

Law Society amends guidance on gifts to will drafters and conflicts of interest

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We reported in the January alert on the Law Society Practice Note *Preparing a will when your client is leaving a gift for you, your family or colleagues*.

On 20 January 2015, the Law Society published amendments to the Practice Note. These amendments clarify that there is no definition of 'member of the firm' but that it would appear to include any employee of the firm. It also provides guidance on lifetime gifts to a staff member or immediate family as well as gifts under a will.

Occasionally charities are faced with difficult situations where it appears advantage was taken of their benefactor but if they question the bequest are accused of failing to respect the deceased's wishes.

We advised behind the scenes in one difficult estate administration where the solicitor executor claimed, without corroborating evidence, that the testatrix had wanted him, and his wife, to fly first class to Jamaica to scatter the testatrix's ashes (staying a week in Montego Bay at the estate's expense in the process). He was stopped – this Practice Note should assist legacy officers resisting such egregious behaviour.


The updated Practice Note is available by [clicking here](#).


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