WAYS TO PREVENT A CHALLENGE TO YOUR WILL



After considerable thought, you've decided how you want your estate to be distributed. You are ready to write your will. But will your family accept your decisions? A successful challenge to your will can alter your estate plan in ways you do not want. An unsuccessful challenge can drain your estate leaving less for your beneficiaries. Below, we discuss who can challenge your will, what grounds they may assert, and ways to prevent or at least discourage a will contest. The people who have the right to challenge your will are typically divided into two categories, Heirs At Law and Beneficiaries.

Heirs At Law

Every state has laws of intestacy. These laws determine who inherits your property when you pass away if you do not leave a will or the court invalidates your will. These people are your heirs at law. The laws of intestacy leave your property to the people who are most closely related to you, starting with your surviving spouse and children. If you have neither, your property will pass to the next closest surviving relatives. The order in which relatives are entitled to inherit may vary from state to state. Other people who may stand to inherit your property under the

laws of intestacy if you have no spouse or children include:

Parents

- ⇒ Siblings
- ⇒ Half-siblings
- ⇒ Grandchildren
- ⇒ Aunts and uncles
- ⇒ Nephews and nieces
- ⇒ Cousins
- ⇒ Guardian
- ⇒ Next of kin
- ⇒ Stepchildren.

Most heirs at law will be related to you by blood or marriage. If a person would have had a right to inherit from you if you did not have a will,

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he or she may have standing to challenge your will. Even if you left property to an heir at law, he or she may choose to challenge the will in an attempt to get more or different property.

Beneficiaries

Beneficiaries, people to whom you leave a gift in your will, may also be able to challenge your will. They may be dissatisfied with their share or believe that you were unduly influenced to provide less for them.

Other people who may be able to challenge your will

A few people other than your heirs at law and your beneficiaries may be able to challenge your will. For example, if you live in a state where dower (a wife's interest in her husband's property on his death) and curtesy (a husband's interest in his wife's property on her death) are recognized, an ex-spouse may have an interest in your property. If your will has terms that contradict another legal document like a buy-sell agreement regarding your business, your business partners or others involved with the business may be able to challenge your will or seek a judgment from the court that the terms of the agreement override the language in the will. Creditors may be able to challenge a will in some jurisdictions.

Tips to avoid a challenge

1) Use a No-Contest Clause

A no-contest clause says that if beneficiaries challenge the will, they will not receive the gift left to them in the will. A no-contest clause may be an effective deterrent to a will contest. However, they are not enforced in some jurisdictions.

2) Get a mental capacity evaluation

If you believe that your mental capacity may be challenged because you disinherited a child, gave a large portion of your wealth to a caregiver, or for some other reason, you may be able to establish your mental capacity and frame of mind during your lifetime. You can meet with your doctor or a specialist to have a mental capacity evaluation performed and leave a copy of the results with your estate planning documents to show you were mentally competent at the time.

3) Do not procrastinate

Many people put off estate planning until they are seriously ill or advanced in age. However, if you wait to complete your estate plan until this point, people may have stronger footing to question your mental capacity and motivations. Try to be proactive about establishing an estate plan while you are in relatively good

health and unquestionably competent.

4) Regularly update your estate plan

An estate plan should not be a oneand-done task. Your life will change and your will should change along with it. If you regularly update your estate plan, it will be easier to prove that your will expressed your wishes, you were aware of changes in your life, and it was your choice to change the will. Plan on reviewing your will every few years and consider updating your will if any of the following occur:

- You get married or divorced.
- You have a child.
- The executor you chose has died or become incapacitated.
- Your relationship with your executor or beneficiaries has changed.
- You moved to another state or country.
- Your property or its value has significantly changed.

Also, remember to keep your will in a safe location and tell trusted individuals where to find it.

If you have questions about this or any other estate planning questions, contact us today so we can help www.dickersonlaw.com/contact

WHAT COLLEGE STUDENTS SHOULD ADD TO THEIR BACK TO SCHOOL CHECK LIST



By Catalina Dickerson, Editor

Preparing to send your son or daughter to college is one of the most exciting, and nervous times for a parent.

You'll worry whether they will eat well, study enough, and get enough rest. While you can't help these everyday concerns, you can prepare for the major ones: if your son or daughter has a medical or financial emergency while away at school. Although you may still be paying the bills, the laws of parenting change completely once your child turns 18. They may still be financially dependent on you, but they are an adult in the eyes of the law.

