

# THE DAILY RECORD

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## Paralegal PERSPECTIVES

# Learning about advance directives

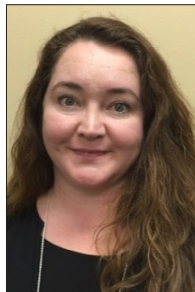
Members and nonmembers of PAR participated in the Small Business Council (SBC) Thanksgiving Appeal again this year, and although our bodies may have been a bit sore the following day, our hearts were filled with gratitude for the opportunity to be involved in our communities!

As this year comes to a close and we look toward the New Year, please keep checking PAR's website to check our calendar for upcoming events and to stay informed about the paralegal profession and the 2019 NFPA Convention here in downtown Rochester this fall!

And because it's that time of year when friends and family gather to reconnect, to laugh and to love, to share memories of yesteryear and to create new ones — why not talk about those “hot button issues”?

Delve in, go a little deeper and talk about what you are passionate about. No I am not talking about politics, gun control, or whether you are a meat eater, vegetarian or vegan. I am talking about starting the conversation with your loved ones — the people who you care about and people who care about you — regarding what your wishes are, not just in relation to the holidays, but for yourself if you should become incapacitated.

On Dec. 7, the Paralegal Associa-



By **BOBBI L. AHEARN**  
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tion of Rochester Inc. (PAR) was honored to have Elizabeth Talia, Esq. of Thompson Health and Richard A. Marchese Jr., Esq. of Woods Oviatt Gilman, LLP, talk with paralegals about advance directives, which are a written statement of a person's wishes regarding medical treatment made to ensure those wishes are carried out should the person be unable to communicate them to a doctor, and about Powers of Attorney, which is a written documents regarding financial matters.

Our speakers discussed Health Care Proxy Law and Living Wills, which are documents that you can complete, while you are competent, appointing someone to act in your stead should you not be able to communicate your wishes to doctors in the event that you become incompetent, and the Family Health Care Decisions Act, which establishes the authority of a substitute or proxy (often referred to as a surrogate) to make medical treatment decisions when a patient has no capacity and there is no health care proxy in place, as

well as the Power of Attorney form, which authorizes your agent to make financial decisions on your behalf should you be unwilling or unable to do so. Ms. Talia and Mr. Marchese discussed the effect of having these documents in place during medical treatment and the “pecking order” and the special rules that apply when these documents are not in place.

The conversation may make you and your loved ones uncomfortable at first, but consider the alternative. Whether you have named someone in the Health Care Proxy form to make healthcare decisions on your behalf or someone becomes your proxy under the Family Health Care Decisions Act — when they are faced with having to make medical decisions on your behalf during your time of need — is it better that they know what you would want? Or are those wishes better left unsaid?

Take time during this holiday season to ask not only yourself, but your loved ones, what are your wishes? And keep having those conversations with your loved ones, your doctors and with your attorney! The best gifts are those that you would give yourself: time, patience, love and friendship. Happy Holidays!

*Bobbi L. Ahearn is PAR president and pro bono coordinator.*