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Majority of American Adults Remain without Wills, New *lawyers.com*SM Survey Finds

Significant Increase Seen in Adults with Medical Directives in Place, Research Shows

April 3, 2007, New York – You can't take it with you, according to the adage, but many Americans seem to be planning to do just that.

That's because over half (55 percent) of all adult Americans do not have a will, a new survey shows, a percent that has remained virtually unchanged over the past three years.¹

The survey on estate planning was conducted by Harris Interactive[®] for Martindale-Hubbell[®] [<http://www.martindale.com>] *lawyers.com*SM [<http://www.lawyers.com>], the most comprehensive and trustworthy online resource for finding lawyers.

A will – an expressed intention of what should be done with one's property after death – is typically the first document considered in an individual's estate plan.

Among non-white adults, the lack of wills is even more pronounced. Only one in three African American adults (32 percent) and one in four Hispanic American adults (26 percent) have wills, compared to more than half (52 percent) of white American adults.²

“Surprisingly, the majority of Americans still aren't planning for the distribution of their estate after death,” said Alan Kopit, a *lawyers.com* legal editor. “Virtually every adult dies possessing some form of property, but without a will, it's up to the state to decide how those assets are distributed – which may not reflect an individual's actual desires. People often attach the need for a will to having a lot of assets, which reflects a misunderstanding about a will's actual function.”

Living Wills, Power of Attorneys for Healthcare Rise in Popularity

Living wills (also known as medical directives) have jumped in popularity since 2004. Two in five adults (41 percent) now have living wills in place, a full ten percent more than those who had one just three years ago. Living wills dictate individuals' directions for receiving life-sustaining medical intervention in the event of grave illness or injury.

Additionally, two in five (38 percent) American adults report assigning a power of attorney for healthcare purposes, compared to 27 percent in 2004. A power of attorney for healthcare legally delegates authority to another to make medical decisions for that individual, if he or she is incapacitated.

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¹ “A Study about Estate Planning” survey conducted in April 2004 by Harris Interactive[®] for LexisNexis Martindale-Hubbell. Results available upon request.

“Issues surrounding medical decisions for terminally ill or injured people have received a great deal of news coverage in recent years, likely prompting increased interest in the legal documents that address such situations,” said Kopit. “In preparing a living will and accompanying power of attorney for healthcare, you’re clarifying your desires unequivocally. With minimal advance preparations and costs, loved ones can be spared from difficult decisions and uncertainties during emotional times.”

Other Survey Findings:

- **Ignorance is bliss:** One in ten (10 percent) American adults who do not have any elements of an estate plan say it’s because they don’t want to think about dying or becoming incapacitated.
- **Where to begin?:** Similarly, nearly one in ten (9 percent) adults say they don’t have an estate plan in place because they don’t know who to talk to about creating such documents. This percentage nearly doubled from 2004 (5 percent).
- **But I don’t need a will:** Nearly one in four (24 percent) of adults say their biggest reason for not having an estate plan is a lack of sufficient assets. This was also the top reason cited in the 2004 survey (21 percent).

About the Survey

This survey was conducted by telephone within the United States by Harris Interactive on behalf of *lawyers.com* between March 1 and March 4, 2007 among 1,018 adults (aged 18 and over). Figures for age, sex, geographic region, and race were weighted where necessary to bring them into line with their actual proportions in the population. All surveys are subject to several sources of error. These include: sampling error (because only a sample of a population is interviewed); measurement error due to question wording and/or question order, deliberately or unintentionally inaccurate responses, nonresponse (including refusals), interviewer effects (when live interviewers are used) and weighting.

With one exception (sampling error) the magnitude of the errors that result cannot be estimated. There is, therefore, no way to calculate a finite “margin of error” for any survey and the use of these words should be avoided. With pure probability samples, with 100 percent response rates, it is possible to calculate the probability that the sampling error (but not other sources of error) is not greater than some number. With a pure probability sample of 1,018 one could say with a ninety-five percent probability that the overall results have a sampling error of +/- 3 percentage points. Sampling error for the sub-sample of U.S. adults who do not have any elements of an estate plan (n= 297), African-American adults (n= 94), and Hispanic-American adults (n= 56) is higher and varies. However that does not take other sources of error into account.

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About Harris Interactive

Harris Interactive is the 12th largest and fastest-growing market research firm in the world. The company provides innovative research, insights and strategic advice to help its clients make more confident decisions which lead to measurable and enduring improvements in performance. Harris Interactive is widely known for *The Harris Poll*, one of the longest running, independent opinion polls and for pioneering online market research methods. The company has built what it believes to be the world's largest panel of survey respondents, the Harris Poll Online. Harris Interactive serves clients worldwide through its United States, Europe and Asia offices, its wholly-owned subsidiary Novatris in France and through a global network of independent market research firms. The service bureau, HISB, provides its market research industry clients with mixed-mode data collection, panel development services as well as syndicated and tracking research consultation. More information about Harris Interactive may be obtained at www.harrisinteractive.com. To become a member of the Harris Poll Online and be invited to participate in online surveys, register at www.harrispollonline.com.

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