One of the laws that now affects your child

is called HIPAA. This is a federal law that protects the privacy of patients. While that's usually a good thing, it could be detrimental for you and your family if your child is hospitalized while at school. That's because in this situation, "protecting" your child's privacy actually means preventing their doctor from sharing information with you.

As a parent of college aged young adults, I was surprised to find out that as a parent I am no longer able to automatically make medical or financial decisions on behalf of my child. Similarly, I am not privy to medical information about my child. This can be quite a shock. Once your child turns 18, it is illegal for a doctor to discuss their medi-

cal conditions with you—even during a life -threatening emergency.

A Power of Attorney, a Medical Power of Attorney and a HIPAA Disclosure Authorization will allow you to continue to be a parent to your young adult.

These issues can arise in a variety of ways. Assume your child is in an accident while at school. Without a HIPAA Disclosure Authorization, the parents likely cannot obtain information about their child's medical condition. Similarly, without a medical power of attorney, the parents may be forced to spend time and money on a court proceeding to be named guardians in order to make decisions for their incapacitated

WHAT COLLEGE STUDENTS SHOULD ADD TO THEIR BACK TO SCHOOL CHECK LIST

child.

Another instance where issues can arise is if the child travels overseas on a study abroad trip and has issues with his or her credit card being use in a foreign country. A financial power of attorney would allow the parents to step in and deal with any issues on the child's behalf.

Power of Attorney

A power of attorney allows the signor (the college student) to appoint an agent to act on his or her behalf with regard to financial affairs. The power of attorney may be general (meaning that the POA becomes effective immediately upon signing) or springing (which means that the POA is not effective until a future event or date-usually the event that the signor is declared incapacitated by a doctor). This document allows an appointed agent to do things like pay bills, manage bank accounts, and deal with real estate issues. The form allows the person executing the POA to include limitations on the powers of the agent or to provide additional specific instructions. The financial power of attorney must be signed before a notary.

Medical Power of Attorney

A medical power of attorney allows an adult (the college student) to appoint an agent to make medical decisions in the event the signor is unable to make those decisions for himself or herself. The form can become effective immediately, but more often is written to become effective only when the signor is deemed incapacitated by a physician. Like the power of attorney, Texas offers a form that merely

requires the student filling in the blanks and properly executing with either witnesses or a notary.

HIPAA Disclosure Authorization

The "Healthcare Insurance Portability and Accountability Act" signed in 1996 was designed the protect a person's private healthcare information from disclosure. Generally, this is a positive, but it can be problematic in the event that an adult child is incapacitated and the parents are unable to obtain information about the care or condition of their loved one. A simple form can help alleviate this issue. The Texas Attorney General's Office has published a form that may be used to authorize the disclosure of medical information to certain persons. The signor may indicate which types of information are allowed to be disclosed to identified individuals and which may not be disclosed. This form need only be signed by the individual and does not require a notary or witnesses.

Once executed, copies of these documents should be kept by the signor, appointed agents, and any health care professionals seen by the signor. Usually, for college students, a copy should be kept by the student, parents, and primary care physician.

Hopefully, these documents will never be needed, but it is certainly better safe than sorry.

These important documents will ensure that if your child is hospitalized, you will not be left out not knowing what is going on. Your child's doctor will be able to talk with you and you'll be able to make decisions on what type of treatment should be provided.

If you would like to take some time to find out how our firm can help you and your college student be prepared for the upcoming school semester, contact us today to discuss further by calling 956-791-5422 in Laredo, 830-302-4577 in New Braunfels or 956-267-5112 in the Rio Grande Valley and click on the QR code here for more information.



ON-BOARDING CLIENTS LIKE AN UNDERWARE CO.

Written by Richard James, Founder and President of Your Practice Mastered

Editor's Note: Richard's focus in this article is marketing for entrepreneurial attorneys, however, anyone in business can benefit from his sage advice and marketing wisdom. We greatly appreciate Richard's contribution and hope you find his article to be useful and actionable.

