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By: ANDY ASHBY

Living Will Lets You Have The Final Say

The Terri Schiavo case has raised many issues about how our lives end. One thing is clear: if you want to have a say in the way your life ends, it's best to have the proper documentation.

Barry Blackburn, an attorney in Olive Branch for 12 years, mostly works on estate planning. He has seen his business triple since the Schiavo case.

"Anytime anything traumatic happens and it gets publicity, that's good for an estate planning business. That's not to say it isn't a bad situation, but it takes that kind of event to trigger people into getting their affairs in order. When they're going about their day-to-day life, they're not thinking about bad things. But when you come home and see it on the news at night, you think, 'Hey, that could happen to me.'"

Blackburn says it's easy to get a living will.

"You have forms at the hospital, you can download them from certain web sites," he said. "It's better, in my opinion, to get it done professionally by a lawyer to make sure it's the right form and that it's executed correctly."

According to Bryan Dye, an Olive Branch attorney with Watkins, Ludlam, Winter and Stennis, Mississippi has done what a lot of states have done in enacting the Uniform Health Care Decisions Act.

"It is just a statute that was enacted by the legislature where they adopt a standard language that is available for people to use as a living will," he said.

Dye's firm uses what they call an Advance Health Care Directive.

"It's a standard form that a person can use as is or they can modify it in any manner they choose," he said. "They can make end-of-life decisions in any way they so choose."

According to Blackburn, Advance Health Care Directive combines a health care power of attorney and living will on one form.

The health care power of attorney allows someone to pick who makes decisions for them if they become incapacitated.

"A lot of people obviously choose their spouse," Dye said. "You can either indicate a choice to allow that person you've appointed to make whatever decision that person deems best or you can direct that person to make specific end-of-life decisions for you."

The form is helpful because it gives families some guidance on a person's last wishes.

"It doesn't make the situation the family's going through any easier and it doesn't make the doctor's job any different, but once the doctor has made the diagnosis, it gives the family or whoever is granted that power of attorney some guidance in the decisions they're presented with," Dye said.

There is a portion of the document where you can mark whether or not you want to prolong your life.

"You can mark a statement saying you want your life to be prolonged as long as possible within the limits of generally accepted health care standards," Dye said.

The form also allows a person to designate a primary physician, which might add some credibility to their diagnosis.

"To a certain extent, you're going to be relying on your primary physician or the physician in charge to kind of fill in the terms for you and tell you exactly what kind of situation you're facing," Dye said.

Blackburn sees the big issue on withdrawal of life-sustaining mechanism if there is no hope for recovery.

"Mrs. Schiavo's parents thought there was hope," he said. "I think we're going to have to get more detailed. Not only is everyone going to have to get a living will document, but people are going to specify details of what they mean in that living will."

Blackburn suggests doing it beforehand with an attorney because of certain rules. For example, an Advance Health Care Directive won't be valid if the witness is a relation.

A disinterested party has to be a witness.

"It's just like when someone does their last will and testament, someone who is named in the will can't be a witness. It might be undue influence," Blackburn said. "I tell clients, 'Get the lawyer to do it, get the lawyer to do the right form, get the lawyer to do the witnessing and notary and then, if you have a problem at the hospital, lawyers can always fax a letter saying they prepared the document and they will stand behind it.'"