* a will.** Many of the surviving partners of the victims lost in 9/11 were forced into painful court battles to protect their family’s assets. Although preparing a will takes some time and effort, *not* preparing a will might mean your partner could lose the home you’re sharing right after losing you. It can mean financial ruin on top of emotional devastation. As Lambda Legal fights to win legal protections for you, do your part by protecting your loved ones with a will.

**Frank Vasquez shared a home and a business with his partner for 27 years.** But when his partner died without a will in 1995, everything was in jeopardy. It took Frank years of emotionally wrenching litigation to save enough of what the couple built together to survive financially.

**Amalia Hervella and Margaret O’Neil were partners for nearly two decades.** When Margaret died suddenly in July 2000, her cousins evicted Amalia from the home the couple had shared. Lambda Legal joined the legal battle required to pressure the estate to honor Margaret’s often-voiced wishes, but Amalia was prevented from receiving all that Margaret had intended.

**Jeff Collman and Keith Bradkowski had been together for 11 years.** Jeff was working as a flight attendant and had not created a will, but he and Keith were registered in California as domestic partners. Unfortunately, that registration did not give them the same rights as spouses. Because Keith had no inheritance protection when the September 11th terrorists crashed Jeff's plane into the World Trade Center, he had to negotiate agreements with Jeff's parents and employer to receive what spouses were automatically entitled to regardless of whether or not the deceased left a will. Keith became a tireless advocate for increasing legal protections for domestic partners. His passionate work led to passage of inheritance rights for surviving partners registered in California.

**Don't let tragedy compound tragedy by leaving your loved ones behind without a will.** No matter how simple your wishes or how few your possessions; a will helps those who must cope after you're gone.

#### **FAQ:**

**I'm waiting because I'm too young to think about it; I'll get a will when I get old.**

If September 11 taught us anything, it's don't put off for tomorrow what you can (and should) do today. You never know when tragedy is going to strike, but writing a will helps you be prepared.

**I don't need a will because my girlfriend and I are already domestic partners and had a commitment ceremony, so we're protected.**

Wrong. Domestic partnerships and commitment ceremonies can't give you the complete legal protections and personalized instructions you get from a will. Neither can sharing a home, a mortgage or other finances. Many of our community's September 11 survivors had some or all of these, but it didn't make up for not having a will. Until we have achieved sufficient law reform throughout the country that same-sex couples have fully equal protections in state and federal law, it is essential to have all of your legal documents in order.

**I don't need a will because I don't have a lot of property or money.**

If you have anything you care about, whether it's worth a lot of money or simply close to your heart, you — not the government or your blood relatives — should make the decision about what happens to it when you die. You should give your wishes legal power through a will.

**I don't need a will because I'm not in a relationship.**

Wills aren't just for people with partners. Who do you want to be in charge of your personal affairs, your funeral plans and whatever you leave behind? You need a will to say who you want to be in charge and what you want them to do.

**I don't have a will because I don't want to think about dying.**

It's not easy for any of us to think about death. But we all know it's going to happen some day. Each of us fights every day to live with dignity and according to our own principles. A will lets you die that way too. And most importantly, a will takes care of surviving loved ones when grief and loss is most painful. It can protect a surviving partner from the

unconscionable cruelty of eviction and financial peril, and also from the emotional devastation of having to fight with relatives the survivor previously considered family, as well as with the government.

**My partner and I don't have wills because we can't agree on what to do about money or family obligations.**

These are tough issues, but you don't need to decide everything at once. For starters, just write a simple will. Identify what you are sure about, and do a will that covers those issues. A will is your individual document. It can memorialize agreements between a couple, but it can also handle other items based solely on individual wishes. If you and your partner come to more agreements later, you can — and should — update your wills.

**I don't have a will because I can't afford a lawyer.**

This is a real concern for many people. But wills are not that expensive and you need one. Set aside or save the money to give yourself this powerful document. Lambda Legal's Help Desk can assist you in finding lawyers and talking with them about their fees. And in some states it's possible to do simple wills using a prepared form or sample without a lawyer. We can help you get started!

**What you can do**

- Print these pages, put them on your fridge or computer, and don't remove them until you've signed a will.
- Get a recommendation from trusted friends, colleagues, or family, or call Lambda Legal's [Help Desk](#) in your region to find out how to contact a lawyer.
- Get other important legal documents in order, especially a health care proxy (sometimes called an "advance directive") and a living will, so that the person you choose will be there to make medical decisions if you can't do so.
- Talk to your friends and encourage them to protect themselves with a will, too.
- Update your will when your circumstances change, especially if you have children.