Have we put as much thought as an underwear company into the way we onboard each new client? This month, I thought we would take time to talk about something close to us all - underwear. Yep, that's right, underwear. Honestly, I never thought we'd spend time in a Million Dollar Marketing Idea talking about boxers and briefs. Yet here we are. And it all started with a television commercial. Now, I seldom see commercials because I tend to watch Netflix or Amazon Prime. On this occasion, however, my E.C.I.B. was watching a show on Hulu with commercial breaks. One commercial was for men's underwear. This was a serendipity. I had been actively shopping for

underwear, my current brand being less than satisfactory. Without getting into the particulars, as that is not appropriate for this article, suffice it to say I was not a happy customer (but NO, I was not looking for Depends yet, either. Gimme a few more decades for that, please.) In my underwear search, I visited a department store (something I rarely do) and ordered a few pairs on Amazon (didn't like those either). I had been struggling to find the type of underwear I wanted. This advertiser persuaded me to try their product. I immediately followed direct response marketing, put in my coupon code, went to the special landing page, and it converted me into my first order

underwear, but a pair I was excited to get, nonetheless. This company went through a lot of effort to get my sale for underwear. (Photos are of the packaging.) Essentially, underwear is a onetime purchase every so-many years. Assuming I like this pair, I'll purchase more. Say I buy 10 pairs of underwear for somewhere between \$370 and \$400. (They'd probably give me a discount, too, for buying in bulk.) For purposes of this discussion, let's call it a \$500 sale. That \$500 sale probably won't repeat for two or three years depending on how these wears wear. I don't know how long I keep my underwear. How long do you keep your underwear? Although the value of the underwear client is about \$500, this company went out of its way to micromanage the client experience. They made sure that when my underwear arrived, I knew their product was like no other. Sure, this underwear is slightly more expensive than most, but it is still underwear with a client value of about \$500. Additionally, let's keep in mind, they aren't selling me a subscription to the underwear-of-the-month club. That would just be weird. Wearing one pair of underwear in a month would be weird. Tossing out a pair every month would also be weird. Maybe if I wore a single pair of underwear for an entire month, I'd need to throw it away. But I digress. The point is this. In most people's minds, the underwear client value was not high enough to warrant this type of attention. They did it anyway.

- one pair of underwear. A \$37 pair of



ON-BOARDING CLIENTS LIKE AN UNDERWARE CO.

Here's my question to you:

As law firm owners – with client values typically north of \$2,500 and \$3,000 (many with higher client values) – are we putting as much thought and effort into the way we:

- Micromanage the client experience?
- · Handle the ordering process?
- · Handle the onboarding process?

Are we investing in the packaging? Are we investing in the messaging as written on the card? Are we making a difference and arriving like nobody else? Have we put as much thought into the way we onboard a new client as an underwear company? Let's take a closer look at onboarding your client. What is the first thing we should do? How should we micromanage that client experience? We start with the five senses:

- 1. Direct Mail: What do you send in the mail? If yours is a family law firm, then get a spouse-safe address for direct mail (this is possible almost 100% of the time). Everyone should be able to obtain a mailing address from a new client.
- 2. Email: What kind of email do you have?
- 3. Text Messages: What kind of text messaging or cell number do you have?
- 4. Telephone Calls: How are you calling clients to welcome them to the firm?
- 5. Slydial Voicemails: Can you drop them slydial voicemails?

With each of those five senses we apply message, media, market match, right?

What is the message? In what way will we talk to clients? How do we want them to feel and react? How do we make clients clearly understand what



steps are next? What are we doing to let clients know we are different from everyone else? What is the media? If the point of communication is media (recall the cover story's discussion on unconverted leads), then we are using media to get the message out. What is the market? Of course, the market is your target market of a client. What kind of client do you want to target?

- · You want clients who behave.
- · You want clients who follow your instructions and do what you tell them to do when you tell them to do it.
- · You want clients who pay their bills on time.
- · You want clients who are compliant with the other side of the legal matter.
- · Mainly, you want each client to be a

"good client."

How do we get people to be good clients? We start by telling them precisely what a "good client" looks like, so they understand what we expect from them. How do we manage client expectations? What about managing client communication? How do we ensure a good experience so that, when clients call the office, we are actually ready to talk to them? Once they are on-boarded, how do we micromanage the client experience? What kind of client gift could we send them (if any)? How do we impress upon each client that we take the case seriously? What can we do to make clients appreciate that no other law firm will treat them like this but ours? Now. clients who have done business with other law firms will know this. If they have a friend or family member who uses another law firm, then they'll likely compare notes over how things were done at the other firm and your firm. Positive client experiences help you stand out in your community. And that means you get more referrals, right? Think through everything you can do to onboard your clients the same way this

underwear company onboards its customers.

