

Making a will and getting legal help

How do I make a will?

A will is an important and powerful legal document. The best way to make a will is to see a **private lawyer** with experience and expertise in preparing wills.

Why see a private lawyer?

A private lawyer can

- provide **personal, professional advice** about your circumstances and your estate
- ask questions and offer advice about **matters you may not have considered**
- draft a will with the level of complexity that **meets your needs**
- ensure your will complies with any **legal requirements**
- assess and record your **legal decision-making capacity** at the time you make your will
- check that you are acting **voluntarily**, with no pressure from anyone else.

Paying a private lawyer to prepare your will offers the best protection against someone successfully contesting (challenging) your will after you have died.

If you prepare your will yourself, and it is unclear or contains an error, this may only be discovered after you have died, and you will not be able to tell people your wishes or fix it.



Private lawyers may charge anything from \$300 to \$3,000 or more, depending on your needs. Some may fix a price to prepare your will along with a power of attorney and an advance care directive. You should ask for a quote before choosing a lawyer.

Your lawyer may offer to keep your will and other legal documents in a safe and secure place until they are needed. They may also record the location of your will on the [Law Society's Wills Register](#). This may make it easier to locate your will after you have died.

Public Trustee

The Public Trustee can prepare a will for **free** for certain customers. This includes eligible concession holders and persons under administration or guardianship orders.

The Public Trustee will only prepare a will for eligible customers if it is named as **executor**. It will charge a percentage of your estate when it administers your estate. Visit www.publictrustee.sa.gov.au or call (08) 8226 9200 for more information.

Online will services

Several private agencies offer online tools to help prepare your will for a flat fee. This may involve answering questions online before a lawyer reviews your responses and a draft will.

This option may suit you if your personal circumstances and needs are simple or standard and you would prefer a cheaper option.

Online tools have limited ability to

- provide comprehensive personal advice about your estate, your assets and your needs
- assess your legal capacity or state of mind at the time you make your will.

This option may increase the risk that your will does not best reflect your wishes and may increase the risk of a successful challenge after your death.

Consumer advocacy group Choice has reviewed some of the more popular online will kits. Visit www.choice.com.au and search 'online will kits' to learn more about the benefits and risks.

Community wills days

Some organisations offer a community service where lawyers prepare simple wills for a modest fee. Upcoming sessions in your area can be found by searching online.

Community wills days offer a low cost option for straightforward matters but, like online will services, may not be appropriate for more complex circumstances.

Do-it-yourself will kits

Do-it-yourself will kits may be purchased from various locations including post offices and online, usually for less than \$50.

Like online will services and community wills days, do-it-yourself kits can help you make a basic will. This may suit you if your circumstances are simple or standard and you would prefer a low cost option.

Do-it-yourself kits cannot provide personal legal advice and they cannot assess your legal capacity or state of mind at the time you make your will. They also come with the added risk that a lawyer will not review your will before it is finalised and signed. Your will may include an error or defect that may make it invalid or result in unintended consequences.

The best and safest option to secure your future is to see a private lawyer.

Who else can help?

We can! The **Legal Services Commission of South Australia** can provide free legal information and general advice about wills and estates to anyone.

Call our legal helpline on **1300 366 424** during business hours for telephone advice or to make a free 30 minute appointment.

Legal Services cannot prepare a will for you or review a draft will. For anything more than general advice, we will usually recommend that you seek personal advice from a private lawyer who specialises in wills.

Finding a private lawyer

If you do not know any private lawyers who specialise in wills and estates, ask friends, family or trusted colleagues for recommendations.

The **Law Society of South Australia** can also help connect you with a private lawyer or firm that specialises in wills and estates.

Call **(08) 8229 0200** during business hours or access the online [See a Lawyer Referral Service](http://www.seealawyer.com.au) (www.seealawyer.com.au) to find a lawyer today.