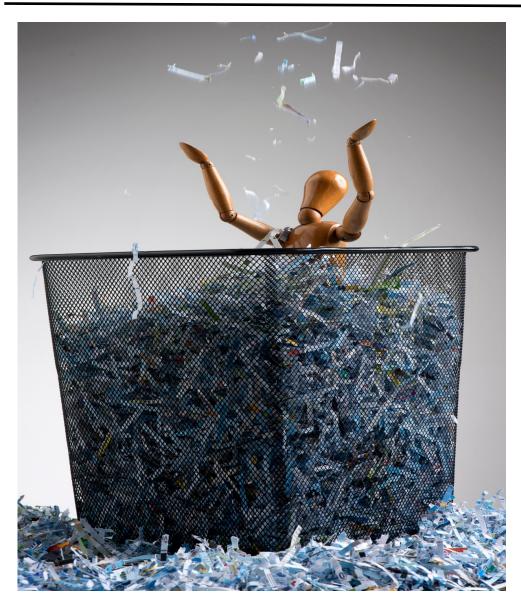
About Richard James

Founder and President of Your Practice Mastered, Richard James.

has earned a reputation as a national "Legal Systems Expert." He took a consumer law firm in Arizona from \$0 to over \$3.5 million in annual sales in just two years using his secret ingredient: systems. Since that time, he's personally taken 879+ attorneys, like you, through this same process and helped them build practices they love; practices that support their lifestyle and give them more time and financial prosperity so they do the work they love and help more people. For more information, go to:

https://therichardjames.com

TOSS THIS. NOT THAT.



Before you close this year's tax file there is still some work to do. If the IRS or state revenue department selects your return for review, you will need to be prepared. Here is what you need to do now:

Keep a copy of your Form 1040 indefinitely. Do not toss or destroy any of your 1040s. You may need them to correct historic Social Security earnings statements or to prove that you filed a tax return.

Supporting documents need to be retained for three years. Records to support your tax return (i.e., W-2s, 1099s, K-1s, receipts, canceled checks, bank state-

ments and mileage logs) should be kept for a minimum of three years from the later of the tax filing due date, the date you filed your taxes, or the date you paid your tax in full. This approach ensures that your records are available for a potential IRS audit.

Property and investment records need to be held longer. To prove your cost/basis and taxable gain or loss, all records relating to property that you own (your home, rental properties, stocks bonds and other investments) need to be kept for at least three years after it's sold or disposed.

Be mindful of other record retention requirements. The three-year period is the federal guidance for standard returns. There are other factors that should be considered, including:

- State record retention requirements (often six months to one year longer)
- Requirements for insurance, banking or estate management
- Additional federal requirements for tax returns including unreported income (six years), worthless securities (seven years) or bad debt (seven years)
- No audit time limit for fraudulent returns

A specific filing system is not required, but organization is key. The ability to easily find your documents in the event of an audit will make the process much simpler. Here are some tips:

- File records by year rather than income or deduction type.
- Within the file, order your records to match the flow of the Form 1040.
- Consider scanning your files to create a digital file as a backup.
- Create 2022 files now to save documents for current year.
- Shred old documents; don't just throw them away.

If you are unsure whether to retain or shred something, keep it unless you know the document can be replaced.

Thank you to Juan Pablo Gonzalez of JP & A Tax Services for his "Top Tip". You can reach JP at 956-725-0044.





MAKING MOVES



This press release was provided by Gabriela Morales, MBA, President and CEO of the Laredo Chamber of Commerce. Photos taken by Catalina Dickerson, Executive Committee member of the Laredo Chamber of Commerce Board of Directors during documenting a real estate tour of three properties being considered for the chamber's new location.

Laredo Chamber of Commerce Currently Seeking Partnership For New Location

PRESS RELEASE

Released: Wednesday, February 16, 2022



Laredo, TX – The Laredo Chamber of Commerce President & CEO, Gabriela Morales, and Chairman of the Board, Mike Maras-





Members of Laredo Chamber Executive Committee and CEO toured spaces at The Laredo Outlet Shoppes at Laredo, a bank branch on HWY 83 and an office space on McPherson. Options are being considered and evaluated.

co, are announcing an open solicitation for partnership for a new home for the Laredo Chamber of Commerce. Recently, the Chamber and Laredo Independent School District reached an agreement for the Chamber to relocate. Ms. Morales quotes: "We are excited about this new opportunity the Chamber has this year. We look

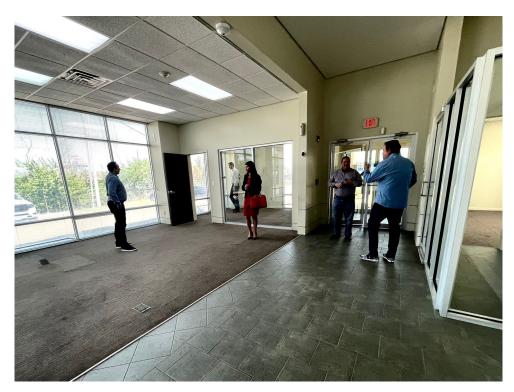




forward to LISD's continued reinvestment into our community and wish them much success with their future projects."

As the oldest and strongest business organization in the city, the Chamber has been housed at 2310 San Bernardo Ave-

MAKING MOVES: LAREDO CHAMBER LOOKING FOR NEW SPACE







nue for over 45 years. This esteemed institution, founded in 1915, represents essential industries, ranging from financial institutions, and retailers, to transportation, logistics, and service providers.

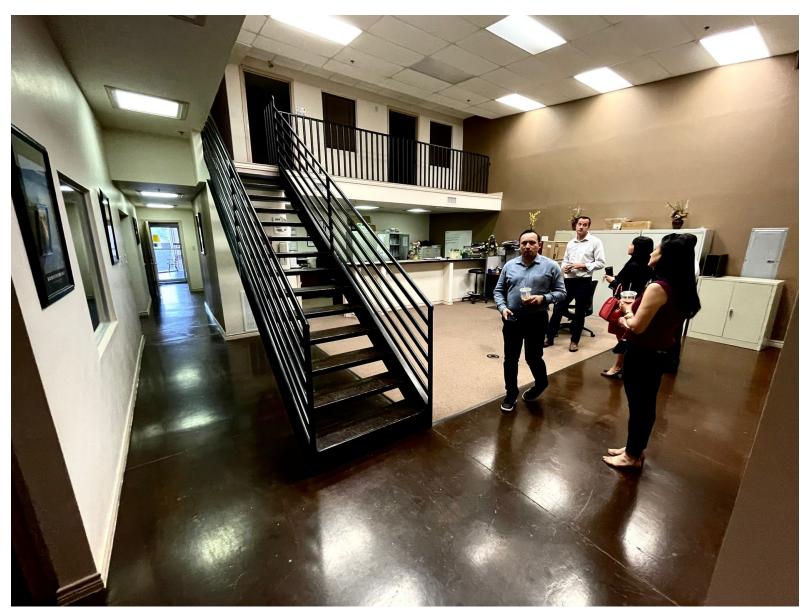


The Chamber has hosted a wide array of events at this location including high-level meetings with international dignitaries, trade-related engagements that have remarkably enriched the community, and press conferences for countless local organizations. It has also seen important developments, such as the Centennial Anniversary, the creation of the renowned Cola Blanca Contest, School Bell Awards, Youth

Leadership Laredo, Vision Conference, Women in Leadership, G13, and many other valuable community programs.



MAKING MOVES: LAREDO CHAMBER LOOKING FOR NEW SPACE





Chairman of the Board, Mike Marasco added: "We have already begun speaking to multiple public and private entities but want to open up the process to our over 600 members, plus the Laredo and Webb County community as a whole, and make sure there is an open opportunity to partner with us should you have an interest. We are open to both, short term, and long-term solutions. We are looking at existing facilities, as well as possibly constructing a new building on raw land."

The Laredo Chamber of Commerce is an independent, nonprofit 501(c)(6) organization and also hosts a 501(c) (3) foundation designation.

Please call the Laredo Chamber of Commerce for more information: (956) 722-9895.

BUSINESS TRENDS TO KEEP TOP OF MIND IN 2022

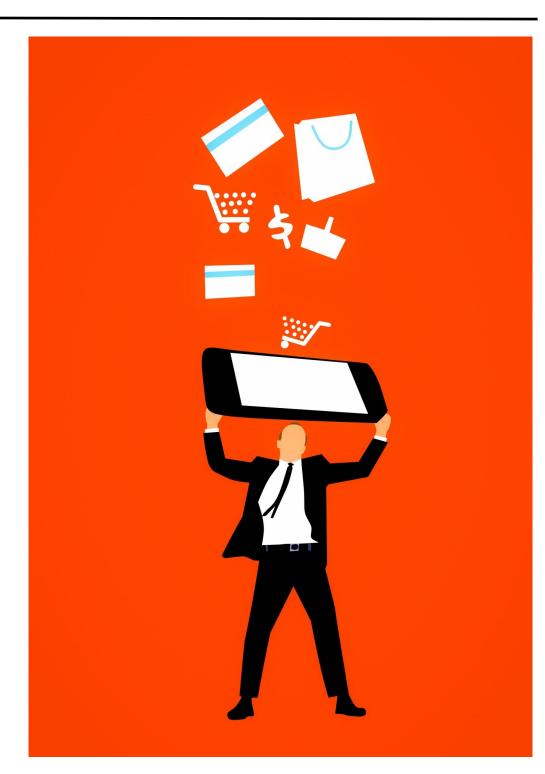


Each new year brings a unique set of challenges and opportunities for your small business. Learn what you can expect in 2022 — and how you can get ready today.

The path forward through the COVID-19 pandemic has not been easy, but it has showcased the resolve, adaptability, and resourcefulness of entrepreneurs across the country. Small business owners can proudly count themselves among that company. The recovery is in full-swing and according to a study commissioned by NEXT Insurance, 84% of small business owners are somewhat, very, or extremely optimistic about the ongoing economic recovery — and for good reason.

With 2022 in sight, there is no better time than now to prepare for the trends that will likely define the next business year. Learn how to position your business for success below:

Buy into the momentum of e-commerce. The shift to digital shopping has been a long time coming. From 2019 to 2020 alone, e-commerce saw a 35% year-over-year increase, and that figure is only expected to grow. To account for this trend, optimize your business's e-commerce presence in 2022 and beyond. These days, that starts with making your website mobile-friendly. After all, Statista estimates over 19% growth in mobile commerce since 2017.



Don't underestimate the popularity of alternative pickup options. In the face of the pandemic, the vast majority of companies had to get creative at the point of sale. Contactless pickup options

dominated 2020 and 2021, and it is safe to say that many customers will continue to expect the same or similar services moving forward. In a recent survey conducted by Medallia Zingle, 87% of re-

BUSINESS TRENDS TO KEEP TOP OF MIND IN 2022

spondents said brands should keep offering alternatives like curbside pickup — a good reason to make sure you are investing in tools such as touchless payment options.

Get ready for increased foot traf-

fic. While more consumers than ever before do their shopping outside of the store, you do not want to neglect those who still prefer brick and mortar. As of September, Zenreach reports that foot traffic to small business retail shops is up over 30% from the beginning of the year. Be prepared for additional foot traffic by diversifying your payment and pickup options, as well as boosting your digital profile.

Take time to get serious about your business's tech capabilities. Are you set up to meet the demands of an economic landscape that is evolving all the time? It is no secret that the pandemic has changed the way we look at working remotely. According to a recent survey from



The Conference Board, 43% of U.S. workers question the call to return to the workplace. As a result, businesses will need technology platforms that enable effective communication and collaboration in 2022 — regardless of location.



Be deliberate about where you invest. Work from home isn't the only

emerging trend that will require entrepreneurs to shore up their tech operations. The majority of small businesses — 63%, to be exact — say that automation has helped them endure the COVID-19 pandemic. And with 77% of companies expecting to face a talent shortage as the economy fully reopens, it may be time to consider investing in automation options. Rethinking how you invest in your recruiting strategy can be another highly effective solution. Understanding current industry trends and best practices will help you better position your business for success in 2022, and the SBA is committed to helping you on this journey.

The U.S. Small Business Administraion works to ignite change and spark action so small businesses can confidently start, grow, expand, or recover. For more information, go to https://www.sba.gov/

SHOCKING AUCTION ITEMS

You can bet that auctions are a great place to go if you want something that is one-of-a-kind. There are a lot of unusual things in the world, and exciting buyers and sellers know that they will be able to sell and purchase these extraordinary things in the ever eclectic arena of auctions. Here are some "strange but true" auction items we came across.



The earliest surviving wheelchair of the late, great Stephen Hawking sold for £296,750 at a Christie's auction with all the proceeds going to one of his foundations and the Motor Neurone Disease Association.



There are, of course, many other fantastically unusual things that have been purchased through auctions. One thing that gathers the attention of the masses appears to be celebrity memorabilia from Kurt Cobain's cardigan which sold for a whopping \$260,000.



Marilyn Monroe's "Seven Year Itch" dress that went for a monumental £3.6 million.

One of the more unusual pieces of celebrity memorabilia, or rather, parts of celebrity to be sold, was the lock of Elvis Presley's hair! Collecting a giant £90,370! John Lennon's hair has also sold, along

with John F Kennedy and Che Guevara's (which was actually sold by a former CIA employee).

In 2021, the 67-year-old artist Salvatore Garau sold an "immaterial sculpture" — which is to say that it doesn't exist.

To be fair, the artist might disagree on conceptual grounds. For Garau, the artwork, titled lo sono (which translates to "I am"), finds form in its own nothingness. "The vacuum is nothing more than a space full of energy, and even if we empty it and there is nothing left, according to the Heisenberg uncertainty principle, that nothing has a weight," he told the Spanish news outlet Diario AS. "Therefore, it has energy that is condensed and transformed into particles, that is, into us." Lo Sono went up for sale in May at the Italian auction house Art-Rite. The pre-sale estimate valued the piece between €6,000-9,000, according to AS, but competing bidders pushed the price tag to €15,000. The lucky buyer went home with a certificate of authenticity and a set of instructions: the work, per Garau, must be exhibited in a private house in a roughly five-by-five-foot space free of obstruction.





for certain situations, When we're talking about smaller estates and people who have a lower income, this is something that it's available to go through probate in a more efficient way and not have to do any kind of administration. If you have questions about probate or estate planning and preparing and plan before you have to go through this reach out today!

Until we meet, let me share a QR link to our YouTube Channel playlist, What Texans "Need to Know" Updates. This topic is right at the top, if you want to see and share the video with a friend, plus others.

Friends,

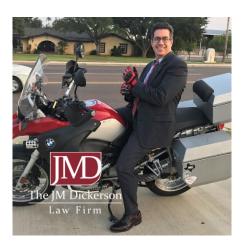
Now sometimes people die without a will, and we really want to avoid that as much as possible. But when there is a small estate, meaning, one that doesn't have a lot of assets that need to be probated, there are alternate means for a more efficient way to go through probate. We're still going to go through probate, except there isn't an administration. To qualify for, what is called the smallest state affidavit, the estate has to be worth less than \$75,000; not including the homestead, meaning the personal residence. If the decedent's estate is greater than this, this particular procedure is not available. So that can help some people who may have their house is a primary asset, and there aren't a lot of other outside assets beyond that that are subject to probate.

So how does it work?

The small estate affidavit involves having two disinterested parties be witnesses. These people should be familiar with the person who passed away. They could be neighbors, or they could be friends. It cannot be a direct family member, so it can't be the kids. They'll need to testify and swear under oath when they signed the

affidavit that they knew the deceased person and they will need swear to the date of birth, date of death, wedding date, the children's names and those particular things. Then you'll need an applicant, who is whoever's promoting the application, to say what is going on. This will then put title in the hands of the people who would inherit, also known as the beneficiaries, based on the state statute of intestacy. I'm not going to go into how that whole statute works because there's a lot of variables. This helps give title to the people who would inherit the decedent's assets through the state statute under specific the rules for that state. Now, one of the important things to realize is that although this is available, there are some shortcomings. One shortcoming is that the small estate affidavit does not appoint an administrator, nor does it doesn't appoint an executor. So, if we do the smallest state affidavit, there isn't anybody who's appointed to talk for the deceased person. If we need to deal with a creditor or we need to deal with an insurance company or any other similar type of institution or if we need to deal with anything pertaining to the estate, there isn't somebody who's appointed and who would have that responsibility. To wrap up, a small estate affidavit is something that is only available





Best Regards, Joseph Wichael Dickerson

Special Delivery to:



2 Lindenwood Drive Laredo, Texas 78045

19ticial Newsletter

Wills, Trusts, Business & Real Estate

Law Firm



APRIL 2022| VOL. 29

DICKERSON DIGEST

OFFICIAL NEWSLETTER OF THE J.M. DICKERSON LAW FIRM

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